

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
Grand County, CO**

DECISION MEMORANDUM

On Action and for Application of:
Categorical Exclusion 1.12

Project Name: Jensen Creek/Grouse Mountain Communication Site Fuels Treatment Projects

NEPA Number: CO-120-2007-23-CX

Purpose and Need for the Action: The purpose of this project proposal is to reduce the Wildland Urban Interface (WUI) hazardous fire threat to an important communication site, improve area vegetation diversity, and improve wildlife habitat and winter range within the project area. The lack of recurring wildfire in the project area has resulted in the development of single-age class, over-mature lodgepole pine (*Pinus contorta*) and quaking aspen (*Populus tremuloides*) stands. These over-mature stands of primarily lodgepole pine pose a hazardous fire threat to the nearby communication site. The Fire Condition Class is 3 where fire frequencies have been extensively altered from historical frequencies within a Fire Regime Group III where the frequency of fire is 35-100 years with mixed severity inside the WUI. The dense lodgepole pine and Aspen stands are also crowding out more desirable forage species for wildlife and big game species.

Description of the Proposed Action: The BLM is proposing to use a combination of prescribed fire, hand, and mechanical treatments to reduce the density of both live and dead lodgepole pine and aspen trees, on BLM administered lands on Grouse Mountain in Grand County, Colorado. The project is located in T 2 N, R 79 W, Sections 13, 24 and 25; T 2 N, R 78 W, Sections 19, 20 and 30. The work would be completed in collaboration with the United States Forest Service (USFS) to protect an important communication site on the Routt National Forest. Depending upon the availability of BLM staff, treatments would be completed by the BLM or contractor.

The total project area proposed for fuels treatments would be approximately 1,120 acres. Within the project area, it is proposed to treat up to approximately 500 acres with prescribed burning (200 acres in 2008 and approximately 300 acres in 2009) and 100 acres using mechanical or hand thinning primarily along roads and for fuel breaks (see maps #1 and #2 below for proposed treatment area boundaries).

Mechanical treatments would include fire break creation for prescribed fire lines. The Proposed Actions would not exceed these treatment acres. The proposed treatments would start in 2008 and run through 2009. Upon completion, vegetation in the project area would have a mosaic appearance over 40-70% of the area treated.

Design features of Proposed Action (see Attachment #1 for Standard Operating Procedures):

-The historic cabin recorded in report #CR-08-3 that lies in T 2 N, R 78 W, Section 20 would be avoided/protected during all management activities.

-Ground disturbing treatments would avoid slopes of 35% or greater, unless best management practices are employed to stabilize the slope and control runoff (see BAER standard rehabilitation practices). A rough summary of acreages by mapped Section is as follows:

Section 13: 16 acres of steep slopes, 1 stream with 3 acres of mapped wetlands

Section 24: 8 acres of steep slopes

Section 19: 62 acres of steep slopes, 1 known spring, 2 streams with 4 acres of wetlands

Section 20: 50 acres of steep slopes, 3 known springs

-There would be a 50-foot vegetative buffer around all wetland areas and drainage bottoms to reduce water quality impacts.

-The mechanical treatments would leave scattered litter across the slopes whenever practicable to help provide soil protection.

-The BLM or contractor would locate, flag, and protect any survey monuments (brass cap monuments, bearing trees, private monuments) that may exist in the project area.

-The BLM would inspect disturbed areas for noxious weeds for two growing seasons after the project is completed. If weeds are found in areas where contractors completed the treatments, it would be the responsibility of the contractor to treat the weed infestations.

