

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

For
**The Box Creek Vegetation
and Travel Management Project**

USDA Forest Service
Rocky Mountain Region
Pike and San Isabel National Forests
Leadville Ranger District
Lake County, Colorado

INTRODUCTION

The Box Creek Vegetation and Travel Management Project (Box Creek Project) was initiated to address concerns regarding travel management, vegetation conditions and forest health in the Box Creek Watershed. The Environmental Assessment (EA) documents the project area and the emphasis toward travel and vegetation management on Forest Service (FS) lands in conjunction with the current Bureau of Land Management (BLM) decisions to manage adjacent lands in the Box Creek Watershed.

The Environmental Assessment was released for public review in August 2005. The Final EA describes the proposed action, the potential environmental effects and incorporates comments received from the public. The Final EA also describes the alternatives to the proposed action and the effects those alternatives may have on the environment.

DECISION

It is my decision to implement Alternative B, Proposed Action of the Final EA. This decision was made following thorough review of the Final EA, the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands Land and Resource Management Plan (Forest Plan), supporting materials referenced by the EA, and comments from the public (Appendix B, Environmental Assessment).

REASONS FOR MY DECISION

I reached this decision after careful consideration of all the alternatives analyzed and documented in the environmental assessment, and in response to issues and comments from the general public and environmental groups.

Alternative B does the best job of balancing public concerns while meeting the purpose and need of this project. Alternative B will help achieve Forest Plan and National Fire Plan goals for improving fire regime condition class, reducing dwarf mistletoe infestations, improving habitat

effectiveness and capability for selected wildlife species, and managing the transportation system (Final EA, pg. 1).

Alternative B meets the purpose of the project which is to move the project area toward the desired conditions as described in the Forest Plan and National Fire Plan for fire regime condition class, dwarf mistletoe, travel management, and wildlife habitat (Final EA, pg. 1). Alternative B will also meet the need for this project, which is to work towards improving fire regime condition class, reducing dwarf mistletoe infestations, decommissioning unneeded roads and those causing erosion, water degradation and/or habitat degradation, improving habitat effectiveness and capability for selected wildlife species, and improving big-game forage and security habitat (Final EA, pg. 1). This alternative also provides cohesiveness in the management of public lands in the area; it complements the BLM decision of August 15, 2003, implementing travel management on BLM lands in the Box Creek Watershed. The Forest Plan Standard and Guidelines, Best Management Practices, and design criteria, combined with monitoring and adaptive management will ensure the protection of soils, watershed conditions, and wildlife habitat during this project.

As part of the Decision, I would like to propose an implementation and monitoring advisory committee to oversee results and make recommendations back to the District Ranger. I am proposing a committee of at least four and no more than five people consisting of at least two members from the environmental community, one member who would be the Forest Service Leadville Ranger District Natural Resource staff officer, one elected official (possibly County Commissioner), and one member (if needed) at large. The District Ranger may act upon recommendations from this group in not only successes or failures of the proposed project but also in identifying opportunities to collaborate upon better understandings of the complex ecosystem associated with this project.

ALTERNATIVES CONSIDERED

Three alternatives were considered in detail including: Alternative A - No Action, Alternative B - Proposed Action, and Alternative C. All the alternatives considered in detail are discussed in Chapter 2 of the Final EA (pgs 9 - 17).

- Alternative A - No Action. Under Alternative A, present management activities would continue. Noncommercial sale of fire wood, post and poles, and areas with prescription 3 would continue to be maintained to facilitate healthy regeneration. Annual noncommercial sales occur on about 50 to 70 acres in the Lodgepole Flats area, with an annual volume of approximately 192 ccf (150 cords) of firewood and 117 ccf post and pole material. The most common treatment for slash in noncommercial sales and regeneration units is the use of prescribed fire, although mechanical chipping is used in areas where fire is not desired.

There are approximately 27 miles of FS system and nonsystem roads used by motorized vehicles (Map 6). Three FS roads, totaling approximately seven miles are closed with locked gates and the closures are effective yearlong. These road closures have been in effect for more than 10 years and are expected to remain closed in the future except for approved activities. The road closures are on Forest Development Road (FDR) 130 near the crossing with Box Creek; FDR 160A; and FDR 160B (Map 6).

Alternative A, the No Action Alternative was not selected because it does not meet the purpose and need of the project.

- **Alternative B - Proposed Action.** The proposed action would treat/maintain approximately 2,300 acres of FS lands (Map 3) and allow motorized use on nearly 13 miles of FS roads in the Box Creek Watershed. Vegetative treatments include regeneration of aspen, regeneration of lodgepole pine followed by interplanting Douglas-fir and ponderosa pine, precommercial thinning of previously regenerated lodgepole pine within applicable lynx direction, grass and forb enhancement in sagebrush habitats, thinning for fuel break creation near the Pan Ark subdivision and the Mount Elbert Forebay, prescribed burning (broadcast and/or pile), and mechanical thinning. Following treatments, the area will have a more diverse stand structure and species composition. Habitat conditions would improve and forage production should increase, as would the amount of snags and down wood.

