

## DECISION MEMO

USDA National Forest Service  
South Park Ranger District, Pike National Forest  
Badger Flats Habitat Improvement Project  
Park County, Colorado

### I. Background

The South Park Ranger District is proposing a habitat improvement project in the Badger Flats area near Lake George, Colorado. This proposal would close and rehabilitate illegal, user-created routes within the project area. The project would also allow for prescribed burning and light hand thinning where needed to improve forage production and cover for big game species.

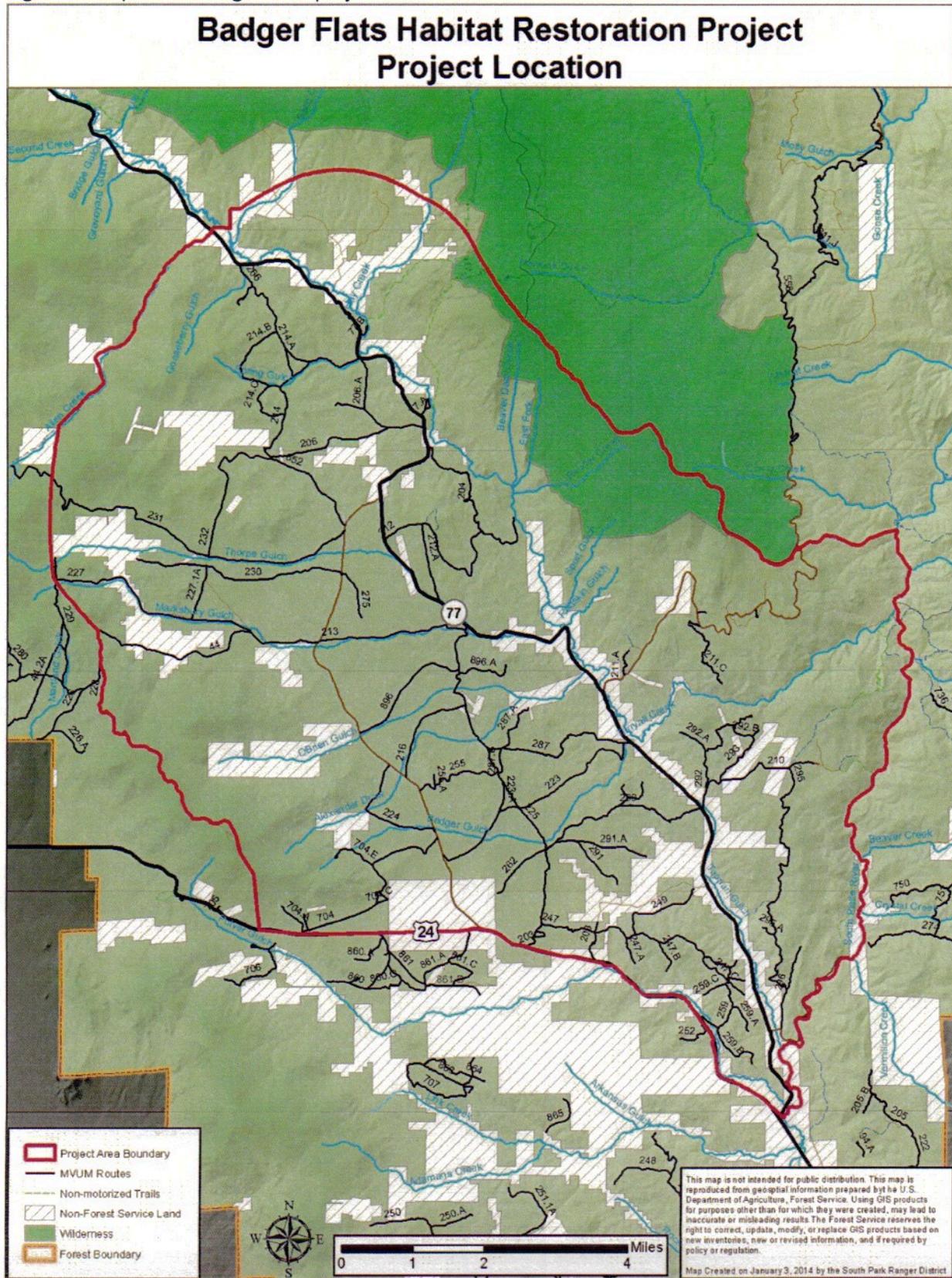
The project area encompasses approximately 50,200 acres of National Forest Land in Park County, Colorado. It is located on the southern end of the Tarryall Mountain Range. It is approximately 1 mile northwest of the town of Lake George in the Badger Flats area of the South Park Ranger District on the Pike National Forest. The project area is bordered by United States (US) Highway 24 to the south, the South Platte River to the east, the South Park Ranger District Boundary to the northeast, Sand Creek and Allen Creek to the northwest, and Puma Hills and Badger Mountain to the west (Figure 1). County Roads (CR) 31 and 77 both cross through the project area beginning at Highway 24.