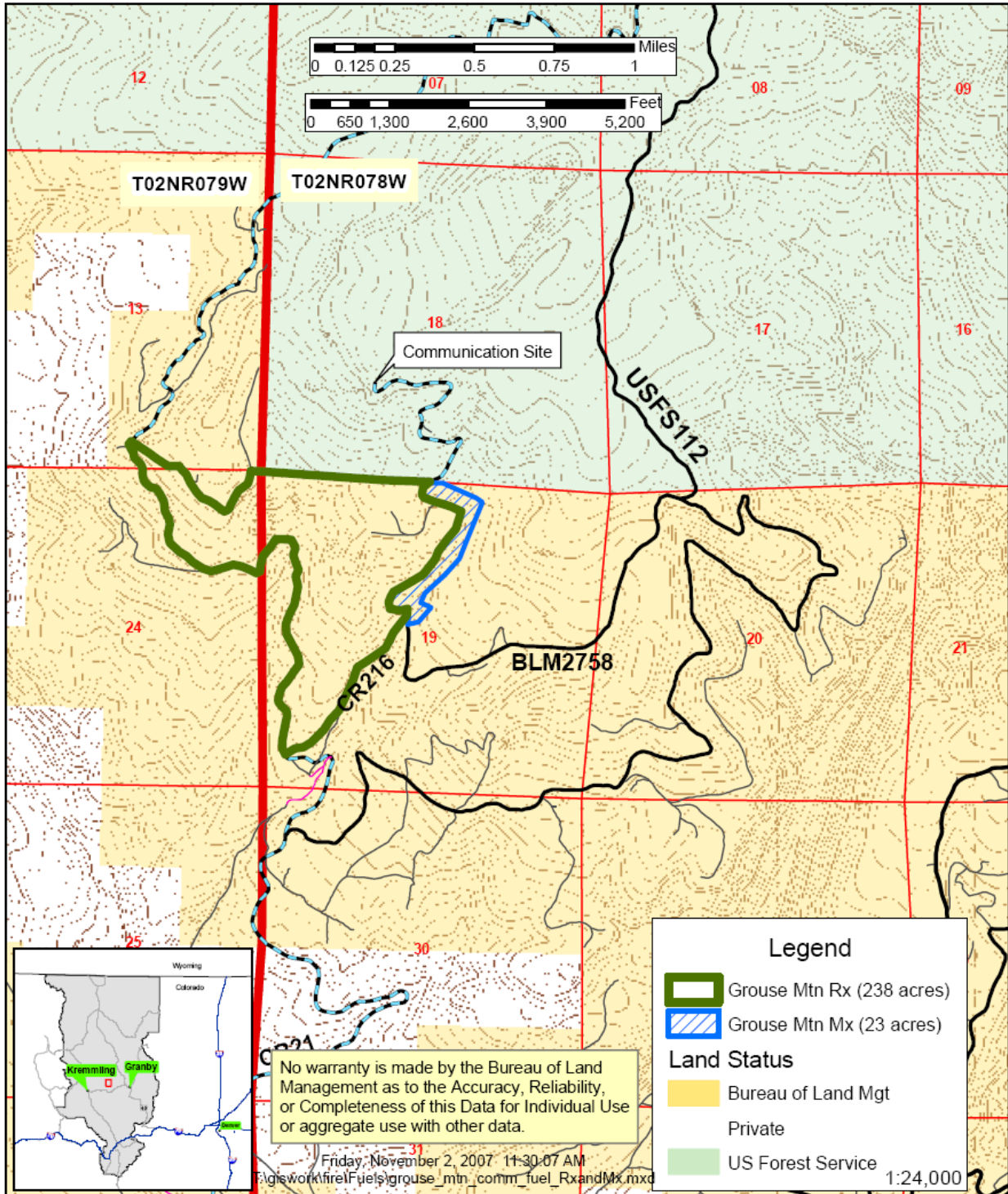
-The BLM would monitor the disturbed areas to insure successful re-vegetation by the end of the third growing season.

-The BLM archaeologist/Paleontologist would monitor treatments proposed for 2008 and 2009 after treatments are completed, while surface exposure of the Troublesome formation is still highly visible. If fossil resources are discovered they would be recorded, evaluated for their significance, and avoided or mitigated for any future ground disturbing activities.

