Decision Notice

Hanging Lake Management Plan

USDA Forest Service
Eagle-Holy Cross Ranger District, White River National Forest
Garfield County, Colorado

Background

The Hanging Lake project area consists of 128 acres that includes: Trail #1850, the lake, upper Spouting Rock waterfall, Dead Horse Creek and Colorado Department of Transportation's (CDOT) infrastructure (parking lot, I-70 on and off ramps, Colorado river recreation path, refuse containers, picnic sites, parking area restroom, and a trailhead vault toilet). The HL project area has intermixed land ownership between Xcel Energy, CDOT, and the U.S. Forest Service (USFS).

The mid-1980's brought about the reconstruction of Interstate 70 through Glenwood Canyon along the Colorado River. This construction project consolidated over thirty access sites down to four major points of access along the highway with the Hanging Lake rest area being one of them.

At that time, CDOT and the USFS designed the parking area with approximately 110 spaces based on projected use and future growth to the site including the use of the trail. Several decades passed and use slowly grew at the Hanging Lake site. In the late 2000's, the Forest Service replaced Hanging Lake's dilapidated boardwalk and railing system, and installed a composite boardwalk at the lake with benches, interpretive signs, and a safety rockfall screen above the lake. In 2011, the National Park Service designated Hanging Lake as a National Natural Landmark (NPS NNL).

In addition to these events, the popularity of Hanging Lake has exploded in recent years. With the increase in visitation, the rest area site became congested with vehicles during peak summer weekends and the congested parking situation continued to increase to seven days a week throughout the summers. With the congestion, people parked vehicles on the sidewalks, recreation path, and grassy areas. Traffic issues on Interstate 70 arose when the parking lot would fill and visitors parked vehicles along the highway and the on and off ramps.

In 2012, Eagle-Holy Cross Ranger District convened a working group that included: CDOT, Glenwood Tourism and Promotion Board, Garfield County Board of County Commissioners, Xcel Energy, U.S. Department of Transportation, Federal Highways, and Colorado State Patrol (stakeholder group). The goal of this stakeholder group was to discuss and implement short, medium and long-term management actions for the Hanging Lake Area. The USFS hired the U.S. Department of Transportations' John A. Volpe Center (Volpe) in 2013 to assist with long-term planning efforts regarding site capacity, transportation and operation strategies. Since 2013, the stakeholder group has been able to fund and manage the site during the interim high use visitation seasons. The temporary management solutions included using seasonal FS employees to manage parking onsite; CDOT re-designed a traffic turn-around, designated parking, added a temporary traffic gate, and updated interstate signage. These short-term management actions were established as an intervention while preparing a long-term management plan.

There is a purpose and need to protect and preserve the unique and fragile natural resources at the Hanging Lake area, while sustaining a high quality visitor experience and related socio-economic contributions to adjacent communities.

The *purpose* of the action:

- To protect and preserve the unique and fragile natural resources at the Hanging Lake area, while sustaining a high quality visitor experience and the related socio-economic contributions to adjacent communities.

The *need* for action is driven by:

- The growing volume of use to the Hanging Lake Area – annual visitation has grown to 150,000+ visitors with an average of 1,000 hikers per day, between May and September.
- The unmanaged use is causing degradation to the infrastructure (parking lot, trail tread, bridges, boardwalks and railing systems), which has resulted in safety issues.
- The unmanaged use has caused resource damage including compacted soils, loss of plant habitat, degradation of water quality, and impacts to historic features.
- The volume of traffic on and off Interstate 70 has resulted in safety issues.
- The visitor experience at the Hanging Lake Area has been negatively impacted as a result of the unmanaged use.

Preserving Hanging Lake for its natural resource values and its tourism destination status is critically important to the adjacent communities in both Garfield and Eagle counties.

Other Alternatives Considered

No Action Alternative

The no-action alternative would continue to manage the HL area under the current management scenario:

- No set daily capacity limits.
- Year-round visitation with personal vehicle access.
- Forest Service and partner organizations staff parking intermittently based on available funding during the peak season (May through October Friday-Monday).
- Forest Service staff would continue to focus on managing safety issues, parking congestion, and stage vehicles or turn away all other visitors when staging and parking is full.
- Insufficient Forest Service presence along the trail, at the lake, and at Spouting Rock to manage visitor use would continue.

Infrastructure such as the trail water diversion features, bridges, railing system, boardwalk and other barrier devices may see continued deferred maintenance cost increase.