The Badger Flats area has become a popular, highly-used recreation area. Motorized recreation is prevalent and has increased steadily throughout the last decade. Unfortunately, this use has resulted in a multitude of illegal, user-created routes, braided roads & trails, and large, unauthorized group campsites. This increased use has caused habitat degradation and fragmentation impacting a variety of wildlife species.

Large animals, especially deer and elk, are sensitive to traffic and activity along roads and motorways (Lyon 1979, Rost and Bailey 1979, Rowland et al. 2000, Rowland et al. 2005, Rumble et al. 2005, Wisdom et al. 2005, Naylor et al. 2008,). The project area contains suitable winter range for mule deer, elk, and bighorn sheep (CPW 2013). Illegal recreation activities have resulted in compressing and fragmenting usable habitat for elk, deer, and a variety of other species, including sensitive species, which have an aversion to areas of increased human presence and traffic.

Colorado Parks and Wildlife have noted shifting habitat use patterns in elk herds within the Badger Flats area. In many cases, these elk have moved off public land onto nearby private ranches, creating conflicts with business operations and livestock uses. Illegal motorized use negatively impacts other recreational use in the area as well, by changing other users' outdoor experiences in terms of safety and serenity.

Figure 1. Map of the Badger Flats project area.



## II. **Scope of Work**

There are approximately 185 miles of legal, system roads and over 250 miles of illegal, user-created routes within the project area. The scope of work for this proposed action will include closing and reclaiming illegal user-created routes within the project area that are not represented on the current Forest Service Motor Vehicle Use Map (MVUM). The proposed action would also allow some modification of existing travel routes to address resource- or habitat-related issues. It would also include tree girdling (to create wildlife snags); removal of trees encroaching into meadow areas; prescribed burning to promote aspen regeneration, maintain open meadows, or improve forage condition; and a limited amount of hand thinning of trees to improve stand condition for wildlife cover. There will be a variety of different methods and tools that would be used to implement these activities.

### Closing and Reclaiming User-Created Routes

User-created routes that are not part of the Motor Vehicle Use Map (MVUM) legal road and trail system would be closed and rehabilitated on a site by site basis using the methods that are determined to be necessary for the site. Unauthorized routes would be inventoried prior to closure and prioritized by location. Areas with sensitive resources, additional resource damage, high-use, or high road density would receive priority.

Once areas are identified and prioritized, illegal routes would be physically closed using large boulders, post and cable fencing, berms, large trees or logs, and/or any other means necessary. Following closure, routes would be ripped (if necessary) and seeded with hand tools and/or heavy equipment. Signs and carsonite posts will be placed where needed to notify users of regulations and provide educational outreach to the public. Post and cable fencing or large boulders may be placed along roadsides to prohibit travel off-road as necessary. Signage throughout the area would be improved and clarified. In 2013, an informational kiosk was placed at three major access points in the Badger Flats area (both ends of CR 31 and FSR 44 at the Forest Boundary), which displays the MVUM, describes associated rules and regulations, and provides paper MVUMs that visitors can take with them. The Forest Service would also dedicate employees to this area for visitor contact and patrol. At least one employee will be a Forest Protection Officer (FPO) with the authority to enforce travel restrictions and issue citations.

