

**United States Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Cañon City, CO 81212**

Environmental Assessment (EA)

Cache Creek Placer Area Management Plan

DOI-BLM-CO-200-2012-0069 EA

February, 2014



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CHAPTER 1 - INTRODUCTION

1.1 IDENTIFYING INFORMATION

CASEFILE/PROJECT NUMBER (optional):

PROJECT TITLE: Cache Creek Placer Area Management Plan

PLANNING UNIT: Cache Creek

LEGAL DESCRIPTION: Chaffee County, 6th Principal Meridian
T. 12 S., R. 80 W. Sections 1 and 2; T. 11 S., R. 80 W. Sections 34-36; T. 12 S., R. 79 W.
Section 6; T. 11 S., R. 79 W. Section 31

APPLICANT: BLM

1.2 INTRODUCTION AND BACKGROUND

BACKGROUND: This Environmental Assessment (EA) has been prepared by the Bureau of Land Management (BLM) to analyze the best strategy to manage an increasing demand in recreational placer activities in the Cache Creek acquisition parcel that reduces impacts to other important resources located within the parcel including riparian areas, water quality, fisheries, and wildlife habitat while also providing for public health and safety.

Cache Creek is located immediately west and south of the town of Granite and flows into the Arkansas River just below the Granite Bridge. It was the site of one of the first large mining communities in Colorado during the late 1800s. In January 2000, the Bureau of Land Management acquired 2,160 acres through which Cache Creek flows, extending from the San Isabel National Forest boundary to highway 24. The parcel was acquired from the Land and Water Conservation Fund, a group that works to maintain Colorado's open space. It was purchased to help protect critical elk and riparian habitat as well as to provide recreational access.

Many of the adjacent slopes and the creek bottom were significantly disturbed by placer mining and turn of the century logging. The period of major disturbance was from 1860 to 1911. Large tailings deposits and discarded mining materials and equipment are found along the drainage. Although large deposits still exist on the property, and there is interest in claim staking, the acquisition parcel is not open to the General Mining Law of 1872 since it was an acquisition. Since major mining operations ended in 1911, a slow, natural recovery began in the uplands and in the riparian zone. Much of the drainage bottom is now a wet meadow/riparian shrub/beaver pond complex. There are also several larger artificial ponds constructed by past landowners. The many ponds in the drainage are used by waterfowl from spring through fall and some nest there. Brook and brown trout are also present throughout the drainage. In addition to the fishery

present, there is a large elk herd that inhabits the area year round, using the nearby uplands for winter range and calving grounds.

Environmental Assessment (EA) CO-200-2002-0043 EA (Cache Creek Placer Area) and the corresponding Decision Record (dated 6/13/2005) authorized out-of-water placer activity commonly termed “high-banking” within a designated portion of the Cache Creek acquisition parcel to accommodate demand for recreational mineral collection and in part to alleviate placer activity on the Arkansas River.

Per the Cache Creek Placer Area EA, BLM staff monitors the site. Data is collected on use as part of the monitoring program and is broken out by type of activity; panning, sluicing or high-banking. Collected data and staff observations indicate a significant increase in all forms of use particularly in the past 3-4 years. The EA originally assumed, based on the level of interest at the time, that there would be approximately 180 operator days (high banking) at the site. In 2011 our office documented 3500 total users in this area, with 479 of these consisting of high bankers. This increase in use is attributed to a number of factors including; the uniqueness of the allowed activity (high banking at a recreational level), an increase in interest in recreational placer mining (or more specifically, recreational mineral specimen collection), miner success in the area, increasing value of gold, depressed economy and the site being highlighted by the public through a variety of media and organizations.

The EA also required the BLM to perform monitoring to determine potential impacts to resource areas. This monitoring indicates that the increase in use is associated with a number of negative impacts to other resources. Due to the high volume of soil being processed and the methods used, there are excessive levels of sedimentation entering the beaver pond/wetland restoration system.

To address this, the BLM has been cleaning out the upper level beaver pond with heavy equipment as needed to prevent high levels of sediment traveling further downstream and potentially filling wetlands. In most years, this cleaning was required once annually; however, in 2011 the pond was required to be cleaned out twice. Use numbers were slightly higher than previous years but it was also noticed that water flow was unusually high, even for the high snowpack and spring runoff. Staff discovered that users of the site were trespassing onto adjacent private land and diverting water into the placer area to ensure higher and longer flows to allow for more pumping of water for high banking activities. When talking with the private land owner they were not aware that people were traveling onto their land and diverting water. Neither the BLM nor the private land owner have a water right or are authorized to divert water in this location. Due to this high water flow and increased level of sedimentation entering the system, staff observed turbid water and depositions downstream that were exceeding the capacity of the settling pond and compromising the ditch/wetland restoration efforts further downstream.

