

Draft Decision Notice

Muddy Pass – Sheephorn Project

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

Portions of sections 31, 32, 33; Township 2S, Range 81W
Portions of sections 14-16, 21-29, 33-36; Township 2S, Range 82W
Portions of sections 3-11, 15; Township 3S, Range 81W
Portions of sections 2, 3, 27-29, 32-35; Township 3S, Range 82W
Portions of sections 5, 7, 8, 17, 19, 28-34; Township 4S, Range 81W
Portions of sections 2-5, 7, 9-28; Township 4S, Range 82W
Portions of sections 3-6; Township 5S, Range 81W

6th Principal Meridian, Eagle County, Colorado

Background

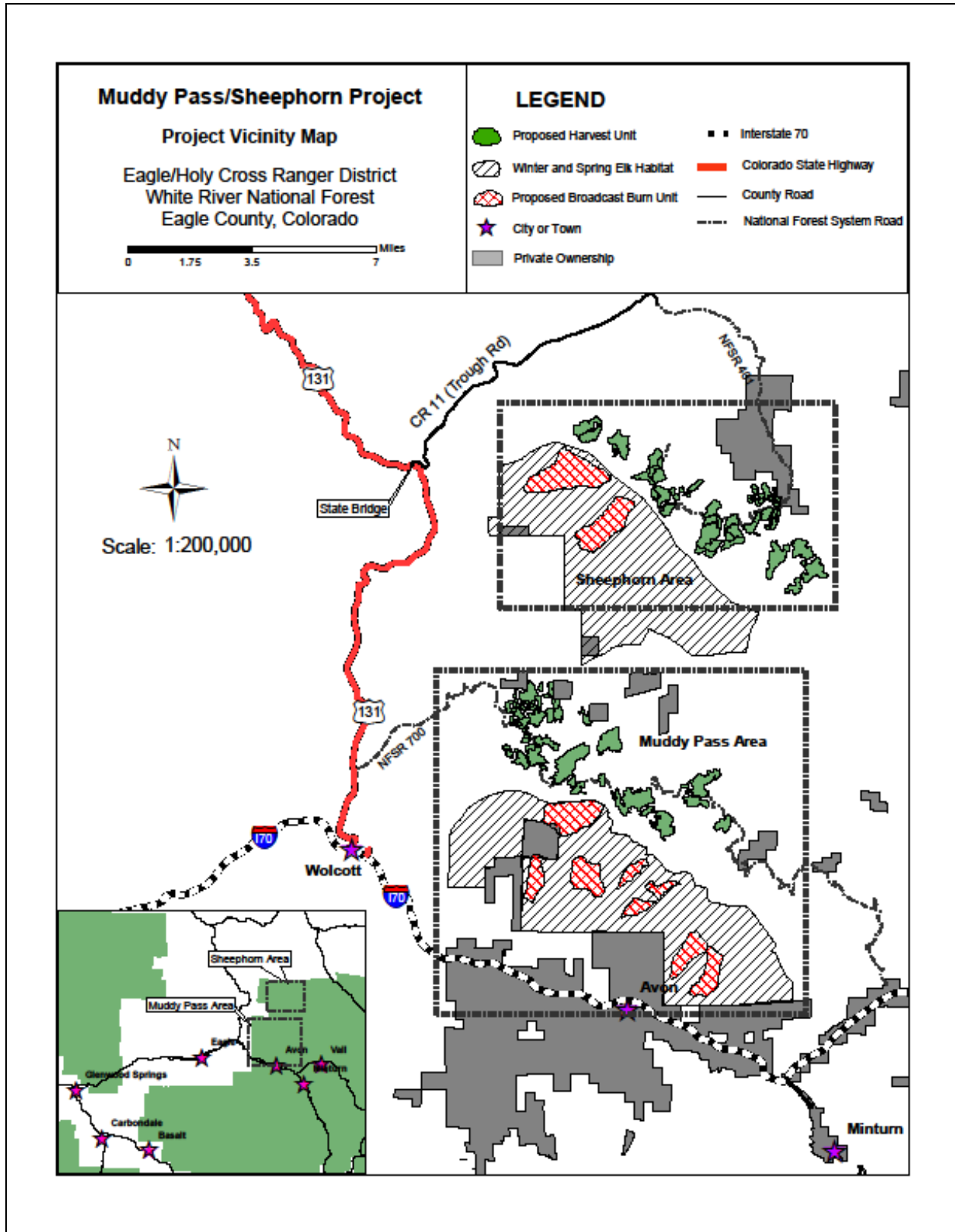
The White River National Forest (WRNF), Eagle-Holy Cross Ranger District has prepared an Environmental Assessment (EA) to address the environmental consequences of timber harvest, broadcast burning, wildlife habitat improvement, installing a fish barrier, transportation improvements, range improvements, and converting a non-system route into a Forest System Route, in the landscape north of Vail and south of Radium, Colorado. The EA documents the analysis of two alternatives.