Areas where routes have caused damage to wetlands, riparian areas, or other sensitive habitats would be closed and rehabilitated. System roads causing damage may be rerouted or improved to protect sensitive wetland and riparian habitats. Inadequate or dysfunctional drainage structures would be improved and stream crossings would be hardened or bridged along legal roads depicted on the MVUM. All reclaimed areas would be seeded using a native seed mix approved by the Forest Service.

Implementation of closing and reclaiming illegal routes would begin in 2014 and would continue for as long as necessary to address at least 75 to 80 percent of the non-system travel routes. Records would be kept of the closures made and the methods employed. Follow-up monitoring needs to occur annually along with repair and maintenance.

#### Enhancement and Restoration of Aspen and Meadow Habitats

Prescribed broadcast burning and light hand thinning may be used in targeted locations to encourage aspen regeneration and enhance the productivity, size, and extent of aspen stands in the area. These treatments would also help to maintain open meadows with tree and shrub encroachment and provide new vegetation growth and improved forage for wildlife and livestock. Some light hand thinning in existing stands of conifer trees may take place to improve forest health with a goal of producing healthier trees and more undergrowth, which will in turn improve wildlife cover. Slash would be piled and burned. Approximately 50 to 1500 acres may be burned each year, depending on the need and burning conditions.

#### Miscellaneous Habitat Improvements

Other habitat improvements will also take place, most notably the creation of standing, dead snags for wildlife habitat. Some locations throughout the project area lack standing snags, thus approximately 3 trees per acre, where needed, would be girdled to create snags for perching, roosting, and nesting.

### **III. Project Design Criteria**

#### Cultural Resources

Prior to the approval of Federal funds for or the implementation of any project activities, the Zone Archeologist would be notified and given a description of the activities planned and a map of the area that they are planned in. In response, the Zone Archeologist would initiate Section 106 of the National Historic Preservation Act compliance for the particular undertaking, including cultural resource surveys within the undertaking's Area of Potential Effect and State Historic Preservation Office consultation regarding project effects on and potential mitigations for any National Register of Historic Places -listed or -eligible historic properties.

#### Wildlife Resources

Prior to implementation of project activities, the District Wildlife Biologist would be notified and given a description of the activities planned and a map of the area that they are planned in. In response, the biologist will conduct the necessary surveys for federally-listed and sensitive species to ensure the appropriate level of protection for those species. Each project activity would be planned to benefit the most wildlife species. In the event that a new species becomes federally-listed during the course of the project, if a species and/or its habitat is present within an area planned for project activities, or if any other conditions change, the project would be reassessed and the appropriate level of consultation with the Fish and Wildlife Service would take place. Areas containing suitable lynx habitat (lodgepole pine and spruce-fir) identified on-the-ground would be completely avoided or would be consulted on prior to project activities that alter present vegetation structure and composition. Project activities would be largely beneficial to lynx habitat due to the removal of unwanted, illegal, user-created routes.

#### IV. Decision

It is my decision to implement the proposed action using methods to close and rehabilitate illegal or user-created roads within the project area and to use other methods of habitat enhancement as necessary to improve wildlife habitat. This may include prescribed burning and hand thinning to enhance and expand aspen stands and meadows, and tree girdling to create wildlife snags.

These activities will help to reduce habitat fragmentation and improve overall habitat condition for a variety of wildlife species. The proposed project will decrease impacts to soils, vegetation, and sensitive areas, such as riparian areas and wetlands. It will also improve the recreational experience for a variety of different users.

##### a. Reasons for Categorically Excluding the Decision

A proposed action may be categorically excluded from analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) only if: (1) The proposed action is within a category listed in 36 CFR §220.6 (d) or (e) and (2) There are no extraordinary circumstances (36 CFR §220.6 (a)).