Despite education efforts and an on-site host, other issues continue to occur. Hazards are created as users dig under and around large trees and digging excessively deep holes that are undercut or have vertical sides. Despite staff efforts to mark hazard trees and provide education materials about unsafe digging practices, hazard trees and holes continue to be created. Other issues include damage to trees and tree health, conflicts between users and vegetation loss associated with the expansion of dispersed camping sites.

BLM law enforcement staff has been unable to enforce the stipulations identified in the EA. As a result, several users operated equipment over long periods compounding the impacts identified above including increased sedimentation, excessively large holes, digging under trees, and user conflicts and creating essentially small scale commercial mining operations on public lands under casual use regulations

As indicated above, the increased use of this area in recent years has led BLM to take a hard look at past and present activities in this area. Based on review of BLM regulations and recent clarification regarding locatable mineral status on acquired lands revealed that the Cache Creek parcel has never been open to the General Mining Law and therefore location of claims and mining regulations (43 CFR 3809) for surface management of notice level activity do not apply. Mineral extraction is then confined to only “recreational” mineral specimen collection, which is regulated under 43 CFR 8365.1-5. These regulations do not allow motorized or mechanical devices to aid in mineral specimen collection. Based on this, the decision record of Environmental Assessment, CO-200-2002-0034EA, that originally allowed high banking, was in part rescinded to discontinue “allowance” of motorized and/or mechanized equipment on the acquired parcel with a decision documented in DOI-BLM-CO-200-2012-0038 DN.

During the summer of 2013, the private land owner upstream of the recreation area removed the diversion and water ceased to flow through the originally intended placer area. As a result, several changes in user trends began to occur and new issues arose. Users began to migrate and pan/sluice directly on Cache Creek, where there is not a settling pond that can be cleaned out and all processed sediment is going directly into the fishery/riparian system. The potential hazard trees in this area were not marked and users began to undercut trees creating additional hazards. Due to the long distance of Cache Creek from the parking area, use increased in the drainage near the cemetery and resulted in damage to the riparian system and vegetation. These changes in user patterns and the ongoing behavior of the user group resulted in on going impacts to resources at unacceptable levels and the continued creation of hazards from coyote holes and undercutting of trees.

1.3 PURPOSE AND NEED

The purpose of the EA is to identify an overall management strategy for recreational placer activities within the acquired Cache Creek parcel to reduce impacts to other key resources within the area that are being or have the potential to be negatively affected by current and future recreation activity associated with this type of recreation use. Since the demand for this type of recreation is driven by a variety of outside forces that can change relatively quickly, this management strategy must allow for adaptive management so that the BLM can respond appropriately to changes in recreation use patterns as they occur.

Goal 1: Reduce risks to public health and safety associated with recreational placer activities.

Objectives:

- a. Reduce/eliminate users creating hazards associated with undercutting trees and creating “coyote holes” (a deep narrow hole with overburden).
- b. Reduce the level of human waste at the site and provide long-term funding strategies for waste removal if necessary (i.e. paying for portable toilets or vault toilet pumping/installation).

- c. Reduce the levels of user conflict at the site by identifying clear enforceable rules that anticipate changes in mineral collection strategies.

Goal 2: Hold sediment levels in the downstream riparian complex to natural levels.

- a. Reduce/eliminate recreation uses sediment contribution to the downstream riparian complex.

Goal 3: Continue the long-term riparian restoration efforts in the Cache Creek drainage.

- a. Eliminate recreation use from interfering with the Cache Creek riparian restoration.

Goal 4: Continue to manage for winter wildlife values in the Cache Creek parcel.

- a. Minimize the amount of recreation use in winter months to decrease level of disturbance.

Goal 5: Identify strategies to fund the necessary increase in management that the site requires

- a. Reduce costs to government to manage the site through a user fee and/or partnership opportunity.
- b. Ensure that the fee charged is affordable and commensurate with areas offering similar settings and experiences.

Goal 6: Continue to provide recreational placer activities to provide opportunities for families and hobby interests in a manner that does not significantly impact other resources or recreation uses and provide the settings to meet visitor's identified desired outcomes.

- a. Maintain or modify settings to meet desired visitor outcomes including any necessary facilities.
- b. Establish clearly defined enforceable rules for the area and allowed uses that anticipate changes in recreational mineral collection strategies.