The purpose of the proposed action is to provide commercial forest products and/or biomass to local industries, increase tree age/size class diversity, manage forest density in young stands of lodgepole pine, and increase forage productivity for wildlife. The proposed action is needed because local and regional businesses depend on a supply of forest products, there is a lack age class and structural diversity in forests across the landscape, regeneration in past harvest units is considered overstocked, and elk and deer populations are declining in the project area.

Other benefits expected from the project include the maintenance and improvement of open forest system roads, the decommissioning of existing non-system roads, more effective management of livestock, isolating a population of green lineage cutthroat trout to prevent hybridization, and adopting a short segment of road to be responsive to the needs of local jeep outfitters and our recreating public.

The Selected Alternative authorizes harvesting and prescribed burning activities on 9,722 acres and best meets the Purpose and Need of the project while balancing effects to natural and social resources. The Forest Service carefully considered comments from members of the public and developed site-specific design features to minimize negative effects associated with logging activities.

Figure 1 – Muddy Pass - Sheephorn Project Vicinity Map



Other Alternatives Considered

In addition to the Selected Alternative, I considered one other alternative. A comparison of these alternatives can be found in Chapter 3 of the EA (pg. 32 – 134).

Alternative 1 – No Action

Under the Alternative 1, vegetation management activities, road improvements, habitat improvements, fence installations, and converting 993.W1 into a Forest System Route would not occur. The area would continue to be used for summer and winter recreation, hunting, firewood gathering, grazing, and routine maintenance of roads would continue.

Alternative(s) Considered but Eliminated from Detailed Study

During the 60-day public scoping and comment period two alternatives to the proposed action were made.

Developing an alternative that converts temporary roads and non-system roads into motorized routes following logging activities, and changing the Travel Management Plan's seasonal closure dates, was suggested by several commenters. These suggested alternatives will be eliminated from detailed study because they are outside the scope of the project. The purpose and need for this project is to supply forest products to local businesses, increase age-class diversity to improve forest resiliency, manage young stands of trees, and improve wildlife habitat. While this project would provide an opportunity to decommission existing non-system routes by using timber sale contractors to implement those closures, the decision to close non-system routes has already been made with the WRNF 2011 Travel Management Plan.

Purpose and Need for Action

The purpose of the proposed action is to:

1. Provide commercial forest products and/or biomass to local industries.
2. Increase tree age/size class diversity at the stand and landscape scales, thereby increasing forest resistance¹ and resilience² to disturbances, such as future bark beetle outbreaks, fires, and other climate-related mortality events.
3. Manage stand density in young (~25-30 year old) stands of lodgepole pine to remove dwarf mistletoe, reduce potential crown fire spread, accelerate tree growth rates and increase tree vigor.
4. Increase forage productivity for wildlife, such as elk and deer.