Proposed Action and Selected Alternative

The proposed action is to approve and implement the Proposed Hanging Lake Area Management Plan, which will support feasible and long-term management actions. More specifically, the plan would (a) allocate and manage the area to a defined daily capacity of 615 visitors per day, year round; (b) manage this capacity through a fee-based reservation or permit system; (c) utilize a third party transportation provider (shuttle) in order to allocate and manage to the areas daily capacity during the "Peak" season (May 1st thru October 31st); and (d) implement an adaptive management strategy to ensure that the intent of the plan continues to be realized in light of potential future changes.

The overall goal of the HL Plan is to create and implement a management system that is implementable, sustainable, and maintains the areas defined desired conditions by meeting the following objectives:

I. Protect natural resources
II. Manage congestion
III. Enhance public safety
IV. Improve visitor experience
V. Support local tourism

Management actions may be implemented operationally or through a Forest Service Special Order. Implementation actions may occur without further analysis in an effort to retain or return to the desired conditions. All regulatory management actions, including a limited entry permit system, would be in effect year round.

Decision and Reasons for the Decision

I have decided to approve and implement Alternative 2, the proposed action, which will adopt the Hanging Lake Management Plan (Plan). My decision is based on years of collaboration with partners and local communities, extensive studies, public comments, and the analysis presented in the Environmental Assessment (EA). My decision seeks to enact management actions that balance the preservation of Hanging Lake's natural resources while supporting local tourism and improving the visitor's recreation experience.

The EA found that implementation of the Plan would benefit the fragile ecology of the area by limiting soil compaction and improving soil health, plant viability, stream health, and wildlife habit. The EA also found that the proposed action would enhance opportunities for high-quality recreation experiences, create added opportunities for interpretation and education, reduce area congestion, trail crowding, and address safety issues.

My decision to implement the Plan addresses the overall goal of having a management system for the Hanging Lake project area that is implementable, sustainable and maintains the area's defined desired conditions. Moreover, implementing the Plan will protect natural resources, manage congestion, enhance public safety, improve visitor's recreation experience and support local tourism.

More specifically, my decision to implement the Plan will (a) allocate and manage the area to a defined daily capacity of 615 visitors per day, year-round; (b) manage this capacity through a fee-based reservation or permit system; (c) utilize a third party transportation provider (shuttle) in order to allocate and manage to the daily capacity during the "Peak" season (May 1st thru October 31st); and (d) implement an adaptive management strategy to ensure that the intent of the plan continues to be realized in light of potential future changes. During the

"Off-Peak" season, (November 1st- April 30th) the area will be monitored and managed to the daily capacity through a fee-based reservation or permit system, and visitors may be able to access the site using their own vehicles. An adaptive management strategy is employed in the proposed action that relies on monitoring to ensure that the plan's objectives are obtained and the intent of the plan continues to be effective in the face of future changes.

A suite of phased management actions can be implemented to accomplish these changes. Upon signing this decision, implementation of the plan will begin with a process to determine a third-party transportation provider that will manage the shuttle system, reservation system, and other visitor services.

I will also likely pursue authorization through the Federal Land Recreation Enhancement Act (FLREA) to charge an additional fee in the near future for enhanced visitor services that are needed to manage the project area. The proposed fees collected would be retained by the White River National Forest and reinvested into the Hanging Lake project area in the form of natural resource restoration projects, education, interpretation, infrastructure improvements, resource monitoring, regulation enforcement, and ranger presence. A separate public process is required for new FLREA fees. As part of that process, the forest will provide a detailed business plan that will describe how the fees will be utilized in the Hanging Lake Area. If approved, this fee would be integrated into the third-party transportation reservation fee.

If the third-party transportation provider's management system does not prove to be feasible or does not meet the intent of the plan in the future, there are other options that may be utilized to implement the Plan. The following options could be phased in, used alone, or used in combination with other implementation tools.

- Utilize Recreation.gov to issue reservations through the National Recreation Reservation Service. There is an administrative fee for this reservation system.
- Manage capacity through Recreation.gov and allow for parking on site
- Utilize other transportation services.

In response to public comment, the USFS will ensure that any reservation system utilized will provide for fair and equal access to obtain a permit. While exact operational details are not yet known, all management actions will be required to meet the desired conditions as stated in the plan. Specific implementation details such as cost, how to obtain a permit/reservation will be determined by the option and/or service provider selected. Management actions may be phased in over time. The plan seeks to provide enhanced visitor services and ranger presence, to ensure the intent of the plan is being realized.

While the proposed Hanging Lake Management plan will set management direction on USFS lands, working with stakeholders and partners will be integral to implementing the goals and objectives and to long-term management success.

Rationale

I have selected the proposed action, to adopt the Hanging Lake Management Plan. When compared with the no-action alternative, the proposed action best meets the purpose and need to provide management direction and use an adaptive management strategy to address the issues at Hanging Lake.

Public Involvement

The Forest Service consulted federal, state, tribal, and local agencies, as well as private interested parties for years prior to and during the development of the EA. In 2012, The White River National Forest convened a stakeholder group to examine management planning for Hanging Lake. The goal of this stakeholder group was to develop management actions for short, medium and long-term for the Hanging Lake project area. Also in 2013, the White River National Forest hired the Department of Transportation's, John A. Volpe Center to assist with capacity, transportation and operation studies. The stakeholder group helped guide the Forest Service to fund and manage the site during the interim period from 2012 to 2017 high-use seasons.

Since the stakeholder group was first formed, frequent discussions have taken place. The Forest Service has outreached with the public in several public meetings, numerous presentations, radio shows, and newspaper articles. An initial 30-day scoping period invited the public, organizations, and agencies to comment on the Draft Hanging Lake Management Plan on August 22, 2017, and a legal notice was published in the newspaper of record, The Vail Daily, on the same day. The Forest Service received 140 comments during this initial scoping period. A second comment period was initiated on December 21, 2017, and lasted for 30 days; the Forest received 88 comments on the Draft EA and the Proposed Hanging Lake Management Plan.

Issues brought forward by the public from the initial scoping period are addressed in the Hanging Lake Management Plan and/or the EA. Some of those issues include but are not limited to: parameters of the transportation service, continued Glenwood Canyon River and bike trail access, setting the capacity higher or lower, ease and availability of the reservation system, trail/infrastructure improvements, ranger presence, education, interpretation, sensitivity to fees, restoration, and special considerations for locals, military members, river access or those accessing via bikes. For more detailed information, see Appendix 5 of the EA.

A Public meeting and open house was held in Glenwood Springs. These opportunities for public involvement helped the Forest Service to refine the Plan to address issues regarding visitor access, congestion, transportation, and permit requirements, sense of place, resource damage, access, ranger presence, and education. The planning process also identified opportunities to collaborate in the future with other agencies and interested parties.

Consistency with Other Laws and Regulations

I have determined that the Selected Alternative is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) goals and objectives and Forest-wide and Management Area 4.4 Recreation Rivers- Designated and Eligible, standards and guidelines; therefore, this project complies with the National Forest Management Planning Act of 1976. The project was designed to conform to all other laws, regulations, and policies.

Finding of No Significant Impact

As the deciding official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the proposed action will not have a significant effect on the quality of the human

environment. As a result, no environmental impact statement will be prepared. I base my finding on the following:

Context

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR § 1508.27).

The environmental effects of this project are analyzed at varying scales (e.g. Hanging Lake project area, Glenwood Canyon, Glenwood Springs, White River National Forest, etc.) as described for each resource in the EA and in the project record. I have reviewed the cumulative effects of past management combined with this project and reasonably foreseeable activities and feel that the context of this proposal is limited to the land in and adjacent to the proposed activity location. The analysis indicates that project design and application of Forest Plan standards and guidelines and best management practices, and Hanging Lake Management Plan would minimize negative impacts to all resources. Given the localized nature of impacts described in the EA, the project would have no measurable effects at the regional or national levels and therefore consideration of significance will focus on the local setting.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of the EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public and forest service specialists. The Forest Service has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

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

As described in the effects section (EA, pages 11 to 26) and project record, there are likely to be beneficial effects, but very few adverse effects to resources from taking the actions outlined in the proposed Hanging Lake Management Plan (Proposed Action). In reaching my finding of no significant impact, I did not ignore or trivialize negative effects by "offsetting" them with beneficial effects. The EA demonstrates that, due to numerous studies and careful project design that incorporates adaptive management strategies (Forest Plan standards and guidelines and adaptive management actions), the possible negative effects are relatively minor, and are not directly, indirectly, or cumulatively significant. I find that the beneficial effects do not meet a threshold for significance.

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

As discussed throughout this EA and its appendices, there would be no significant adverse effects on public health and safety because of the project. The project will likely result in positive effects to public safety. The proposed action will reduce the total number of visitors, which will reduce crowding and congestion and illegal parking issues on or along Interstate 70.

Implementation of the plan will likely have positive effects on public safety through enhanced visitor services, increased ranger presence, and increased infrastructure maintenance.

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

There are no park lands, prime farmlands, or research natural areas in or near the project area and therefore none would be affected by this project. However, the project area is within a corridor that was found to be "Eligible" for Wild and Scenic River (WSR) designation in the 2002 Forest Plan and was reaffirmed in the 2015 WSR Suitability Study. The proposed action and Forest Plan standards and guidelines provide adequate protection of the river corridors identified Outstandingly Remarkable Values and its free-flowing nature. Cultural resources would not be adversely affected by the selected alternative (the proposed action). In 2001, Colorado Natural Heritage Program evaluated and identified Hanging Lake as a potential conservation area, as it supports one of the best examples of a hanging garden plant community and is one of the largest least-altered travertine systems in the Southern Rocky Mountain Province. In response, Hanging Lake was designated in 2011 by Department of Interior, National Park Service as a National Natural Landmark for those values. As a result, the EA clearly demonstrates and discloses that the proposed action would result in beneficial effects to these resources and no significant negative effects to these resources would occur.