The need for the action is based on Resource Management Plan (RMP) decisions 1-16 and 1-24 that direct the bureau to resolve conflicts between wildlife and fisheries in favor of these resources. RMP 1-86 directs that recreation resources will be managed to ensure visitor safety. As identified in the Background section of this document monitoring indicated that recreation use at the site was leading to unacceptable impacts to fisheries and wildlife. Monitoring and visitor contacts also indicated that visitor safety has become an issue at the site. This monitoring indicates that RMP decisions are not being met and an action is needed to rectify these issues.

1.4 DECISION TO BE MADE

The BLM will decide whether to implement the proposed actions in this management plan based on the analysis contained in this Environmental Assessment (EA). This EA will analyze a range of strategies to manage recreational placer activities in the Cache Creek acquisition parcel based on the goals and objectives identified above. The BLM may choose to: a) implement the project as proposed, b) implement the project with modifications/mitigation, c) implement an alternative to the proposed action, or d) not implement the project at this time.

1.5 PLAN CONFORMANCE REVIEW

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: Royal Gorge Resource Area Resource Management Plan

Date Approved: 5/1996

Decision Number/Page: 1-16, 1-24, 1-82, 1-84, 1-86 pages 2-1-4, 2-1-5, 2-1-15 and 2-1-16

Decision Language:

1-16: Conflicts between Wildlife Habitat and other uses will be resolved in favor of achieving vegetation management goals.

1-24: Conflicts between fishery habitat and other values will be resolved in favor of fishery habitat.

1-82: Recreation will be managed to provide for: a variety of recreational opportunities and settings, facility development will be accomplished to reduce user conflicts and to improve visitor health and safety.

1-84: Recreation will be managed non-intensively in semi-primitive non-motorized settings.

1-86: Various actions will occur to enhance recreation: upland recreation opportunities emphasizing a balance between resource protection and tourism; coordination with various volunteer and user groups; monitoring and visitor contacts to ensure visitor safety, resource protection, and visitor information availability.

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

Standard 4: Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

Because standards exist for each of these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in Chapter 3 of this document.

1.6 SCOPING, PUBLIC INVOLVEMENT AND ISSUES

NEPA regulations (40 CFR §1500-1508) require that the BLM use a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

Persons/Public/Agencies Consulted: In preparation of the proposed action and alternatives the BLM consulted a number of agencies, groups, related businesses and publics. Information was presented to the BLM Resource Advisory Council (RAC) on numerous occasions and a meeting was also held with known stakeholders. The timeline and persons/groups consulted is outlined below. In addition the proposed action and notice of scoping was on the BLM's website for over 90 days while comments were accepted.

Scoping Timeline:

- 1/27/2012 Met with US Army Corps of Engineers, Pueblo Area Office Supervisor; Mr. Van Truan to discuss reclamation and the cleaning out of the beaver ponds.
- 8/8/2012 Front Range Resource Advisory Council – presentation and tour of Cache Creek.
 - Issues Identified
 - Need to resolve water diversion issue, suggest meeting with water commissioner.
 - Need to develop management goals before proceeding
- 8/22/2012 Colorado Division of Water Resources, Water Commissioner Staff; Mr. Bruce Smith and Mr. Gary Hanks
- 11/14/2012 Front Range Resource Advisory Council – provided update on Cache Creek
- 2/13/2013 Front Range Resource Advisory Council – provided update on Cache Creek
- 11/20/2013 Front Range Resource Advisory Council – provided update on Cache Creek
- 12/12/2013 Meeting with local gold panning clubs and related businesses – Presentation of ongoing issues at the site and brainstorming session on potential solutions.

Attendees:

Representatives from the following organizations and businesses
Gold Prospectors of Colorado
Colorado Gold Diggers

Sidewinder Mining
Gold Prospectors Association of America Colorado Springs Chapter
Rock Doc
Colorado Prospectors
Gold Prospectors of the Rockies

- 3/03/2014 Sent scoping letter (via email and hard copy) with links to the proposed action to 49 individuals, clubs, agencies, and municipalities notifying them of the 45 day public scoping period. The scoping period ended on April 15, 2014.
- 6/4/2014 Front Range Resource Advisory Council – provided update on the Cache Creek scoping results.
- 7/3/2014 Met with Colorado Parks and Wildlife, Salida Area Office Area Manager; Mr. Jim Aragon and Fisheries Biologist; Mr. Greg Policky to discuss the proposed action and the comments they provided concerning impacts to fisheries and wildlife.
- 8/21/2014 Right-of-way holders were notified of the proposed action through a letter. A request for a response to identify issues was also included. One response was received from Xcel Energy.