The proposed action is needed because:

1. Local and regional businesses exist that depend on a supply of forest products.
2. Maintaining young forests across landscapes can lessen the severity and extent of potential insect epidemics, sudden aspen decline, and wildfire.
3. Regeneration in past harvest units is considered overstocked and tree growth rates are expected to stagnate without reductions to stand density.

¹ The ability of a community to avoid alteration of its present state by a disturbance.

² The ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organization, and the capacity to adapt to stress and change.

4. Elk and deer populations are declining in the project area. Increasing forage productivity would increase the probability of wildlife survival during critical times of the year (winter and spring).

Decision and Rationale for the Decision

Decision

I have reviewed the Proposed Action and Environmental Assessment (EA) for the Muddy Pass – Sheephorn Project. Based upon my review of all alternatives, I have decided to implement Alternative 2 in its entirety.

My Selected Alternative will authorize vegetation management treatments on 9,722-acres (+/- 10%). Silviculture methods will include Clearcut with Leave Tree, Patch Clearcut, Coppice Cuts, Overstory Removal, Salvage, Group Selection, Individual Tree Selection, Pre-Commercial Thinning, and Broadcast Burning, as described in the EA (Chapter 2). In general, trees will be felled, yarded to a landing area, decked, de-limbed or ground for biomass, and removed from the site using log trucks or chip vans. Landings will be placed adjacent to Forest System Roads or temporary roads, will be of sufficient size to provide space for log decks and logging equipment, and can be placed anywhere within units unless expressly prohibited in a project design feature. Limbs and slash resulting from proposed treatments will be piled and burned, lopped and scattered, or removed as biomass.

Table 1 – Selected Alternative Summary for the Muddy Pass – Sheephorn Project

Unit Number	Prescription	Method	*Acres	**Purpose	MA
101	Clearcut with Leave Tree	Ground Based Mechanized	92	1, 2	5.13
102	Clearcut with Leave Tree	Ground Based Mechanized	156	1, 2	5.13
103	Clearcut with Leave Tree	Ground Based Mechanized	21	1, 2	5.13
104	Clearcut with Leave Tree	Ground Based Mechanized	17	1, 2	5.4
105	Clearcut with Leave Tree	Ground Based Mechanized	22	1, 2	5.4
106	Clearcut with Leave Tree	Ground Based Mechanized	11	1, 2	5.4
107	Clearcut with Leave Tree	Ground Based Mechanized	121	1, 2	5.4
108	Clearcut with Leave Tree	Ground Based Mechanized	17	1, 2	5.4
109	Clearcut with Leave Tree	Ground Based Mechanized	17	1, 2	5.4
110	Clearcut with Leave Tree	Ground Based Mechanized	33	1, 2	5.4
111	Clearcut with Leave Tree	Ground Based Mechanized	49	1, 2	5.4
112	Clearcut with Leave Tree	Ground Based Mechanized	27	1, 2	5.4
113	Clearcut with Leave Tree	Ground Based Mechanized	23	1, 2	5.4
114	Clearcut with Leave Tree	Ground Based Mechanized	7	1, 2	5.4
115	Clearcut with Leave Tree	Ground Based Mechanized	16	1, 2	5.4
116	Clearcut with Leave Tree	Ground Based Mechanized	179	1, 2	5.4
Total Acres Clearcut with Leave Tree			808		
201	Patch Clearcut	Ground Based Mechanized	136	1, 2	5.13
202	Patch Clearcut	Ground Based Mechanized	88	1, 2	5.4
† Total Acres Patch Clearcut			224		
301	Coppice Cut	Ground Based Mechanized	13	1, 2	5.4
302	Coppice Cut	Ground Based Mechanized	31	1, 2	5.4
303	Coppice Cut	Ground Based Mechanized	53	1, 2	5.4
304	Coppice Cut	Ground Based Mechanized	48	1, 2	5.4
Total Acres Coppice Cut			145		
401	Overstory Removal	Ground Based Mechanized	55	1	5.43

Unit Number	Prescription	Method	*Acres	**Purpose	MA
402	Overstory Removal	Ground Based Mechanized	10	1	5.43
403	Overstory Removal	Ground Based Mechanized	7	1	5.43
Total Acres Overstory Removal			72		
501	Salvage	Ground Based Mechanized	59	1	5.13, 5.43
502	Salvage	Ground Based Mechanized	11	1	5.13
503	Salvage	Ground Based Mechanized	8	1	5.13, 5.43
504	Salvage	Ground Based Mechanized	38	1	5.13
Total Acres Salvage			116		
601	Group Selection	Ground Based Mechanized	271	1, 2	5.13
602	Group Selection	Ground Based Mechanized	141	1, 2	5.13
603	Group Selection	Ground Based Mechanized	8	1, 2	5.13
604	Group Selection	Ground Based Mechanized	18	1, 2	5.13
605	Group Selection	Ground Based Mechanized	4	1, 2	5.13
606	Group Selection	Ground Based Mechanized	380	1, 2	5.43
607	Group Selection	Ground Based Mechanized	81	1, 2	5.43
608	Group Selection	Ground Based Mechanized	237	1, 2	5.43
609	Group Selection	Ground Based Mechanized	84	1, 2	5.43
610	Group Selection	Ground Based Mechanized	13	1, 2	5.43
611	Group Selection	Ground Based Mechanized	20	1, 2	5.43
612	Group Selection	Ground Based Mechanized	9	1, 2	5.43
613	Group Selection	Ground Based Mechanized	17	1, 2	5.43
614	Group Selection	Ground Based Mechanized	12	1, 2	5.43
615	Group Selection	Ground Based Mechanized	11	1, 2	5.43
616	Group Selection	Ground Based Mechanized	72	1, 2	5.43
617	Group Selection	Ground Based Mechanized	29	1, 2	5.43
618	Group Selection	Ground Based Mechanized	207	1, 2	5.43
619	Group Selection	Ground Based Mechanized	155	1, 2	5.43
620	Group Selection	Ground Based Mechanized	259	1, 2	5.43
621	Group Selection	Ground Based Mechanized	33	1, 2	5.4
622	Group Selection	Ground Based Mechanized	30	1, 2	5.4
623	Group Selection	Ground Based Mechanized	49	1, 2	5.4
624	Group Selection	Ground Based Mechanized	83	1, 2	5.4
625	Group Selection	Ground Based Mechanized	113	1, 2	5.4
626	Group Selection	Ground Based Mechanized	74	1, 2	5.4
627	Group Selection	Ground Based Mechanized	15	1, 2	5.4
628	Group Selection	Ground Based Mechanized	348	1, 2	5.4
629	Group Selection	Ground Based Mechanized	30	1, 2	5.4
630	Group Selection	Ground Based Mechanized	47	1, 2	5.4
631	Group Selection	Ground Based Mechanized	33	1, 2	5.4
632	Group Selection	Ground Based Mechanized	324	1, 2	5.4
633	Group Selection	Ground Based Mechanized	12	1, 2	5.13, 5.4
634	Group Selection	Ground Based Mechanized	7	1, 2	5.13
635	Group Selection	Ground Based Mechanized	98	1, 2	5.13
636	Group Selection	Ground Based Mechanized	90	1, 2	5.13
Total Acres Group Selection			3,414		
701	Individual Tree Selection	Ground Based Mechanized	13	1, 2	5.43
702	Individual Tree Selection	Ground Based Mechanized	26	1, 2	5.43
Total Acres Individual Tree Selection			39		
801	Pre-commercial Thin	Hand Felling	10	3	5.4
802	Pre-commercial Thin	Hand Felling	8	3	5.4
803	Pre-commercial Thin	Hand Felling	29	3	5.4