Map 1



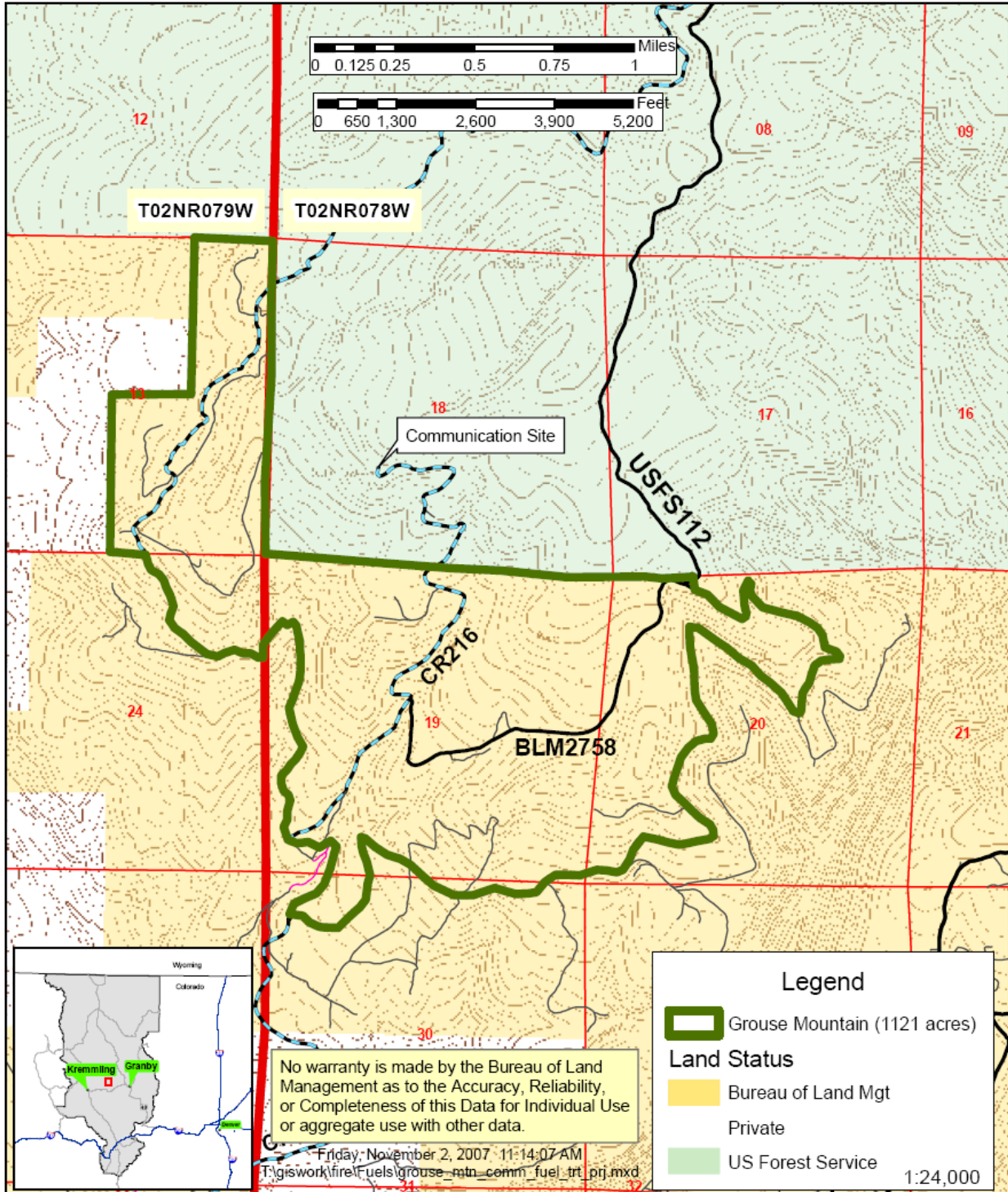
Grouse Mountain Communication Site Rx and Mx Treatment Areas



Map 2



Grouse Mountain Communication Site Fuel Treatment Project Area



Plan Conformance: The Proposed Action has been reviewed for conformance and is consistent with the Kremmling Resource Management Plan for vegetation (p. 9, objective 6a) and wildlife (p. 7, objective 5a), approved on December 19, 1984. The Proposed Action was designed in conformance with bureau standards and incorporates the Standards for Public Land Health in Colorado.

Compliance with the National Environmental Policy Act: The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, 1.12 due to the size and nature of the project. The application of this categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment and none of the exceptions apply. These extraordinary circumstances are contained in 516 DM, Appendix 2.

Persons and Agencies Consulted: Scoping letters were sent on November 20, 2007, to local land owners, Grand County Board of Commissioners, Colorado Division of Wildlife, Colorado State Forestry, Colorado State University Extension Service, United States Forest Service – Sulphur RD, and Colorado Outfitters Association. One written comment was received from the Colorado Division of Wildlife in favor of the proposed project and its benefits to wildlife. Based on this scoping, no new information was brought forward.

Remarks:

Cultural Resources: Two cultural resource reports #CR-07-7 and #CR-08-3 were completed for the project area. Report #CR-08-3 recorded a single cultural site (historic cabin) that is not eligible to the National Register of Historic Places (NRHP). All isolated finds are considered not eligible to the NRHP. There is a no effect cultural determination for this project. Thus, no historic properties would be impacted.

Native American Religious Concerns: Five tribes were contacted concerning Traditional Cultural Properties within the project area. None of the tribes have responded with additional information during the period available for comment.

Watershed Issues: (Soils, Water Quality) Much of the proposed treatment area is mapped in the Grand County Soil Survey as Frisco-Peeler gravelly-sandy loams. These soils, when slopes increase, are considered “highly erodible soils” for water erosion.

Threatened and Endangered Species: Threatened, endangered and candidate species, which could inhabit the proposed project area, were addressed in a Biological Assessment (BA), which is on file in the Kremmling Field Office. This BA determined the proposed project “may affect but is not likely to adversely affect” Canada lynx, a federally threatened species. In summary, the project occurs in marginal habitat for lynx, it’s located on the periphery of the species range, and few, if any, impacts would be expected. In addition, the project would be beneficial to lynx by improving the overall health of the forest.

Paleontology: The project area is underlain by several geologic exposures including: the Middle

Park formation (sandstone and conglomerates); Volcanic rocks 7 to 33 million years ago; Basalt flow and associated breccia and conglomerate of 3.5-26 million years ago; and the Troublesome formation. The Troublesome formation is, however, the only formation that has high potential for discovery of fossil resources. Mineral soil exposure is limited in the heavily treed project area and will generally preclude Paleontological inventory due to ground duff.

Decision and Rationale on Action: I have decided to implement the hazardous fuels treatments in the Proposed Action within the project area delineated on the attached maps. These treatments will meet the purpose and need for the project area. In addition, I have reviewed the plan conformance statement and have determined that the Proposed Action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation Date: This project will be implemented on or after March 1, 2008.

Signature of Authorized Official:

/s/ Peter McFadden

3/19/08

Administrative Review or Appeal Opportunities: This wildfire management decision is issued under 43 CFR Part 5003.1 and is effective immediately. The BLM has made the determination that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire. Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed (43 CFR 4.416).

Name of Preparer/Contact Person: For additional information concerning this decision, contact:

Bill Wyatt
Kremmling Field Office
Kremmling, Colorado 80459
(970)-724-3000

Attachment(s):

1). Standard Operating Procedures

Attachment #1

STANDARD OPERATING PROCEDURES

ENVIRONMENTAL CONSIDERATIONS

- 1) Surface Conditions - Equipment shall not be operated when the ground is muddy or the soil moisture is high enough for equipment to leave ruts over 1.5 inches in height. When/if such conditions are encountered, the Contractor shall stop work and notify the COR.
- 2) Contractor shall clean-up all generated litter and dispose of it at an approved sanitary landfill or other location and in a manner approved by the CO/COR.

FIRE EXTINGUISHER AND TOOLS ON EQUIPMENT

While in use, each internal combustion engine including tractors, trucks, dozers, Lawson Aerators, welders, generators, stationary engines, or comparable powered equipment shall be provided with at least the following:

- a) One fire extinguisher, at least 5#ABC with an Underwriters Laboratory (UL) rating of 3A- 40BC, or greater. Extinguisher shall be mounted so as to be readily available for use (not locked in a tool box or chained to a seat, for example).
- b) One shovel, sharp, size AO@ or larger, round-pointed with an overall length of at least 48 inches.
- c) One axe, sharp, double bit 32#, or one sharp pulaski.

FUELING

Fueling equipment and operations will be inspected and approved prior to contract startup by the owner/operator and COR. Joint inspections will include checking for evidence of oil/fuel leaks at all piping, oil/fuel lines, hydraulic lines and seals, fuel tanks and other sources of leaks. All evidence of leaks will be investigated and immediately repaired prior to equipment operation on the job.

All non-manual fueling equipment will have an automatic shut-off switch installed to avoid fuel releases.

Fuel tanks greater than 201 gallons may only be used within a spill containment pit. The spill containment pit shall be constructed at a site designated by the COR, with an impermeable liner capable of containing a released volume of one and one-half times the tank volume. Pits shall be rehabilitated after completion of the Lawson Aerator operations.

Any on site fuel or oil release of two gallons or more is the contractor's responsibility. Containment, immediate reporting, documentation and cleanup is required and shall be at the direction of the COR in accordance with State and Federal law and policy. The contractor may be subject to all or part of the cost for cleanup.

HAZARDOUS MATERIALS

1. Use of Hazardous Materials and/or petroleum products requires that all appropriate State and Federal Regulations be complied with including, but not limited to, Material Safety Data Sheets (MSDS) on hand and use of necessary Personal Protective Clothing (PPE).
2. On-site disposal of Hazardous Materials or Waste including hydrocarbons is not authorized. On-site disposal will subject the contractor to at least the cost of reclamation and the appropriate disposal of contaminated soil.
3. Incidental (de minimus) leaks from fittings, gaskets or ruptured hoses will not subject the contractor to remedial requirements. They will be considered to be normal and unavoidable losses. Continual leaks will be noted on inspection reports and correction through maintenance required.
4. Maintenance and repair operations that require the draining of engines or hydraulic systems may be conducted on site only if the fluids are captured, containerized, and removed from public lands for proper disposal.

OFF ROAD TRAVEL - ACCESS

The contract area has only one access route on a two track road and the contractor shall use this existing route.

PROTECTION

The contractor is required to protect cadastral survey markers (brasscaps), bench marks, project markers, and other markers and stakes from damage or removal. In case of destruction or removal by the contractor, they will be replaced by the government and the actual cost of replacement deducted from payments due the contractor.

REMEASUREMENT

Re-measurement of the acreage under a task order will be made upon written request by the Contractor. The written request must be made within 10 calendar days after completion of the work. If measurement indicates a difference of not more than 5 percent from the original measurement, the contractor shall pay the actual cost of the re-measurement. Payments will be based on the second measurement where the difference between measurements is more than 5 percent. Where the difference is less than 5 percent the results of the first measurement will be used.

SPARK ARRESTERS

It is prohibited to operate or use any internal or external combustion engine, on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester maintained in effective working order and meeting guidelines set forth in National Wildfire Coordinating Group Publication NFES 1363 and 2363.

STATUS REPORT

Provided an onsite visit has not occurred during the period, the contractor is required to report status of work when any special situations or problems are encountered or once a week (which ever is less). These reports may be made by telephone to the COR.

In the event of extreme weather, the Contracting Officer will determine the best course of action based on comments from both the Contractor and COR.

WEED CONTROL

Prior to moving onto public lands, including the contract area, the contractor is required to remove all dirt and debris that could contain weed seeds by scraping off visible dirt and debris then thoroughly washing all earth moving equipment with a suitable power washer. Earth moving equipment shall include, but not be limited to the tow tractor and the Lawson Aerator. Earth moving equipment shall not include personal transportation (pickups) or tractors towing equipment trailers.

1. Prior to moving onto the site, cleaning and washing shall not occur on any BLM public lands. We suggest a public car wash.
2. If earth moving equipment is moved from the contract area it shall be cleaned gain prior to reentering the contract area.
3. To avoid having to return equipment back to some off site location to be cleaned, the contractor may choose to have the equipment inspected for compliance with this section at an off site location by the COR provided that location is within a reasonable (one hour - one way) travel time of Walden, CO.

BIOMASS REMOVAL

Pursuant to 48CFR1437 (as amended in the Federal Register / Vol. 69, No. 166 / Friday, August 27, 2004) biomass resulting from this contract may be purchased from the BLM.

1. The contractor may remove and utilize woody biomass if:
 - (a) Project work is progressing as scheduled; and
 - (b) Removal is completed before contract expiration
2. To execute this option, the contractor must submit a written request to the Government.
3. Following receipt of the written request, and if appropriate, the Government and the contractor will negotiate and execute a separate timber/vegetative sales contract. Payment under this sales contract must be at a price equal to or greater than the appraised value before the removal of any woody biomass. The contractor must make any appropriate payment specified in this timber/vegetative sales contract.
4. The contractor must treat any woody biomass not removed in accordance with the specifications in the service contract.
5. The sales contract and service contract are severable; default or termination under either does

not remove the contractor from payment or performance obligations under the other contract.