Decision Notice

County Line Project

USDA Forest Service
Aspen-Sopris Ranger District, White River National Forest
Aspen-Sopris Ranger District
White River National Forest
Garfield, Pitkin and Mesa County, Colorado

Portions of Sections 19, and 28-33, T7S, R89W; Sections 4-9, T8S, R89W; and Sections 1-3 and 10-12, T8S, R90W, 6th Principal Meridian, Garfield County, Colorado and portions of Sections 16-21 and 28-30, T8S, R89W; Sections 13-15, 21-29, and 32-34, T8S, R90W; Sections 3-7, T9S, R89W; and Sections 1, 4, 5, and 12, T9S, R90W, 6th Principal Meridian, Pitkin County, Colorado and portions of Sections 15, 21, and 22, T8S, R90W, 6th Principal Meridian, Mesa County, Colorado.

Background

The Aspen-Sopris Ranger District of the White River National Forest has analyzed the effects of implementing a variety of projects in the Fourmile area southwest of Glenwood Springs, Colorado. An environmental analysis has been completed and documented in the County Line Project Environmental Assessment.

The purpose of the proposed action is to:

- *Improve forest resilience to potential future disturbances by maintaining or increasing age and size class diversity at the stand and landscape scale.*
- *Provide commercial forest products and / or biomass to local industries.*
- *Use prescribed fire to improve wildlife habitat while reducing the area's susceptibility to large-scale, severe wildfire effects.*
- *Maintain or improve forest health conditions including stand resilience in forested areas located within permitted areas on the Sunlight Ski Area.*
- *Enhance recreation opportunities to improve safety and access and reduce conflicts.*
- *Improve current and future rock material supply to support road and facility maintenance and construction.*

The proposed action is needed because:

- *Young aspen stands are under-represented across the landscape; while some mature stands are beginning to convert to Engelmann spruce and subalpine fir.*
- *Forest resiliency is lacking across the landscape due, in part, to the absence of age and size class diversity in both aspen and mixed conifer stands.*
- *Local and regional timber markets exist that can process forest products.*
- *Natural disturbance processes have been and will continue to be suppressed in a landscape that was previously adapted to wildfire.*
- *Healthy stands of trees that retain forest cover over the long term are desirable to maintain a positive guest experience in recreation-based settings.*

- *Recreation opportunities, access, and public safety can be improved from the existing conditions.*
- *Development of local rock materials will better support present and continued road and facility maintenance.*

The environmental assessment (EA) documents the analysis of two alternatives to meet this need.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative. A comparison of the effects of these alternatives can be found in the EA on pages 19-82.

Alternative 1 – No Action
Under the no-action alternative, natural processes would continue and vegetation management, recreation enhancement, and fuels treatments would not occur. The area would continue to be used for recreation, personal use forest product gathering, hunting, and grazing.

Alternative(s) Considered but Eliminated from Detailed Study

Two commenters recommended dropping prescribed burning from Forest Plan Management Area 5.13 – Resource Production-Forest Products. This alternative was eliminated from detailed study as it is not the Forest Service's intent to use prescribed fire in stands with commercial value, but rather to use prescribed fire in areas that are primarily grass or forb, shrublands or aspen that is inaccessible to mechanized equipment.

Another commenter suggested an alternative that achieves the project purpose and need through the greater use of prescribed fire while still allowing for the production of forest products at a lesser amount than proposed. The Forest Service determined that developing a third alternative to analyze the effects of the proposed alternative was unnecessary as prescribed fire can be used in the majority of proposed vegetation treatment units, and the Deciding Official has the authority to select a subset of proposed harvest units in the Decision Notice for implementation.

Decision and Rationale for the Decision

Decision

Based upon my review of the Environmental Assessment (EA) prepared for the County Line Project, and objections received during the objection period, I have decided to implement Alternative 2 as described in the EA (pages 6-21) with the following modifications:

- Scenery Design Feature #5 will be changed to allow a maximum slash depth of 24", on average.
- Fuels Design Feature #3 will be changed to allow a maximum slash depth of 24", on average.