Unit Number	Prescription	Method	*Acres	**Purpose	MA
804	Pre-commercial Thin	Hand Felling	16	3	5.4
805	Pre-commercial Thin	Hand Felling	10	3	5.4
806	Pre-commercial Thin	Hand Felling	12	3	5.4
807	Pre-commercial Thin	Hand Felling	6	3	5.4
808	Pre-commercial Thin	Hand Felling	5	3	5.4
809	Pre-commercial Thin	Hand Felling	3	3	5.4
810	Pre-commercial Thin	Hand Felling	5	3	5.4
811	Pre-commercial Thin	Hand Felling	20	3	5.4
812	Pre-commercial Thin	Hand Felling	203	3	5.13, 5.4
Total Acres Pre-commercial Thin			327		
901	Coppice	Broadcast Burn	1,046	2, 4	5.41, 5.4
902	Coppice	Broadcast Burn	748	2, 4	5.41, 5.4
903	Coppice	Broadcast Burn	762	2, 4	5.4
904	Coppice	Broadcast Burn	309	2, 4	5.41
905	Coppice	Broadcast Burn	459	2, 4	5.41, 5.4
906	Coppice	Broadcast Burn	163	2, 4	5.4
907	Coppice	Broadcast Burn	137	2, 4	5.4
908	Coppice	Broadcast Burn	164	2, 4	5.41, 5.4
909	Coppice	Broadcast Burn	382	2, 4	5.41, 5.4
910	Coppice	Broadcast Burn	407	2, 4	5.41, 5.4, 8.32
Total Acres Coppice through Broadcast Burning			4,577		
Total Acres Implementation			9,722		

* Acres are approximate (+/- 10%)

**Purpose references which Project Purpose the Activity is designed to accomplish (page 1).

† Actual affected acres would be approximately 35% less than what is shown in this table. See Patch Clearcut definition for explanation.

Authorized road reconstruction includes the creation and use of borrow sources, roadway and ditch reconditioning, road re-alignment, curve reconstruction, and culvert installation/reinstallation. In addition, approximately 37-miles of temporary roads will be used to access proposed harvest units. During harvesting operations, additional temporary roads may be used if deemed necessary to facilitate logging activities. Following hauling activities, these temporary roads will be obliterated.

The Selected Alternative authorizes the creation of a fish barrier on Three Licks Creek, where NFSR 401 crosses Three Licks Creek. This barrier will likely be created by replacing the existing culvert with a longer culvert that would have an exit drop of sufficient height to prevent fish from traveling upstream. Other methods could be employed if they are determined to be more cost effective. This action is needed to isolate a local population of genetically pure green lineage cutthroat trout.

The Selected Alternative authorizes the relocation of one range allotment boundary fence between the Sheephorn C&H and Lone Lick/East Sheephorn C&H cattle grazing allotments. This relocation is located within the Gutzler Fire's burn perimeter and needed to prevent excessive fence damage and maintenance from falling snags. In addition, the installation of three new sections of fence to create a southern boundary between the South Piney C&H and Red and White S&G grazing allotments is authorized. These three new sections of fence are needed to

prevent cattle from traveling from the South Piney C&H cattle allotment south onto the Red and White S&G sheep allotment.

My decision authorizes the designation of 993.W1 as level II road open to all motorized wheeled use following the Motor Vehicle Use Map season of dates for the surrounding area. This route serves as a destination overlook with outstanding scenic views. Physical barriers may be placed around the scenic overlook and along 993.W1 to prevent motorized recreation beyond the overlook. Winter management of the area will remain the same as shown on the winter Over the Snow Map.

Rationale

My decision involves balancing several considerations, including which combination of treatments best supports the purpose and need for action described in the EA. I reached my decision after careful consideration of the environmental effects of the alternatives discussed in detail in the EA, the associated planning records, the issues identified during the planning process, and public comments. 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.

1. The project proposal is consistent with management direction in the Forest Plan as required by 36 CFR 219.10 (e). 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.
2. The Selected Alternative meets the purpose and need for providing commercial forest products and/or biomass to local industries, increases tree age/size class diversity across the landscape, and improves forage for elk and deer.
3. 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).
4. The Selected Alternative has been designed to respond to issues brought up during the comment period. I recognize the popularity of the project area for motorized use, dispersed recreation, and scenic viewing. A number of design features were incorporated to balance these recreational uses with an active timber project.
5. I considered comments related to broadcast burning within stands of aspen. I understand that commenters are concerned with the Forest Service's ability to successfully implement prescribed fire, as well as the need to conduct broadcast burns in some stands. However, as the EA notes, the White River National Forest has successfully used broadcast burning to treat aspen and uses the Cattle Creek and West Divide prescribed burns as examples. In addition, the purpose of the broadcast burns isn't merely to regenerate aspen, but to improve forage conditions for elk and deer within winter range.

6. I did not choose Alternative 1 (No Action) because it will not meet the project's purpose and need.
- Alternative 1 would not provide a supply of forest products to local industries.
 - Under Alternative 1, the project area would continue to lack age-class diversity.
 - Alternative 1 would not increase forage for wildlife.
 - Alternative 1 would not make improvements to our travel system or range allotments.

Public Involvement

The project was first listed in the Schedule of Proposed Actions in April 2018 and updates were provided quarterly. The Forest Service initiated the formal scoping period and opportunity to comment, as described in 36 CFR 218.24, on November 1, 2018. During the 60-day scoping and comment period, letters were received by 14 individuals, groups, and organizations regarding the proposed project. In response to the content of these letters, the Forest Service added project Design Features, and analyzed issues in individual specialist reports summarized in Chapter 3 of the EA. These effects were taken into consideration while reaching my decision.

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. See page 134 – 138 of the EA for the explanation of the Finding of No Significant Impact.

Administrative Review and Objection Opportunity

This decision is subject to the objection process pursuant to 36 CFR 218, subparts A and B. Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted, timely and specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

Incorporation of documents by reference is not allowed, except for the following items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection: 1) All or any part of a Federal law or

regulation; 2) Forest Service directives and land management plans; 3) Documents referenced by the Forest Service in the proposed project environmental analysis document that is subject to objection. All other documents must be included with the objection.

At a minimum, an objection must include the following: objector's name and physical mailing address; signature or other verification of authorship upon request; identification of the lead objector when multiple names are listed; name of the proposed project; name and title of responsible official; and name of national forest unit(s) on which the project will be implemented (§218.8(d)).

Objections, including attachments, must be filed via postal service, e-mail, hand-delivered, or messenger service to: Objection Reviewing Officer, Planning Department, U.S. Forest Service Rocky Mountain Region, 1617 Cole Blvd, Building 17, Golden, CO 80401; fax to (303) 275-5134; or e-mail to SM.FS.r02admin-rev@usda.gov. Office hours for hand-delivery are Monday through Friday 8:00 am to 4:30 pm, excluding holidays.

Objections must be submitted within 45 calendar days following the publication of a legal notice in the *Vail Daily*. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9, which includes: date of U.S. Postal Service postmark or shipping date for delivery by private carrier for an objection received before the close of the fifth business day after the objection filing period; agency's electronically generated date and time for email and facsimiles; or official agency date stamp showing receipt of hand delivery. All objections are available for public inspection during and after the objection process.

Implementation Date

If no objections are filed within the 45-day time period, approval of the proposed project documented in a final decision notice may occur on, but not before, the fifth business day following the end of the objection filing period. If objections are filed, the responsible official may not sign a decision until the reviewing officer has responded in writing to all pending objections and all concerns and instructions identified in the objection response have been addressed.

Contact Person

For additional information concerning this decision or the Forest Service objection process, contact Brett Crary, Holy Cross Ranger District, PO Box 190, Minturn, CO 81645; (970) 328-5899, bcrary@fs.fed.us

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