##### 1. *Category of the Proposed Action*

This project falls within a category of actions listed in regulations at 36 CFR §220.6, which are excluded from documentation in an EA or EIS. The following categories are applicable to the proposed project:

- Activities that restore, rehabilitate, or stabilize lands occupied by roads and trails, excluding National Forest System roads and National Forest System trails to a more natural condition that may include removing, replacing, or modifying drainage structures and ditches, reestablishing vegetation, reshaping natural contours and slopes, reestablishing drainage-ways, or other activities that would restore site productivity and reduce environmental impacts (36 CFR §220.6 (e)(20));
- Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction (36CFR §220.6(e)(6)); and
- Repair and maintenance of roads, trails, and landline boundaries (36 CFR §220.6(d)(4)).

##### 2. *Finding of No Extraordinary Circumstances*

No extraordinary circumstances exist related to the proposed action. Overall, the effects from the proposed action would be beneficial to a variety of resources on Forest Service land. 36 CFR §220.6(b) identifies resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or EIS. Below is a list of the resource conditions that were considered:

Federally-listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species

A Biological Evaluation was completed for plants, fish, and wildlife. There are no federally-listed species or species proposed for federal listing known to occupy the project area and there is no critical habitat for federally listed species within the project area. There is some mapped Canada lynx habitat along the western edge and northeastern edge of the project area. No vegetation treatments would take place in lynx habitat and the removal of illegal routes in lynx habitat would be beneficial in nature. Forest Service sensitive species are found within the project area, but surveys would be done prior to implementing actions on-the-ground (see "Wildlife Resources" under "Project Design Criteria" on page 4 of this document). Project activities would avoid impacts to sensitive species and their habitat that are identified during surveys or would be beneficial in nature. There are no extraordinary circumstances related to federally-listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species.

Flood plains, wetlands, or municipal watersheds

There are no municipal watersheds within the project area. Project activities will avoid impacts to flood plains and wetlands or would be actions that would be beneficial to protecting these resources. There are no extraordinary circumstances related to flood plains, wetlands or municipal watersheds.

Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas

Project activities would not take place in wilderness, and there are no wilderness study areas or national recreation areas present within the project area. There are no extraordinary circumstances related to wilderness, wilderness study areas, or national recreation areas.

Inventoried roadless areas or potential wilderness areas

There are no potential wilderness areas in the project area. Inventoried roadless areas are located adjacent to the Lost Creek Wilderness Area along the northeastern edge of the project area. The project would be beneficial to inventoried roadless areas by removing unauthorized user-created routes. There are no extraordinary circumstances related to inventoried roadless areas or potential wilderness areas.

Research natural areas

There are no research natural areas in the project area. There are no extraordinary circumstances related to research natural areas.

American Indians and Alaska Native religious or cultural sites

There will be no effect and thus no extraordinary circumstances related to American Indian and Alaska Native religious or cultural sites.

Archeological sites, or historic properties or areas

Cultural surveys would be conducted prior to the implementation of any on-the-ground actions related to the project (See "Cultural Resources" under "Project Design Criteria" on page 4 of this document). Project activities would be planned to avoid archeological and historic properties or areas. There are no extraordinary circumstances related to archeological sites, or historic properties or areas.

A determination has been made that this decision is consistent with the Pike and San Isabel National Forest Land and Resource Management Plan (FEIS and ROD signed 10/84). This action complies fully with the goals of the Forest Plan, applicable Management Area Direction, and the Forest-wide standards and guidelines.

This project is scheduled to begin sometime in 2014, and will take several years for it to be completed.

**b. Rationale for the Decision**

The Decision was made using the best available science and information as well as careful consideration of comments generated from the public, tribal governments, and other State and Federal agencies. Forest Service policies, laws and regulations were also considered in this Decision. Given that the routes being proposed for closure are illegal, the intent of the proposed project is to restrict motorized travel to legal, system routes. Closing unintended, user-created routes leading to areas otherwise accessible only by foot would help improve wildlife habitat conditions and recreation experiences for a variety of forest users. Public safety would also be improved as a result of eliminating unauthorized routes.