The following issues were identified through internal and external scoping:

- How can the BLM modify management to reduce the level of adverse outcomes that are currently being achieved at the site (conflicts between users, increased environmental impacts, health and human safety concerns) while still allowing for recreational mineral collection?
- By continuing to allow recreational mineral collection on the parcel this use will add to sediment within Cache Creek impacting riparian restoration efforts and fisheries. This use will also impact wildlife especially during the calving and rut seasons. This use will also allow the conflict between hunting and recreational mineral collection use to continue.
- How can the BLM manage the site to provide improved opportunities for recreational placer activities while still managing for other resources?

CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES

2.1 INTRODUCTION

The purpose of this chapter is to provide information on the Proposed Action and Alternatives. Alternatives considered but not analyzed in detail are also discussed. The alternatives identified were based on a number of issues identified through BLM staff monitoring of the site, concerned members of the public, local and regional gold panning clubs as well as partner agencies. These issues stem from the dramatic increase over the past 6-7 years of recreational mineral collection

in the Cache Creek parcel that has largely been driven by high gold values, national economic factors and an overall increase in interest in the activity. This increase in use has led to issues including user conflicts, impacts to water quality, impacts to riparian areas and concerns with human health and safety. The proposed action and alternatives were developed to meet the previously identified goals and objectives found earlier in this document and in response to comments received during scoping. Alternatives that do not meet the identified goals and objectives were considered but not analyzed in detail.

2.2 ALTERNATIVES ANALYZED IN DETAIL

2.2.1 Proposed Action

The BLM proposes the following actions for the acquired Cache Creek parcel that addresses the issues and concerns associated with recreation placer activities. The intent is to follow a number of management strategies that will allow family friendly hobby recreational placer activities to continue, while mitigating impacts to resources. It is understood that these strategies may not be as effective as desired and modifications to the area management may be necessary in a somewhat short time frame. Therefore, this plan is designed to be flexible and will rely on monitoring and coordination with stakeholders to identify changes in management strategies that can be quickly adopted and put into place

1. Implement an Individual Special Recreation Permit (ISRP) with the following stipulations¹;
 - a. Placer activities within the acquired Cache Creek parcel would be limited to a designated area (except in-situ gold panning, see #2 below).
 - b. The designated area is the only place within the parcel where digging would be allowed.
 - c. Battery powered re-circulating systems would be allowed in the designated area.
 - d. Small dry washers would be allowed in the designated area.
 - e. Hand carts would be allowed to transport equipment in the designated area.
 - f. Permits would only be issued from Memorial Day Weekend to November 30th of each year.
 - g. Digging in a manner that damages trees would not be allowed.
 - h. Creating holes that pose a threat to health and human safety would not be allowed.
 - i. Users would be charged a fee for the ISRP.
 - j. Digging could not expose groundwater. If ground water is encountered, the hole would be refilled..
 - k. Battery powered classifying systems would be allowed in the parking and camping area.
2. In-situ gold panning (no digging) in the Cache Creek stream would be allowed throughout the parcel. A permit would be required for this activity.
3. Dispersed camping would still be allowed. Sites would be managed to limit expansion.
4. Partners would be utilized to assist in management.

¹ Stipulations will be reviewed annually and modified as needed based on monitoring.

5. Toilets would continue to be provided. A vault toilet could be installed.
6. Annual reclamation would continue to occur.
7. Leashes on dogs would be required within the designated placer area from May 31st to November 1st.
8. A minimal amount of trees could be removed.
9. The site would be monitored to determine if changes in management need to occur.

Individual Special Recreation Permit

In order to meet the identified management goals the BLM proposes to designate the Cache Creek parcel as a Special Area² and implement an individual special recreation permit requirement for recreational placer activities within a designated area. Resources need to be protected by special management and control measures and a permit system for individual use would help achieve these management objectives.

The entire parcel would be closed to recreational placer activities except for under the terms and conditions of the permit. These terms and conditions would be reviewed annually and amended as needed to ensure that management goals are being met. These are outlined below:

1. An individual use permit would be required within the Cache Creek parcel for persons participating in recreational placer activities. This would be put in place in order to manage the level of use and associated impacts. This permit system would collect basic information about the participant and would be accompanied by a robust educational component. It could also be used to limit the number of days one could participate in the activity and be used as a tool to limit the volume of use based on monitoring and ongoing coordination with partners.