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

In the context of the National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition. During both public comment periods, outreach was conducted with partnering agencies and scientific communities including the Volpe Center, Colorado Parks and Wildlife, Glenwood Springs Tourism and Promotion Board as well as extensive press releases, media releases, radio, TV, and websites. Public outreach did not identify any scientific controversy regarding the direct, indirect, or cumulative effects of this project. The interdisciplinary team for this project considered scientific research during both the planning stages as well as in the environmental analysis stage. Scientific research was used in the preparation of the Volpe's; Capacity Study, Visitor Survey as well as the Transportation and Operations Study. No controversy was found. The majority of scoping responses during both comment periods resulted in overwhelming acceptance of the HL Plan. Based on these factors, and the analysis provided in the EA and project record, I have concluded that the effects of the selected alternative on the quality of the human environment are not controversial.

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

These types of projects are common on USFS, Bureau of Land Management, and National Park Service lands across the country. Effects of this project are within the range anticipated in the Forest Plan Record of Decision and Final Environmental Impact Statement. The effects analyses in this EA demonstrate that the effects of managing a high use recreation area to a daily capacity

with or without alternative transportation services are not uncertain or significant and do not involve unique or unknown risks. The body of knowledge gained through years of project-level and programmatic monitoring of high use recreation areas across the county and professional experience provides a basis for the effects analysis in this EA and supports my determination that there will be no highly uncertain effects, unique or unknown risks associated with this project.

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

I have determined, that while this is a high profile project, it does not establish precedence for future actions with significant risks to the environment. Similar projects have occurred for high use areas across the region and throughout the nation. The effects of implementing the selected alternative were disclosed in the effects section of this EA and the project record, and are within the range of effects of similar actions. They also are in compliance with the Forest Plan management area prescriptions Management Area "4.4 Recreation Rivers- Designated and Eligible" and is within the range of effects disclosed in the Forest Plan FEIS, which analyzed the effects of conducting capacity studies and visitor management at a larger scale. The implementation of the selected alternative does not make a commitment to do anything in other areas of the White River National Forest or any other National Forest. It would not set a regional or national precedent as the Hanging Lake project area is truly a unique area with a unique set of circumstances. For these reasons, I have determined this action does not establish a precedent for future actions with significant impacts.

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

The effects sections of this EA disclose the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in the selected alternative would create significant impacts alone or when considered with other actions and therefore few cumulative effects were identified in the EA. Based on the analysis in this EA and incorporating by reference the range of effects predicted in the Forest Plan FEIS, I have determined that implementing the selected alternative will not result in significant cumulative effects.

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

The project would result in no effect on historic properties because the activities are designed to reduce human impacts on significant scientific, cultural or historic resources. As disclosed in the EA, the Plan is not an undertaking that will cause effects on historic properties. The implementation of the Plan will provide less impact to historic features, therefore the WRNF is in compliance with Section 106 of the National Historic Preservation Act. The proposed plan was completed and in consultation with, National Park Service, Colorado Department of

Transportation and Federal Highways. I find that this decision will not adversely affect or destroy significant scientific, cultural or historical resources.

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

The biological assessment determination for this project is a "No Affect" for all species listed as Threatened under the Endangered Species Act with the potential to occur in the Hanging Lake Project Area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

As described in the EA and in the project record, the selected alternative fully complies with the requirements of the National Environmental Policy Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, Wild and Scenic Rivers Act, and the National Forest Management Act. It is consistent with the Forest Plan for the White River National Forest and complies with Executive Order 12898 (Environmental Justice). All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the White River National Forest Plan and subsequently into the Hanging Lake Management Plan. The selected alternative complies with the Forest Plan, as described above in the Rationale for the decision, and in the EA.

I have reviewed the EA, Biological Assessment, and the project file and have determined that no Federal, State or local laws, regulations, or requirements for protection of the environment will be violated with Implementation of the Selected Alternative.

Implementation Date

This project was subject to the objection process pursuant to 36 CFR 218. This decision may be implemented immediately upon signing of the decision notice.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Marcia Gilles, Deputy District Ranger, Holy Cross Ranger District, PO Box 190, Minturn, CO 81645; (970) 827-5152, email: mgilles@fs.fed.us

8/30/18

AARON W. MAYVILLE
District Ranger, Eagle-Holy Cross Ranger District

Date

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