

DRAFT Decision Notice

Basalt Mountain Salvage and Rehabilitation Project

**USDA Forest Service
Aspen-Sopris Ranger District, White River National Forest
White River National Forest
Eagle County, Colorado**

Portions of Sections 12-13, 24-25, T7S, R86W; and Sections 7-9, 15-18, 19-21, 29-30, T7S, R87W, 6th Principal Meridian, Eagle County, Colorado

Background

The Aspen-Sopris Ranger District of the White River National Forest has analyzed the effects of implementing vegetation management activities in the Basalt Mountain area north of Basalt, Colorado. An environmental analysis has been completed and documented in the Basalt Mountain Salvage and Rehabilitation Project Environmental Assessment.

The purpose of the proposed action is to:

- Provide commercial forest products and/or biomass to local industries while generating salvage revenues to help offset the costs of treatment and reforestation.
- Create defensible space near homes and structures in the Cattle Creek area to allow firefighters to safely take defensive action near structures during potential future wildfires.
- Monitor and assess the natural recovery process of forest vegetation

The proposed action is needed because:

- Local and regional businesses exist that depend on a supply of forest products.
- Hazardous fuels exist near homes and structures in the Cattle Creek area.
- Re-establishment of forest vegetation (tree planting) may be necessary where natural recovery does not occur.

Other benefits expected from the project include:

- Maintenance and improvement of open forest system roads and trails.

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 the alternatives can be found in the EA (pages 9-41).

Alternative 1 – No Action

Under the no-action alternative, natural processes would continue and vegetation management, recreation enhancement, and fuels treatments would not occur. Snags associated with the Lake Christine Fire would not be harvested and subsequent tree planting would likely not occur. The area would continue to be used for recreation, personal use forest product gathering, hunting, and grazing.

Decision and Rationale for the Decision

Decision

Based upon my review of the Environmental Assessment (EA) prepared for the Basalt Mountain Salvage and Rehabilitation Project I have decided to implement Modified Proposed Action Alternative 2 as described in the EA (pages 3-9) which authorizes the following activities:

- Vegetation management treatments on approximately 2,205 acres of National Forest System lands using traditional logging methods.
 - Approximately 2,087 acres of forested vegetation are proposed for salvage.
 - Contiguous areas with a soil burn severity class rated as high or areas with slopes 25% and greater that are identified as moderate soil burn severity would not be harvested, except;
 - Skid trail and temporary road construction to access adjacent cutting units
 - Where high soil burn severity areas are too small to effectively avoid during layout and operations
 - Approximately 118 acres of forest vegetation treatment is proposed to create defensible space.
 - Harvesting constraints built into the design of this project to protect resources are expected to reduce the actual treated area considerably. Of the 2,205 acres contained in Units 100 and 300, the Aspen-Sopris Ranger District estimates that between 400 – 700 acres would likely be harvested.
- Approximately 6,500 acres of forest vegetation affected by the Lake Christine fire would be evaluated for the reestablishment of forest vegetation.
 - Where harvest treatment is applied, tree planting would occur if forest vegetation stocking levels do not meet minimum Forest Plan standards within 5 years after harvest.
 - Outside of harvest treatment areas, where natural recovery assessment indicates a need for reestablishment of forest vegetation, tree planting may occur to meet minimum Forest Plan stocking level standards.
- Approximately 1.1 miles of trail 1911.1/524.1A will be decommissioned and a new trail alignment will be constructed.

The original Basalt Mountain Salvage and Rehabilitation Project Proposed Action was modified based on comments provided by the public, existing stand conditions and internal scoping. These modifications are as follows:

- Proposed treatment acres were reduced from 2,802 to 2,205 acres.
- Trail 1911.1/524.1A Mill Creek Rim trail (also known as the Basalt Mountain Trail) would be decommissioned for approximately 1.1 miles starting from the intersection of NFSR 524.1 after being used as a temporary road. A new alignment has been proposed to the North of the current trail along or near the edge of the rim. Necessary resource surveys will be completed after the exact alignment is determined and prior to construction.

- Unit 101 was removed due to steep terrain and poor access.
- Units 200 and 201 (Roadside Hazard Tree Removal) were removed because that work is already approved and has been completed under the Forest-wide Hazardous Tree Removal and Fuels Reduction Decision (<https://www.fs.usda.gov/project/?project=34132>).
- Contiguous areas with a soil burn severity class rated as high or areas with slopes 25% and greater that are identified as moderate soil burn severity would not be harvested, except;
 - Skid trail and temporary road construction to access adjacent cutting units
 - Where high soil burn severity areas are too small to effectively avoid during layout and operations

Rationale

My decision involved 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 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.

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. The Environmental Assessment and NFMA compliance report located in the project record 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 30-day comment period was initiated by publication of the legal notice in the Aspen Times Weekly on November 29, 2018. Eleven comments were received in response. As part of the public involvement process, the agency held an open house meeting on December 11, 2018. An additional four meetings including one field visit, were held with interested groups and individuals.

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 Basalt Mountain Salvage and Rehabilitation Project 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 Basalt Mountain Salvage and Rehabilitation 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 Basalt Mountain Salvage and Rehabilitation Project 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 Basalt Mountain Salvage and Rehabilitation 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 and transportation project design features 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. 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 have been or would be documented and would 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. Then 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 salvage logging, reforestation, and road and trail maintenance and improvements. The range of site characteristics is similar to those taken into consideration and disclosed in the Forest Plan FEIS 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, best management practices to protect soil and water quality, 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 project record discloses 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 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.

An Existing Data Review (Literature Search) was produced for this project and previously 1,893 acres had been surveyed for cultural resources within the Area of Potential Effect (APE

or project area). Eight separate surveys from 1980 to 2014 had been conducted within the APE with approximately 190 acres of overlapping survey. No National Register eligible cultural sites were located within the APE. One prehistoric lithic scatter site that is “unevaluated” and three “not eligible” historic sites are located within the project area. Because the one known prehistoric site has not been evaluated, it will be treated as an eligible site and flagged for avoidance. There are no other known eligible or unevaluated prehistoric or historic cultural sites within the project area. Since approximately 500 acres of the 2,205 acres of the APE have not been surveyed, there is also the potential for other prehistoric and/or historic sites to be present.

If newly discovered cultural resources are identified during project implementation, work in that area would stop and the responsible agency’s Authorized Office be notified immediately. If an inadvertent discovery of Native American Remains or Objects occurs, activity would cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the Authorized Officer, as well as the appropriate Native American group(s). Notice may be followed by a 30-day delay. Sites that are determined to be eligible would be avoided.

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 Basalt Mountain Salvage and Rehabilitation Project “May Affect, but is Not Likely to Adversely Affect” Canada lynx, a species listed as Threatened under the Endangered Species Act (ESA).

Federally listed threatened, endangered and protected aquatic species or their habitats within the project area include green lineage Colorado River cutthroat trout, Boreal toads and Northern leopard frogs. The Biological Assessment determined that the Basalt Mountain Salvage and Rehabilitation Project would have “no effect” to green lineage Colorado River cutthroat trout. The proposed action may adversely impact individual Boreal toads and 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 Basalt Mountain Salvage and Rehabilitation 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*, *Penstemon harringtonii*, 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.

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 avoid 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 has been surveyed for historical and cultural resources. 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 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. 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 *Aspen Times Weekly*. 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 appeal process, contact Christopher McDonald, Rifle Ranger District, 0094 County Road 244, Rifle, CO 81650, phone # (970) 625-6856, or email at christopher.mcdonald@usda.gov.

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