*Purpose and Need for the Decision*

The purpose of the proposed project is to maintain and restore habitat conditions that provide productive forage and cover for wildlife. This project will also help meet multiple management objectives related to recreation, wildlife, range, fuels, and timber. Given that the largest impacts and issues in the area are related to illegal, off-road, user-created routes, the primary purpose of this project is to close and rehabilitate damage resulting from this use. Illegal motorized routes not represented on the current MVUM would be considered for closure and rehabilitation. Visitor information would be improved and available to clarify legal motorized travel routes.

This action is needed because much of the habitat in the area is degraded and fragmented as a result of the large number of illegal routes throughout the area. The proposed project is intended to restore these damaged areas to a healthier and more productive condition which will be beneficial to a variety of species including sensitive

species and big game species, such as deer, elk, and bighorn sheep. Sensitive habitats, such as wetlands and riparian areas are also in need of protection from the impacts related to illegal, off-road, motorized recreation which results in a reduction in wetland and riparian vegetation, increased erosion, and sedimentation into these areas.

**V. Comments From the Public and Other Agencies**

The Pike National Forest invited public comment and participation during scoping of this project. A legal Notice of Public Scoping was published in the Park County Republican and Fairplay Flume on November 8<sup>th</sup>, 2013. Letters were sent on November 4<sup>th</sup>, 2013 to 36 local groups, agencies, organizations, and landowners that may have an interest in the project. The Forest Service received 15 comments by the deadline of the public scoping period on December 9<sup>th</sup>, 2013.

Comments were received via email and in-person. Comments and responses to comments are available in the project record.

**VI. Administrative Review or Appeal Opportunities**

In light of a recent court ruling (*Sequoia ForestKeeper v. Tidwell*, 11-cv-00679-LJO-DLB (E.D. Cal.)), the Forest Service will provide public notice, comment and opportunity for administrative appeal for projects and activities documented with a Decision Memo (36 CFR 220.6(e)) until new instructions are issued by the Washington Office or the Agency issues regulations addressing the Court's ruling.

Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment period may file and appeal. An appeal of any Forest Service Decision must be fully consistent with 36 CFR 215. 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. Appeals (including attachments) must be in writing. Notices of Appeal that do not meet the requirements of the 36 CFR 215.14 will be dismissed. The appellant is responsible for submitting an appeal on or before the last day of the appeal period (45 days after publication in the paper of record). Where there is a question about timeliness, the U.S. Postal Service postmark on a mailed appeal or the time and date imprint on a facsimile appeal will be used to determine timeliness.

Where to file an appeal:

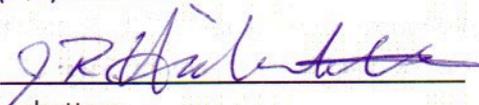
- Delivery by U.S. Postal Service: Appeals Deciding Officer, USDA Forest Service Rocky Mountain Region, P.O. Box 25127, Lakewood, Colorado 80225-25127
- Delivery by UPS, FED EX, or in person. Appeals Deciding Officer, USDA Forest Service, Rocky Mountain Region, 740 Simms St., Golden, Colorado, 80401
- Delivery by fax: 303-275-5135
- Delivery by email: [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us)

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. If an appeal is filed, implementation would be delayed pending outcome of the appeal.

**VII. Contacts and Signature**

For information on this project, contact Kristen Meyer at the following address:

USDA Forest Service  
South Park Ranger District  
P.O. Box 219  
320 Highway 285  
Fairplay, CO 80440  
Phone: (719) 836-3860

Signed:  Date: 1/23/2014

J.R. Hickenbottom  
Acting District Ranger  
South Park Ranger District  
Pike National Forest

## VIII. Literature Cited

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