Adaptive Management: Changes could be made to the permit system in order to improve management of the site including but not limited to limiting the number of permits available.

The BLM could explore the possibility of leasing the site to a concessionaire. This lease agreement would need to meet all of the stated goals as identified in the purpose and need section above. Any lease agreements would follow BLM national guidance for entering into these types of agreements including fair and competitive bidding.

- a. Designated Area - The permit would only authorize digging associated with recreational placer activities (the act of digging/collecting minerals) within a designated area. This would be roughly based on the previous mining disturbance area characterized by piles of waste rock. The area could be modified or altered depending upon monitoring and coordination with partners. This area would be identified on a map, made available at various information portals and marked on

² Note: Per 43 CFR 2932.3 a Special Area is defined as “any area where the authorized officer determines that the resources require special management and control measures for their protection and a permit system for individual use would achieve management objectives.” There are no other management implications associated with this designation other than providing the authorized officer the ability to implement an individual use permit system.

the ground. Placer activities would not be allowed on other public lands within the Cache Creek parcel except for in-situ panning. (see #2 below).

Although sediment in water systems occurs naturally through run off and rain events, the rate at which sediment is being added to the Cache Creek system has begun to fill beaver ponds and water delivery channels. The highest upstream beaver pond acted like a sediment catch that was cleaned out annually (sometimes biannually) with heavy equipment but would still get overloaded and allow high levels of sediment to reach the downstream wetland system. With the removal of the illegal diversion, users moved their operations to the banks all along Cache Creek instead of along diverted water channels. Activity increased downstream near the cemetery. Operating on the stream means spoils are being dumped directly into the creek and riparian vegetation is being damaged. Because of the intensity and location of this use, the decades long restoration efforts of the wetland and fisheries are being compromised. The BLM must be able to meet its goal of holding sediment to natural levels in the downstream riparian complex to avoid short and long term harm to riparian and aquatic ecosystems and meet water quality standards.

- b. Re-Circulating Systems - The BLM proposes to allow re-circulating systems that are battery powered with a limited size pump within the designated recreational mineral collection area and the developed area (parking lot and dispersed campsites). Only one pump would be allowed per system and one system per person. Size of the systems would be limited by number of gallons. Persons may only collect minerals within the designated area but they may process this material within the parking area or campsite. Chemicals or additives may not be added to the water to assist in processing.

With other resource concerns limiting the extent and type of uses for recreation mineral collection within the Cache Creek Parcel, there would be little options left for this recreation opportunity. In order to meet this stated goal there is a need to identify additional allowed uses or management strategies that can co-exist with the other resource management goals.

Adaptive Management: Initially pump sizes would be limited to 2,200 (gph) and 25 gallon systems. These specifics could be modified through the permit's terms and conditions based upon monitoring and coordination with management partners. If monitoring indicates that issues continue to occur despite changes in management the Cache Creek parcel could be closed entirely to recreational mineral collection.

- c. Dry Washers - Small dry washer systems may also be allowed in the designated area. They would be limited in size to ½ yard per hour production and may be run by one 12v battery. These specifics could be modified through the permit based upon monitoring and coordination with management partners. Other actions could include no longer allowing them.

- d. Wheeled Carts - Given the demographic of the participants and the nature of some equipment used for the activity, mechanical non-motorized wheel carts such as a wheel barrow or a dolly would be allowed to transport equipment to the work site. Mechanical devices of any kind may not be used to transport materials. Small amounts of concentrate that would be considered a reasonable amount could be transported in a vehicle for further classifying. This could be modified or refined based upon monitoring and coordination with management partners.

- e. Permit Season - The permit would only authorize recreational mineral collection from Memorial Day weekend to October 31st. The Cache Creek parcel is highly valuable to wildlife, particularly during the crucial winter months when elk and deer have limited places they can travel and live. These values were one of the driving factors for the original acquisition. The travel management plan for the area restricts motorized travel into the area from November 1st to May 31st. As recreation demand for recreational mineral collection has increased users have demonstrated they are willing to hike into the site beyond the expectations of the original management decisions and have the potential to disrupt wildlife during the crucial winter months.

- f. Tree Protection – Under the terms of the permit a person may not dig in a manner that causes damage to a tree and/or creates a public safety hazard. The cutting of tree roots decreases the individual tree health creating an unstable tree that could fall over with a slight breeze. Details of the specific rule would be further established through the terms and conditions of the permit.

- g. Hazard Holes - Following OSHA and similar guidelines for excavations, rules would be developed to limit hole size and angle of walls that persons may dig. