

Posted: \_\_\_\_\_

**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **ENVIRONMENTAL ASSESSMENT**

NUMBER: DOI-BLM-CO-120-2009-0035-EA

PROJECT NAME: Kremmling Field Office Supplementary Rules

LEGAL DESCRIPTION: Field Office wide

KREMMLING FIELD OFFICE, KREMMLING, COLORADO

CASEFILE/PROJECT NUMBER:

APPLICANT: BLM

PURPOSE AND NEED FOR THE ACTION:

The BLM's Kremmling Field Office (KFO) intends to implement supplementary rules following publication in the Federal Register. These supplementary rules are needed to address specific conditions of use that were not addressed in other planning documents. No supplementary rules have been identified for implementation of the 1984 RMP. As a result, there is no law enforcement authority to deal with many of the public's actions while using the public lands.

Background/Introduction/Issues and Concerns:

The KFO has completed three significant planning documents since the 1984 RMP: the 1988 Travel Management Plan; the 2000 RMP Amendment that expanded the Upper Colorado Special Recreation Management Area (SRMA) and established land use priorities within the SRMA; and the Wolford Mountain Travel Management Plan. Supplementary rules have not been published to establish law enforcement authority that supports implementation of these planning documents.

## DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

### Proposed Action:

The BLM proposes to implement the following rules of conduct and use on BLM-administered public lands within the KFO. The BLM would publish these rules in the Federal Register. Following publication in the Federal Register, The BLM would notify the public through a press release, posting the rules on the KFO website, and through handouts available at the field office, attached to permits, and distributed by field personnel.

### Definitions

*Camping:* The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy while engaged in recreational activities such as hiking, hunting, fishing, bicycling, sightseeing, off-road vehicle activities, or other generally recognized forms of recreation.

*Intent to camp:* Any off-loading onto the riverbank, or preparing for use, common overnight camping equipment such as tents, sleeping bags, or bedding, food, cooking or dining equipment, or lighting equipment, or to prepare common camping equipment for use in or on any boat.

*Designated campsite:* A BLM designated campsite, marked with a visible number or identification mounted on a post or placard.

*Non-designated campsite:* A campsite which has not been designated by BLM and is not marked with a visible number or identification mounted on a post or placard.

*Developed toilet facility:* A vault type toilet provided by the Bureau of Land Management.

*Approved portable toilet:* Any non-biodegradable, durable, container designated to receive and hold human waste, in any container position, without leaking, and equipped with a dumping system that allows the container to be emptied into a standard receiving or dump system designed for that purpose, such as a SCAT machine or recreational vehicle dump

station, in a sanitary manner, without spills, seepage, or human exposure to human waste, or any approved biodegradable landfill-approved bag system designed for landfill disposal (e.g. “WAG” bag).

*Fire pan:* Metal tray with rigid sides at least two inches high designed for holding or conveying fire and prevents ashes or burning material from spilling onto the ground and is elevated above the ground.

*Refuse:* Includes but is not limited to wastewater, sewage, litter, trash, garbage, scraps, or other useless, worthless parts of things.

*Excessive noise:* Any noise which is unreasonable, considering the location, time of day, impact on other users, or other factors which govern the conduct of a reasonably prudent person under the circumstances.

*Obscene:* Objectionable or offensive to accepted standards of decency.

*Firearm:* A weapon, by whatever name known, which is designed to expel a projectile by the action of powder and readily capable of use as a weapon.

*Fireworks:* Any combustible or explosive composition or substance or any combination of any such composition or substance or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, bombs, wheels, colored fires, fountains, mines, serpents, or any other article of like construction or any article containing any explosive or flammable compound or any tablets or other device containing any explosive substance or flammable compound.

**The following rules apply throughout the Kremmling Field Office:**

1. You must not leave, deposit, or scatter human waste, toilet paper, or items used as toilet paper anywhere except in an *approved portable toilet* or *developed toilet facility*.

Where a *developed toilet facility* is not provided and an *approved portable toilet* is not required, all human waste and toilet paper, or material used as toilet paper, must be buried at least six inches below the surface of the ground in natural soil and at least 50 feet from the edge of a river or any other water source.

2. You must not use or possess to use as firewood, any materials containing nails, screws, or other metal hardware to include, but not limited to, wood pallets and/or construction debris.

3. You must not build or maintain a fire more than three feet in diameter.

4. You must not intend to cause public alarm, nuisance, jeopardy, or violence, or knowingly or recklessly commit a risk thereof by committing any of the following acts:

a. Engaging in fighting, threatening, or violent behavior, or

b. Using language, an utterance or gesture, or engaging in a display or act that is lewd or obscene, physically threatening, or incite an immediate breach of the peace, or

c. Creating *excessive noise* between the hours of 10 p.m. to 7 a.m.

5. You must not drink an alcoholic beverage, have in your possession or on your person any open container that contains an alcoholic beverage while operating or riding in or on any motor vehicle or off-highway vehicle.

6. You must not violate any posted regulation.

7. You must not violate the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals which pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public

safety or public land resources, or other activities where the control of public movement and activities is necessary to maintain order and/or public safety.

8. You must not fail to keep sites free of *refuse* during the period of occupancy and/or not removing all personal equipment and clean your sites upon departure.
9. You must not leave animal carcasses or any part of an animal carcass within one hundred feet of the outer perimeter of any campsite (*designated* or *non-designated*) or one hundred feet from the edge of any roadway or any water source.
10. You must not install permanent camping facilities.
11. You must not dig or level the ground at any campsite.
12. You must not *camp* in areas designated as closed for such use by a BLM sign or map.
13. While camping, you must not park a motor vehicle or dig a pit latrine within 50 feet of a natural water source.

**The following rules apply in the North Sand Hills SRMA:**

1. You must not discharge or use *firearms*, or projectiles unless in the lawful pursuit of hunting game during a valid hunting season.
2. You must not have unrestrained animals. Animals must be kept on a leash not longer than six feet. The leash must be held by hand, secured to a fixed object, or otherwise physically restricted at all times unless in the lawful pursuit of hunting game during a valid hunting season.
3. You must not park a vehicle in such a manner as to impede or obstruct the normal flow of traffic or create a hazardous condition.
4. You must not fail to obey posted parking closures or restrictions.
5. You must not operate a motor vehicle or off-highway vehicle in excess of the posted speed limit, or in excess of 15 mph around camping areas, 50 feet from any campsite, parked vehicles, persons or animals.

6. You must not cut or collect wood to include dead and downed.
7. You must not possess or use any glass container on the open sand dunes or trails. Persons may possess glass containers within the confines of their *camping* area.

**The following rules apply in the Upper Colorado River SRMA:**

1. You must not violate any Colorado State Boating Laws.
2. Within 600 feet of the Colorado from the Blue River to State Bridge and within all developed recreation areas, you must not have unrestrained animals. Animals must be kept on a leash not longer than six feet. The leash must be held by hand, secured to a fixed object, or otherwise physically restricted at all times unless in the lawful pursuit of hunting game during a valid hunting season or for the purpose of training in hunting activities.

**Additionally, for overnight use the following rules apply within 600 feet of the Colorado River from the Blue River to State Bridge:**

1. You must not build, ignite, maintain, use, attend, or be present within 20 feet of a campfire not contained in a fire pan.
2. You must not leave fire ash produced from a campfire.
3. You must not *camp* or display *intent to camp* without an *approved portable toilet*.
4. You must not fail to use an *approved portable toilet*.
5. You must not fail to set up an *approved portable toilet*, ready for use, as soon as practical upon arriving at the campsite to be occupied.
6. You must not empty an *approved portable toilet* into a *developed toilet facility*, or any other facility not developed and identified especially for that purpose.
7. You must not fail to remove pet waste.

**The following rules apply in the Wolford Mountain Travel Management Area:**

1. You must not fail to possess a HazMat spill kit during travel through the Sidewinder Extreme 4x4 Jeep Trail.
2. You must not travel on the Sidewinder Extreme 4X4 Jeep Trail during or 24 hours following a precipitation event. Travel is only allowed on the trail when the top 1 inch of soil is dry and there is no rutting. The Wolford Winter Closure through snowmelt applies to this trail.
3. You must not ride a bicycle other than on designated roads and trails on public land in the Wolford Mountain Travel Management Plan area.
4. You must not collect, excavate, damage or destroy Cretaceous Ammonites and other fossils or other artifacts within the Kremmling Cretaceous Ammonite Research Natural Area, except as allowed to qualified and BLM permitted scientific researchers.

NO ACTION ALTERNATIVE:

In the No Action Alternative, the Kremmling Field Office would not create and implement supplementary rules. There would be no law enforcement authority to deal with many of the public's actions while using the public lands.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Resource Section Number/Page (1999 Updated Record of Decision): Paleontological: Resource Section #2/Page 3; Water: Resource Section #3/Page 4; Recreation: Resource Section #7/Page 9

Paleontology:

Planned actions language:

“Fossils of scientific interest will be protected through limited management.” (pg. 4)

Water:

Objective language:

“To protect and enhance ground water and sensitive watersheds in association with actions initiated by other resources.” (pg 4)

Planned actions language:

“All streams on public lands ... which meet or exceed state water quality standards and have acceptable channel stability will be maintained. Streams not meeting state standards or having unstable channels will be improved to meet minimum standards through intensive management...” (pg 4)

“Groundwater will be protected to maintain its present good quality.” (pg 4)

“Sensitive watersheds will be protected by placing restrictions on activities that could adversely affect them. Intensive management practices will be applied to sensitive watersheds to improve them ... Coordination... to insure potential land uses in soil priority areas are consistent with that designation... and that soil resources are considered and protected or mitigated in management actions.” (pg 4)

Recreation:

(Objective)

“...to reduce the impact of recreational use on fragile and unique resource values, and to provide for visitor safety, and resource interpretation.” (pg 9)

Name of Plan: Recreation Management Plan for the Upper Colorado River, Decision Record

This is an activity-level plan that was approved prior to the ROD for the 1984 RMP. The 1999 Updated ROD for the RMP referenced this plan in the Monitoring/Schedule for recreation. “The Recreation Area Management Plan for the Upper Colorado River SRMA will continue to be implemented.” (pg 10, 1999 Updated ROD for the RMP)

Date Approved: September 9, 1982

Implementation Action Language:

Actions: “Obtain citation authority for Bureau personnel to enforce resource management related regulations on the public lands ...” (pg 54)

Name of Plan: Wolford Mountain Travel Management Plan, Decision Record

This is an activity-level plan that addresses the RMP decisions to limit OHV use to designated roads and trails.

Date Approved: January 24, 2005

Summary Language: “...to designate the inventoried routes within the Wolford Mountain project area for motorized and non-motorized use, and manage this use through various actions which include mapping, signing, visitor information, education, monitoring, and law enforcement where necessary.”

Name of Plan: Wolford Technical Route CO-120-2005-33-EA, Decision Record

This is an environmental assessment that analyzed the effects of the construction of an extreme jeep trail.

Date Approved: May 10, 2006

Decision Language: “It is my decision to authorize the Proposed Action as described in the attached EA.” (pg 23)

Proposed Action Language: (Conditions set by the Army Corps of Engineers)  
“It would be required that all rock crawling vehicles have a HazMat spill kit with them.”  
(pg 3)

“The trail would also become closed during and immediately following any precipitation event.”  
(pg 3)

“The route would re-open once no moisture is found within the upper 12 inches of soil.”  
(pg 3)

The supplementary rules allow the route to reopen when the top one inch of soil contains no moisture and no surface rutting occurs. “Immediately” was also defined as 24-hours following any precipitation. This time clarification and reduction in soil depth was determined when the trail’s signage was designed. Not only is it undesirable to have users digging holes before trail use, but it is also difficult due to the area’s aridity and compaction. The trail is within a seasonal closure which prevents use during snowmelt, the predominant time of soil saturation. During most rain events, precipitation comes as a short-duration, high-intensity storm that exceeds the soil’s infiltration rates and only wets the top layers of soil. If the soil surface is dry and rutting doesn’t occur, the top foot of soil is usually dry. The restriction’s intent is to reduce soil erosion and channelization of runoff due to vehicle ruts. The 24-hour restriction combined with the top inch of soil and no visible ruts requirement provides this protection.

## AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

### FLOODPLAINS

**Affected Environment:** The Kremmling Field Office has limited land ownership along river floodplains, due to the majority of the areas being private property. These small areas of public lands, however, are often the only public access to rivers and public use is fairly high and increasing. The existing management plans intended to maintain the functionality of floodplains through other resource actions. Floodplains are considered critical wildlife habitat and important to water quality. Currently the floodplains are generally in fair condition, with areas of problems. Trails, roads, campsites, and vegetation removal are the more common impacts to the floodplains. Bare areas are not only more erodible, but if they revegetate, non-wetland species, including invasives, generally cover the site. These species generally do not have the root systems of the desired native wetland species to stabilize the streambank.

**Environmental Consequences:** The Proposed Action will improve law enforcement to affect public uses occurring within the floodplain. Without enforcement of the supplementary rules, there will be a continued increase in many of the public’s actions while using the public lands that are negatively impacting floodplain resource values. Floodplain vegetation provides bank stability and filters sediments from flood flows, allowing the floodplain to absorb the

energy of a flood, recharging soil moisture, and creating backwater habitat without accelerated streambank erosion. The proposed Resource Area-wide rules #10-13 specifically assist the BLM in preventing campsites within the floodplain area and protect the vegetation. The No Action Alternative would not facilitate the implementation of the existing management plans. Unauthorized campsites, with vehicles accessing the area create larger areas of sparse to no vegetation, weakening the functionality of the floodplain.

Mitigation: None

#### WATER QUALITY, SURFACE AND GROUND (includes a finding on Standard 5)

Affected Environment: The Kremmling Field Office is within the North Platte, Laramie, and Upper Colorado River basins. The streams have been classified by the state of Colorado for designated uses and numeric water quality standards. Most of the stream segments are considered to be fully supporting designated uses, but there are segments that have been identified as having water quality impairments or needing additional data, as there are indications that water quality concerns exist. In the 2008 list of impaired streams, the following are water bodies within the lands administered by the Kremmling Resource Office that include BLM lands or have BLM lands upstream of them and the impairment:

- Illinois River - Iron
- Spring Creek (Canadian River) - Dissolved Oxygen
- Wolford Mountain Reservoir - Dissolved Oxygen
- Alkali Slough - Iron, Selenium

Water bodies that have been placed on the 2008 Monitoring and Evaluation List as having possible water quality impairments include:

- Spruce Creek - Iron
- South Fork Big Creek- Copper, E. coli
- Grizzly Creek – Aquatic Life Use
- Little Grizzly Creek - Aquatic Life Use, E. coli, Iron
- Fraser River - Copper
- Muddy Creek and tributaries - Temperature
- Lake John & N. Delaney Lake - pH
- Lake Creek - pH, Iron

Water quality impairments such as poor dissolved oxygen levels, aquatic life use, and temperature can often be affected by poor riparian conditions. Monitoring on the Colorado and Fraser Rivers has indicated temperature concerns for fisheries during summer months. To ensure good channel stability and dimensions that help protect water temperatures, dissolved oxygen, and aquatic life, riparian vegetation needs to be in good condition. When metals such as iron, copper and selenium show up in streams unaffected by industrial uses or mining wastes, they are generally due to the local geology. Accelerated erosion can carry these higher loads of metals to the streams. Variances in pH can greatly affect the toxicity of many compounds, and the acceptable range is fairly wide. If waters within rangeland or forested watersheds have pH concerns, once again, reducing upland erosion is one possible solution. Actual sources of the above listed impairments are generally unknown, and may be a combination of factors.

Reduction of soil disturbances and user created bare areas (roads, trails, campsites) help ensure that accelerated erosion on public lands is not resulting in increased contaminant loads reaching impaired waters..

Environmental Consequences: The RMP's resource decisions included maintaining streams that met state water quality standards and improving those, where possible, that did not. Many changes have been made in grazing management practices as part of grazing permits to improve upland and riparian conditions to protect or improve water quality. Unpermitted land uses, however, require law enforcement to help deter public land uses that increase erosion, remove vegetation, and directly impact water quality. The rules pertaining to human and animal wastes and trash (general rules #1, #8, #9, #13, Colorado River rules #3-#7, Wolford Mountain rule #1) help reduce direct impacts to water quality by preventing water contamination. Improper waste disposal can impact ground water quality at springs and wetlands, and can be difficult to remediate. Rules that help reduce new ground disturbances and protect vegetation (general rules #10-#13, North Sand Hills rule #6, Wolford Mountain rule #2-#3) help maintain or lower sediment loads that can also increase metals and alter pHs in water.

The Wolford Travel Management Plan closed routes that were damaging riparian and wetland areas to protect water quality. The Sidewinder Technical Jeep Route required a 404 permit from the Army Corps of Engineers due to the constructed obstacles occurring within a drainage of the United States and below the ordinary high water line. The permit has conditions which include winter closure and closure of the route whenever the top 12 inches of soil are wet. What is essential to the protection of water quality is that the course is not driven during wet soil conditions, when tires could channelize runoff and compact soil reducing soil infiltration. The winter closure of the course extends into the spring, when soils are the wettest due to snowmelt. During the summer and fall use, soil moisture is the result of rainstorms, especially the common high intensity, short duration thunderstorms common to the area. Soil infiltration rates are unable to handle these rainstorms, and generally only the soil surfaces are wet. To prevent all users from digging 12 inch deep holes, it is reasonable to assume that if the top inch of soil is dry during the summer, that the top foot of soil is dry enough to sustain travel. The one inch stipulation is easy to field assess, allows for practical enforcement of the permit's conditions, and helps protect water quality downstream of the course.

The proposed supplemental rules will implement protection of streams and areas adjacent to streams. General rules enforcing posted closures and restrictions (general rule #6, #12, North Sand Hills #4) also help management reduce erosion or other water quality impacts. Under the No Action Alternative, additional improvements or protection of water quality from undesired recreational uses would not occur. Without a practical stipulation to enforce the Sidewinder Trail Section 404 permit, the BLM could be found in violation of the permit and the trail could be closed.

Mitigation: None

## WETLANDS and RIPARIAN ZONES (includes a finding on Standard 2)

**Affected Environment:** Wetlands and riparian zones are generally rare on public lands, but provide important plant and animal habitat. Grazing practices are improving conditions on public lands, but increasing numbers of recreational users are damaging them by creating camps and motorized/mechanical vehicle routes within these zones. A riparian enclosure has been constructed along Government Creek to reduce OHV and camper damage in the North Sand Hills area. The Wolford Travel Management Plan closed most trails in or near wetland/riparian zones. Approximately 90 percent of the lands administered by the Kremmling Field Office are currently considered to be in “proper functioning condition”.

**Environmental Consequences:** The Proposed supplementary rules will help reduce the current vegetative removal and waste dumping within the wetland/riparian zones. Law enforcement is needed to keep the current conditions from degrading, especially with increasing users. At present, only permitted users are managed within the riparian zones. The Resource Area-wide rules #10-13 and North Sand Hills #6 specifically help protect the vegetation within the wetland/riparian zones and reduce areas impacted by camping or vegetation removal. Vegetation removal not only destroys habitat and increases erosion, but also opens an area up to non-native species, including invasives. Water values, including water quality, are essential parts of the wetland or riparian area. Improper waste disposal can degrade water quality and impact the species dependent on them. The rules help the enforcement of closures and restrictions designed to reduce impacts to the wetland/riparian habitats. The No Action Alternative would choose not to implement rules that provide resource protection, and additional degradation would occur, threatening areas’ ability to meet the land health standard. Present problems indicate the No Action Alternative would result in more vegetation loss as campers cut woody vegetation for firewood, create large bare areas for campsites and fire pits, and introduce weeds and non-native plant communities to the riparian zone. Water quality impacts could eventually preclude some species from the areas. Gains from regulating permitted uses would be lost as riparian/wetland conditions would decline.

**Mitigation:** None

## SOILS (includes a finding on Standard 1)

**Affected Environment:** The Resource Area includes many different types of soils and is mapped by the Natural Resource Conservation Service in Soil Surveys. There are many BLM acres with steep slopes, harsh exposures, and approximately 20 percent of the soils are rated highly susceptible to wind and water erosion. In land health surveys, there have been several areas where either past or present land uses have reduced the vegetative cover, increasing the risk of accelerated soil erosion. The RMP identified soil priority areas, where soil erosion is a high concern, and sensitive watersheds, where small changes in land use practices can result in large increases in erosion. Most permitted actions have stipulations designed to help protect the soil resources in the area.

**Environmental Consequences:** Increased enforcement of good land use practices are needed to help reduce vegetation and soil damage, especially from the increasing numbers of people. Vegetation loss and soil damage directly impact an area’s ability to sustain vegetation, cycle water, and thereby provide habitat. Vegetative cover protects soil from wind and water

erosion, helps stabilize litter that is incorporated into the soil, providing aeration, protecting water infiltration, and sustaining fertility. Soil damage from recreational uses includes compaction and erosion, which inhibit nutrient and water cycling, reducing fertility and long-term soil health. The supplementary rules will help affect users' actions, especially in areas where erosion is a problem. General Rules #3, #6, #10-12 allow for reductions in surface disturbances which can remove vegetation and/or soils. The North Sand Hills #6 protects woody vegetation which stabilize the soils in the area. Responsible fire use in the Colorado River Corridor also reduces the changes of escaped fires removing vegetation and exposing soils to erosion. Under the No Action Alternative, the opportunity to enforce better user practices would be foregone and increased user impacts would contribute to soil erosion. In the Wolford Mountain area, for example, bicycles can create trails that channelize runoff and accelerate soil erosion by wind and water. The area is within a sensitive watershed that is very prone to soil erosion, and Wolford Rule #3 keeps bicycle uses to designated trails, reducing the number of user-created trails.

Mitigation: None

## RECREATION:

**Affected Environment:** The proposed supplementary rules would apply to the entire field office. There are two Special Recreation Management Areas (SRMAs) within the field office. The Upper Colorado River SRMA is managed to provide river-related recreation opportunities, and the North Sand Hills SRMA is managed to provide OHV opportunities in an open sand environment. The remainder of the field office is managed as an Extensive Recreation Management Area (ERMA) where visitors have the freedom to pursue a variety of recreation opportunities in dispersed recreation settings. There are an estimated 350,000 visitors that use the field office for recreation each year. Recreation activities in the field office include OHV riding, hunting, fishing, camping, rafting, kayaking, wildlife viewing, picnicking, hiking, cycling, scenic touring, and target shooting.

**Environmental Consequences:** The proposed action would restrict visitor behavior through conditions of use identified in the supplementary rules. Some restrictions would affect where visitors could participate in activities (e.g. target shooting restrictions and camping restrictions), and other restrictions would affect how visitors participate in activities (e.g. portable toilet and firepan requirements). None of the supplementary rules would restrict visitor access to public lands. The no target shooting and no wood gathering restrictions in the North Sand Hills SRMA would result in a loss of opportunity, however, there are nearby public lands where visitors can go to participate in target shooting and gather wood. These restrictions would apply to 1,450 acres, less than 1% of BLM lands in the KFO. The portable toilet and firepan rules along the Upper Colorado River would result in overnight users carrying additional equipment. These are common restrictions on publicly-managed river. These restrictions are already accepted by river users on most other rivers in Colorado and surrounding states. Rules regarding campfires (size and the nature of campfire fuel) would not prohibit the public's opportunity to build and enjoy campfires, and there would be smaller impacts from campfires at popular dispersed campsites. Since human waste poses a public health threat in dispersed campsites, rules regarding proper disposal of human waste would result in safer camping opportunities.

In the No Action Alternative, the supplementary rules would not be adopted and would allow visitors to recreate under the current conditions of use. Existing conflicts and impacts to dispersed campsites would continue. Target shooting in the North Sand Hills SRMA in close proximity to OHV riders would continue to be a public safety issue. Wood gathering would in the North Sand Hills SRMA would continue to result in live trees being cut down or pulled over. Human waste would continue to pose a health threat in dispersed campsites. Impact from campfires would continue to degrade dispersed campsites

Mitigation: None

CUMULATIVE IMPACTS SUMMARY: The area considered for analyzing the incremental effect of the Proposed Action when added to other past, present, and reasonably foreseeable future actions are the lands administered by the Kremmling Field Office.

In regards to past actions, there has been damage to riparian areas from vehicle travel, campfires, and camping practices; there has been damage to dispersed campsites from human waste and non-flammable trash in campfires; and there has been damage to vegetation in the North Sand Hills SRMA from firewood gathering. There have been public safety issues as a result of target shooting in popular OHV areas. The resource damage and safety issues have resulted from actions of visitors with no clear rules prohibiting those actions. This damage accumulates year after year especially with the increase in visitors to public lands.

In regards to present and future actions, resource damage, public health and safety issues, and user conflicts would be reduced as a result of law enforcement authority under the supplementary rules. Not implementing the supplementary rules would result in a continuation of the current visitor use patterns that have resulted in resource damage, public health and safety issues, and user conflicts. The continuation of the practices will further degrade natural and recreation resources. If the supplementary rules are adopted and enforced, the anticipated increase in visitor use could have less of an impact on resources.

PERSONS / AGENCIES CONSULTED:

Colorado Division of Wildlife, DWM Josh Dilley, Area 10, Jackson County.

Colorado River Outfitter's Association – Comments were focused around rules associated with the river. The outfitters are currently required to carry and use portable toilets and firepans as part of the stipulations of their Special Recreation Permits. They felt the dispersed campsites along the river would be enhanced by the rules.

American Whitewater – This is an organization that represents private river boaters. Their comments were in favor of the rules along the river. The proposed rules are similar to rules along most other rivers in the state and region.

The proposed supplementary rules will be published in the Federal Register and there will be a 30 day public comment period. The comment period would run concurrently with the 30 day comment period for this EA.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

# FONSI

## DOI-BLM-CO-120-2009-0035-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

### DECISION RECORD

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA.

RATIONALE: The decision to create the supplementary rules is based upon a thorough analysis by the BLM Interdisciplinary Team. The Proposed Action is in conformance with the Kremmling Resource Management Plan which directs the BLM to protect the natural resources of the public lands administered by the Kremmling Field Office.

MITIGATION MEASURES: None

COMPLIANCE/MONITORING: Law Enforcement will monitor all the supplementary rules for compliance.

NAME OF PREPARER: Darren Entrican

NAME OF ENVIRONMENTAL COORDINATOR: Peter McFadden

DATE: 10/29/2009

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Peter McFadden

DATE SIGNED: 12/18/09

APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist

Appendix 1

**INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:**

**Project Title: Supplementary Rules**  
**Project Leader: Darren Entrican**  
**Date Proposal Received: (Only for external proposals)**  
**Date Submitted for Comment:**  
**Due Date for Comments:**

**Need for a field Exam: N/A**

**Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)**

**Consultation/Permit Requirements:**

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	NA	NA	BBW	When individual actions cause an effect to a resource or has a potential effect on known or unknown cultural resources, a cultural inventory and assessment of impacts to cultural resource(s) will be conducted to determine if sites are present, their eligibility, incident effects, and mitigation requirements if necessary.
Native American	NA	NA	BBW	Depending on the nature of the action tribal consultation will be on a case by case basis.
T&E Species/FWS	N/A	N/A	MM	
Permits Needed (i.e. Air or Water)	N/A	N/A	PB	

**(NP) = Not Present**  
**(NI) = Resource/Use Present but Not Impacted**  
**(PI) = Potentially Impacted and Brought Forward for Analysis.**

NP NI PI	Discipline/Name	Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
<b>CRITICAL ELEMENTS</b>				
NI	Air Quality <b>Belcher</b>	6/12/09	PB	The existing air quality in the area is considered good. The proposed stipulations do not measurably impact air quality.
NI	Areas of Critical Environmental Concern <b>Cassel</b>	3/10/09	SC	The existing Areas of Critical Environmental Concern in the proximity of the proposed project area will not be impacted by the proposed action.
NI	Cultural Resources <b>Wyatt</b>	3/10/2009	BBW	When individual actions cause an effect to a resource and has a potential effect on known or unknown cultural resources, a cultural

					inventory and assessment of impacts to cultural resources will be conducted to determine if sites are present, their eligibility, project effects, and mitigation requirements if necessary.
NP	Environmental Justice	<b>Cassel</b>	3/10/09	SC	According to the most recent Census Bureau statistics (2000), there are no minority or low income communities within the Kremmling Planning Area.
NP	Farmlands, Prime and Unique	<b>Belcher</b>	6/12/09	PB	There are no farmlands, prime or unique, in the proximity of the proposed project area.
PI	Floodplains	<b>Belcher</b>	6/12/09	PB	See the Floodplain section in the environmental assessment.
NP	Invasive, Non-native Species	<b>Johnson Torma Scott</b>	2/26/09	MS	The proposed action and the no action alternative will have no impact on invasive, non-native species. The current laws and policy help to prevent and control the spread of noxious and invasive weeds of Federal lands.
NI	Migratory Birds	<b>McGuire</b>	2/27/09	MM	Neither the Proposed Action nor the No Action Alternative would have any impacts to migratory birds.
NI	Native American Religious Concerns	<b>Wyatt</b>	3/10/2009	BBW	Depending on the nature of the action tribal consultation will be on a case by case basis.
NI	T/E, and Sensitive Species (Finding on Standard 4)	<b>McGuire</b>	2/27/09	MM	Neither the Proposed Action nor the No Action Alternative would have any impacts to T/E, or Sensitive Species.
NP	Wastes, Hazardous and Solid	<b>Hodgson</b>	6/16/09	KH	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
PI	Water Quality, Surface and Ground (Finding on Standard 5)	<b>Belcher</b>	6/12/09	PB	See the Water Quality Section in the E.A.
PI	Wetlands & Riparian Zones (Finding on Standard 2)	<b>Belcher</b>	6/12/09	PB	See the Wetland Section in the E.A.
NI	Wild and Scenic Rivers	<b>Windsor</b>	2/25/09	AW	There are sixteen eligible Wild and Scenic River segments in the proposed project area. The proposed action to implement supplementary rules and the no action alternative would not impact the eligibility of these segments for inclusion into the National Wild and Scenic Rivers System
NI	Wilderness	<b>Windsor</b>	2/25/09	AW	There three WSAs in the proposed project area. The proposed action to implement supplementary rules and the no action alternative would not impair the inventoried wilderness values.
<b>NON-CRITICAL ELEMENTS</b> (A finding must be made for these elements)					
PI	Soils (Finding on Standard 1)	<b>Belcher</b>	6/12/09	PB	See the Soils Section in the E.A.
NI	Vegetation (Finding on Standard 3)	<b>Johnson Torma Scott</b>	2/24/09	PT	The proposed action or no action alternative would no impact on vegetation
NI	Wildlife, Aquatic (Finding on Standard 3)	<b>McGuire</b>	2/27/09	MM	Neither the Proposed Action nor the No Action Alternative would have any impacts to aquatic wildlife.
NI	Wildlife, Terrestrial (Finding on Standard 3)	<b>McGuire</b>	2/27/09	MM	Neither the Proposed Action nor the No Action Alternative would have any impacts to

					terrestrial wildlife.
<b>OTHER NON-CRITICAL ELEMENTS</b>					
	Access/Transportation	<b>Monkouski</b>	6/29/09	JJM	Access would not be impacted under the proposed or no action alternative.
NI	Forest Management	<b>K. Belcher</b>	5/20/09	KB	Neither the Proposed Action nor the No Action Alternative would have any impacts on forest resources.
NI	Geology and Minerals	<b>Hodgson</b>	6/16/09	KH	No impacts.
NI	Fire	<b>Wyatt</b>	3/10/2009	BBW	No impacts.
PI	Hydrology/Water Rights	<b>Belcher</b>	6/12/09	PB	Impacts to hydrology are in the water quality, wetlands, and soil sections of the E.A. There are no impacts to water rights from the Proposed Action.
PI	Paleontology	<b>Rupp</b>	2/25/2009	FGR	The proposed action will enhance law enforcement efforts to curtail illegal collection and destruction of paleontological resources. Under the no action alternative paleontological resources will still be protected by existing laws, but enforcement may be less effective.
NI	Noise	<b>Monkouski</b>	6/29/09	JJM	No impacts.
NI	Range Management	<b>Johnson Torma Scott</b>	2/24/09	PT	The proposed action or no action alternative would have no impact on range management
NP	Lands/ Realty Authorizations	<b>Cassel</b>	3/10/09	SC	The leases, permits and rights-of-way on the lands administered by the Kremmling Field Office BLM will not be impacted by the proposed action or the no action alternative.
PI	Recreation	<b>Monkouski Windsor</b>	2/25/09	AW	See analysis
NI	Socio-Economics	<b>Cassel</b>	3/10/09	SC	The proposed action will not have an effect on the socio-economics of the lands administered by the Kremmling Field Office BLM. The rules may make some visitors stay away but will also make some visitors come more often.
NI	Visual Resources	<b>Windsor</b>	2/25/09	AW	The proposed action and no action alternative would have no impact on visual resources.
NI	Cumulative Impact Summary	<b>Windsor</b>	10/28/09	AW	See analysis
<b>FINAL REVIEW</b>					
	P&E Coordinator	<b>P. McFadden</b>	12/15/09	PM	