On FS lands, more than seven miles of roads would be seasonally closed, more than 7 miles of roads would be restricted to administrative use only, and nearly 13 miles of roads would be decommissioned. Some of these treatments/actions will be coordinated with the BLM, which has a decision in place to conduct similar activities on their lands.

- **Alternative C.** Alternative C would treat/maintain approximately 4,000 acres of FS system lands (Map 4) and allow motorized use on nearly 13 miles of FS roads in the Box Creek Watershed. Vegetative treatments include regenerating aspen, regenerating lodgepole pine followed by interplanting Douglas-fir and ponderosa pine, precommercial thinning of previously regenerated lodgepole pine within applicable lynx direction, grass and forb enhancement in sagebrush habitats, thinning for fuel break creation near the Pan Ark subdivision and the Mount Elbert Forebay, prescribed burning (broadcast and/or pile), and mechanical thinning. Following treatments, the area would have a more diverse stand structure and species composition. Habitat conditions would improve; forage production should increase, as would the amount of snags and down wood.

On FS lands, more than seven miles of roads would be seasonally closed, more than seven miles of roads would be restricted to administrative use only, and nearly 13 miles of roads would be decommissioned. Some of these treatments/actions will be coordinated with the BLM, which has a decision in place to conduct similar activities on their lands.

Alternative C was not selected because even though it meets the purpose and need for the project, parts of the alternative (i.e., prescription 19) were highly contentious, and therefore not selected for implementation.

PUBLIC INVOLVEMENT

Scoping for this analysis was initiated in February 14, 2000, with a letter mailed to 75 individuals and organizations. A second public mailing of 748 letters occurred on October 30, 2000. The list was expanded to include adjacent landowners (compiled from Court House records). Public notices describing the project were placed in local newspapers including the Herald Democrat (November 16, 2000), Leadville; the Leadville Chronicle (November 16 and 30, 2000), Leadville; and in the Pueblo Chieftain (November 9, 2000), Pueblo. Thirteen responses were received from both mailings. Presentations have been made internally to FS and

BLM leadership and employees, and to Lake County Commissioners, Lake County Soil Conservation District, and Environmental Protection Agency. The Forest Service has held public meeting and field trips to discuss and review the project with interested publics. The project has continually been listed in the Schedule of Proposed Actions. The initial environmental assessment was completed in April 2003; a revised environmental assessment was prepared and published in May 2004. A third revision took place in August 2005; this decision is based on the Final 2005 EA.

Seven comments were received during the August 2005 EA review comment period. The comments received in these letters were used to clarify and improve the Final 2005 EA. These letters are in the project file and the agencies responses to comments are found in Appendix B of the Final EA. All comments have been considered in making this decision.

ENVIRONMENTAL JUSTICE

Executive Order 12898 requires federal agencies to address disproportionately high and adverse human health or environmental effects on minorities and low-income populations and communities. This decision would not be expected to cause significant changes in the socioeconomic environment of the project area and thus would not affect low income or minority populations or communities.

FINDING OF NO SIGNIFICANT IMPACT

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act (NEPA) criteria for significant effects, and my knowledge of the expected effects, I have determined that this action does not pose a significant effect upon the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

CONTEXT

This project is local and would affect only a portion of the Box Creek Watershed. Timber and fire management activities would comprise less than 1% of the forested lands of the San Isabel National Forest and less than 30 percent of the Box Creek Watershed. Project duration is expected to be 5 - 7 years. Although the project has regional interest, the people most affected by the project would be primarily local residents near the Leadville area and recreationists.

INTENSITY

Environmental Effects

I find that the proposed action can be carried out without significant effects on natural resources as documented by the EA. Overall, this project will have a long-term beneficial effect on the environment. Vegetation management treatments will improve wildlife habitat and improve the fire regime condition class. The closing of roads will help reduce erosion and stream sediment loading and will result in a long-term beneficial effect to water quality. Rehabilitation activities associated with reconstructing, relocating and decommissioning classified and unclassified roads, particularly in and near riparian areas and stream channels, would cause temporary short-

term increases in stream sediment loading. Following Best management practices and design criteria will help minimize the long term effects to the project area.

Public Health or Safety

The actions will comply with all state and federal regulations. I find there will be a positive effect on public health and safety because the closure of unclassified roads will improve the safety of recreationists and vegetation treatments will reduce the risk of crown fires, increasing the safety for firefighters.