This decision authorizes the following activities:

- Forest health and vegetation management treatments on approximately 1,597 acres of National Forest System lands using traditional logging methods.
- Fuels management and wildlife habitat improvements on approximately 13,661 acres of National Forest System lands using prescribed fire treatments.
- Forest health assessment and treatments on approximately 2,390 acres of National Forest System lands within the Sunlight Ski Area Special Use Permit boundary.
- Fuel reduction treatments adjacent to existing infrastructure located at the Sunlight Communications site.
- Glading treatments including individual tree removal and brush clearing on approximately 47 acres of National Forest System lands within the Sunlight Ski Area Special Use Permit boundary.
- Winter recreation improvements along FSR 300 including a parking area for winter non-motorized recreation use and construction of a snowmobile route.
- Move the existing gate located at the kiosk on FSR 300 to a location further south along the road to improve access for Christmas tree collection.
- Expand the existing borrow site located on FSR 300 to provide rock material for use in maintenance and reconstruction of roads and other facilities located on National Forest System lands.

Rationale

My decision involved balancing several considerations, including which combination of treatments best supports the purpose and need for action, while also maintaining healthy watersheds and meeting the needs of local communities. I reached my decision after careful consideration of the environmental effects discussed in detail in the EA, the associated planning records, the issues identified during the planning process, public comments, and objections. My decision meets the requirements of the National Environmental Policy Act (NEPA) and best responds to the purpose and need of the project while being responsive to public comments and considerate of local communities. The rationale for my decision is further detailed below.

The project proposal is consistent with management direction in the Forest Plan as required by 36 CFR 219.10 I. Specifically, the project conforms to the White River Forest Plan's Goals and Objectives and Management Area direction. Resource reports located in the project file, detail more fully how the proposed action achieves consistency with the Forest Plan.

The selected alternative will have no significant adverse effect on vegetation diversity, wildlife and their habitat, hydrologic function, soils, fisheries, scenic integrity, heritage, or recreation resources as documented in the EA and the Biological Assessment (BA).

The selected alternative has been designed to respond to issues brought up during the comment period. Design features have been incorporated into the project to minimize the effects of implementing the proposed action.

I did not choose Alternative 1 (No Action) because it will not meet the project's purpose and need.

Public Involvement

This proposal was first listed in the Schedule of Proposed Actions in October, 2017. A combined formal scoping and 60-day comment period was initiated by publication of the legal notice in the Aspen Times on September 6, 2018. Nine comments were received in response. As part of the public involvement process, the agency held an open house meeting on October 3, 2018. An additional three meetings including one field visit, were held with interested groups and individuals.

In analyzing public comments, the interdisciplinary team identified one key issue regarding the effects of the proposed action. Commenters were concerned with the effects of winter log hauling on winter recreation including cross-country skiing and snow-shoeing. To address these concerns, the Forest Service included several design features that addressed safety issues including limiting log hauling to weekdays, trail warning signs, and public notice of log hauling.

Consistency with Other Laws and Regulations

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

Finding of No Significant Impact

After considering the environmental effects described in the EA, I determined that these actions will not have a significant effect on 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.

Context

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

This decision and the County Line EA incorporate by reference the Forest Plan Record of Decision and are tiered to the Forest Plan Final Environmental Impact Statement (FEIS) which analyzed and disclosed effects of potential forest management at a larger scale. The activities planned in the County Line Project are similar to other projects completed on the White River National Forest and are within the range of effects anticipated in the Forest Plan FEIS.

The environmental effects of this project are analyzed at varying scales (e.g. the project or the watershed) as described for each resource in the EA. I have reviewed the cumulative effects of past management combined with this project and reasonably foreseeable future actions as they are analyzed in the EA and feel that the context of this decision is limited to the land in and

adjacent to the project area. The analysis in the EA indicates that project design and application of Forest Plan standards and guidelines and best management practices will minimize negative impacts to all resources. Given the localized nature of impacts described in the EA, the project will have no measurable effects at the regional or national levels and therefore consideration of significance will focus on the local setting.

This decision and the effects analysis on which it is based applies only to this local area. After a thorough review of the effects analysis contained in the EA, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the White River National Forest.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of the County Line 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. The agency 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 would be beneficial.

   As described in the EA and project record, there are likely to be both beneficial and adverse effects to certain resources from taking the actions proposed by the County Line Project. 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 careful project design which incorporates protective measures (Forest Plan standards and guidelines, water conservation practices, and site specific design features), the possible negative effects are relatively minor and of short duration, and are not directly, indirectly or cumulatively significant.

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

   As discussed in the EA there should be no significant effects to public health and safety from the project. Recreation, Transportation, and Special Uses project design features (EA, Appendix A) are included to protect public health and safety during implementation.

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, research natural areas, wilderness areas or wild and scenic rivers in or near the project area, and therefore none would be affected by this project. The interdisciplinary team spent many days in the project area and identified areas and special features to be protected. Riparian areas within the project area would be protected by the application of best management practices and project design features.

Ecologically sensitive areas (e.g. wetlands) have been avoided in the design of harvest units and roads. Cultural resources on or eligible to the National Register of Historic Places and found within the project area would be documented and would be flagged and avoided during operations.

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 cases where substantial scientific dispute exists as to the size, nature, or effects of a major federal action on some human environmental factor rather than to public opposition of a proposed action or alternative. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project.

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

   The White River National Forest has considerable on-the-ground experience with the types of activities to be implemented in this project. The range of site characteristics is similar to those taken into consideration and disclosed in the Forest Plan FEIS, Chapter 3, and the effects of this project are within the range anticipated in that FEIS and the Forest Plan Record of Decision.

   The effects analysis (EA and project record) demonstrates that the effects of these activities 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, timber sale inspections, stand examinations, wildlife surveys, and applied research provides a basis for the effects analysis in the EA and supports my determination that there would be no highly uncertain effects or unique or unknown risks associated with this project.

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

   This is not a precedent setting decision. Similar actions have occurred for decades in the local area and across the forest and the Region. The effects of implementing the proposed action were disclosed in the EA and the project record, and are within the range of effects of similar actions. They also are within the range of effects disclosed in the Forest Plan FEIS, which analyzed the effects of the types of activities that would be implemented under the proposed action at a larger scale. The implementation of the proposed action does not make a commitment to do anything in other areas on the White River National Forest or any other national forest. It would not set a regional or national precedent. 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 EA and the individual resource reports in the project record disclose the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in the proposed action would create significant impacts alone or when considered with other actions. The interdisciplinary team carefully chose cumulative effects analysis areas and timeframes, including private lands where it made sense for the resource, that would most thoroughly examine and predict effects. Based on the analysis in the EA and incorporating by reference the range of effects predicted in the Forest Plan FEIS; I have determined that implementing the proposed action would 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 vegetation and fuels portion of the project area have been inventoried for heritage resource sites. Any un-surveyed portions of the project area will be surveyed and submitted to the SHPO for concurrence prior to implementation. Any cultural resources on or eligible to the National Register of Historic Places found within the project area would be documented and would be avoided during operations. If an unanticipated discovery occurs through project implementation, work would halt within that area until a Forest Archaeologist evaluates the site and proposes any necessary mitigation measures. If a Traditional Cultural Property or sacred site was found, all activity in the vicinity of the discovery would cease and a Ute tribal representative would be notified.

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.

   Biological Assessments (BA) were prepared for federally listed threatened, endangered and proposed (T, E, and P) terrestrial, aquatic and plant species.

   The terrestrial BA determined the County Line Project "May Affect, but is Not Likely to Adversely Affect" Canada lynx, a species listed as Threatened under the Endangered Species Act (ESA). On February 15, 2019, the US Fish and Wildlife Service concurred with the Forest Service determination for Canada lynx.

   Federally listed threatened, endangered and protected aquatic species or their habitats within the project area include green lineage Colorado River cutthroat trout, Colorado River cutthroat trout, and Northern leopard frogs. The Biological Assessment determined that the County Line Project would have "no effect" to green lineage Colorado River cutthroat trout and "no impact" to Colorado River cutthroat trout. The proposed action may adversely impact individual Northern leopard frogs, but would not be likely to result in a loss of viability in the planning area, nor cause a trend toward Federal listing.

   There are no threatened, endangered, or sensitive plants known to be present in the County Line project area. No threatened or endangered plants are suspected of occurring in the project area, therefore none would be affected. Habitat for the following Region 2 Sensitive Species may be present within the project area: *Botrychium ascendens, Cypripedium*

parviflorum, and *Rubus arcticus* ssp. *acaulis*. These species and their habitats may be impacted by the proposed action but it would not likely result in a loss of viability in the planning area, nor cause a trend toward Federal listing.

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

    The proposed action has integrated Watershed Conservation Practices (WCP's) into the design of proposed individual harvest units and temporary roads. The watershed resources section of the EA and design features detail how WCP's were applied site-specifically to individual aspects of the proposed actions. Inclusion of site-specific applications of WCP's demonstrate that this project would adequately protect and maintain water quality, and that planning and design of this project has thereby complied fully with the Clean Water Act.

    Design features are incorporated into the proposed action to mitigate air quality effects from prescribed burning and pile burning. Smoke impacts from prescribed fire and burning of slash piles would be temporary in nature. Further, prescribed burning and pile burning for this project would be conducted in accordance with state air quality standards and within burning periods approved by the State of Colorado. Such consultation with and concurrence from the state enable this project to fully comply with the Clean Air Act.

    The wildlife and aquatic Biological Assessments (BA's) are hereby incorporated by reference. The BA's taken together with the design features integrated into the proposed action detail the action taken to avid adversely impacting any Threatened or Endangered species, as well as the residual impacts that would still occur to those species as a result of this project.

    This project would not adversely affect any Forest Service Sensitive species, to any extent that would cause a trend toward listing of any such species as Threatened or Endangered. The wildlife, aquatic and botanical Biological Evaluations (BE's) discuss in detail the anticipated effects that this project would cause on Sensitive species. These reports are hereby incorporated by reference. The BE's, in concert with design features, specify the site-specific measures that have been incorporated into the proposed action for this project to avoid or minimize effects on Sensitive species.

    In compliance with the National Historic Preservation Act (NHPA), this project area will be surveyed for historical and cultural resources prior to project implementation. Standard provisions in the timber sale contract require that if any new cultural resources are discovered during implementation of this project, they would also be protected. These measures are further detailed in the design features of the EA, and taken together with consultation with the State Historic Preservation Office, constitute this project's compliance with the NHPA.

    The proposed action is fully consistent with the Forest Plan for the White River National Forest, including applicable individual goals, objectives, standards, guidelines and management area direction.

The proposed action is also fully consistent with the seven management requirements specified in the regulations for the National Forest Management Act, as more fully discussed in the NFMA Compliance Report, which is hereby incorporated by reference.

Environmental Justice (Executive Order 12898) requires consideration of whether projects would disproportionately impact minority or low-income populations. Planning for this project has complied with this order through its scoping and public involvement efforts. Public involvement for this project has not identified any adverse effects on local minority or low-income populations. Nor has internal scoping by the Forest Service interdisciplinary team been able to identify any adverse or disproportionate effects that this project might cause to local minority or low-income population.

Administrative Review and Objection Opportunity

This decision is subject to the objection process pursuant to 36 CFR 218, subparts A and B. The 45 day objection period began on June 20th, 2019 and the Forest Service received two objections to the draft decision notice. The White River National Forest met informally with both objectors and were able to negotiate an objection resolution. Both objectors have agreed to withdrawal their objections in response to more lenient slash depth requirements specified in this decision.

Implementation Date

Implementation may begin immediately.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Shelby Limberis, Eagle-Holy Cross Ranger District, PO Box 190, Minturn, CO 81645, phone # (970) 827-5161, or email at shelby.limberis@usda.gov.

Kevin Warner
District Ranger, Aspen-Sopris Ranger District
White River National Forest

7/17/2020
Date

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