Unique Characteristics of the Area

I find there are no significant effects on unique characteristics such as historic or cultural resources, park lands, prime farmlands, wetlands, or wild and scenic rivers. Historic or cultural resources will not be affected because sites will be avoided or protected during project implementation. Park lands and prime farmlands will not be affected because they do not occur in the project area. Wetlands will be avoided. There are no potential or eligible wild and scenic rivers in the project area.

Controversy

I recognize there is some level of public controversy associated with this project. Not all comments received were in full support of this project. After reviewing the project record and Final EA, I am confident the Interdisciplinary Team reviewed these comments and incorporated them into alternatives or addressed them in the appropriate resource section. It is my judgment, while portions of the public disagree with various components of the project, an unusual or high degree of controversy related to this project does not exist.

Uncertainty

The analysis shows the effects are not uncertain and do not involve unique or unknown risk. All of the effects of the selected alternative are similar to those taken into consideration in the Forest Plan. Best management practices, design criteria, and monitoring and adaptive management techniques will ensure effects are within the expected parameters.

Precedent

The selected alternative does not represent a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The assessment is site-specific and its actions incorporate those practices envisioned in the Forest Plan and are within the Standards and Guidelines included in the Forest Plan. Future similar projects would have to be evaluated under NEPA for the significance on the effects of those specific actions.

Cumulative Impact

There are no known significant cumulative effects between this project and other projects implemented or planned in the area affected by this project. The EA describes the anticipated cumulative effects (Final EA, Chapter 3). I am satisfied, after reviewing the EA, that none of the cumulative effects of the proposed action are significant.

Properties On or Eligible for the National Register of Historic Places; Significant Resources

There are no known cultural resources that would be significantly affected by this project. If cultural resources are found during operations, the work will be stopped and Forest Service Archaeologists consulted (Final EA, pg. 14).

Endangered or Threatened Species

The Forest Service determined the action may affect, but is not likely to adversely affect the Canada lynx or the bald eagle and the USDI Fish and Wildlife Service concurred. The Biological Evaluation, Biological Evaluation Addendum and Biological Assessment support this conclusion as well as determinations for all other threatened, endangered and sensitive species that occur on the district (Final EA, pgs. 51 -58). Therefore, I find that the action can be carried out with no significant adverse effect to federally listed species.

Legal requirements for environmental protection

I find the action is consistent with federal, state, and local laws and requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Forest Plan (Final EA, pgs. 3 - 5). In arriving at this conclusion, I have considered the potential effects in terms of Context and Intensity as described in 40 CFR 1508.27.

Findings Required by Other Laws and Regulations

This project was designed in conformance with the Forest Plan Standards and Guidelines. As such, my decision to proceed with Alternative B, the Proposed Action is consistent with the Forest Plan and the National Forest Management Act.

Factors Other than Environmental Effects Considered in Making this Decision

The following non-environmental factors assisted me in making this decision.

1. **Public comments.** Public comments received on the August 2005 EA plus comments received on the prior Box Creek EAs were incorporated into the Final EA for the Box Creek Project and assisted in the decision process for this project.
2. **Economics.** The area is used extensively by local residents for fuelwood and by small contractors in the Arkansas Valley for post and poles and commercial fuelwood.
3. **Local opportunities.** Lodgepole Flats is used extensively for fuelwood and post and pole products. The area is currently being managed under NEPA documentation from the late 1990's. In order to improve management of the resource, a long-term comprehensive plan needed to be developed for the area.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES AND IMPLEMENTATION DATE

This decision is subject to administrative review pursuant to Federal Regulations at 36 CFR 215.11. This project may start at any time after the 45 day appeal period if no appeals are received. Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer

Box Creek Decision Notice and Finding of No Significant Impact

(CFR 215.8) within 45 days following the date of publication of this notice. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (CFR 215.15(a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Pursuant to 36 CFR 215.13(b) only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

Where to file an appeal:

USPS	UPS, FED EX	FAX	EMAIL
Appeals Deciding Officer USDA, Forest Service Rocky Mountain Region POB 25127 Lakewood, Colorado 80225-25127	Appeals Deciding Officer USDA, Forest Service Rocky Mountain Region 740 Simms Golden, Colorado 80401 303-275-5296	303-275-5134	appeals-rocky-mountain- regional-office@fs.fed.us

APPEAL CONTENT REQUIREMENTS:

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include the following (CFR 215.14):

1. Appellant's name and address (CFR 215.1), with telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant (215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (CFR215.11(d));
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and

9. How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period.

For additional information concerning this decision or the Forest Service appeal process, contact Jim Zornes, District Ranger, Leadville Ranger District, at (719) 486-0749.

SIGNATURE AND DATE

/s/ James E. Zornes

10/31/05

James E. Zornes, District Ranger

Date

Responsible Official
Leadville Ranger District
Pike and San Isabel National Forests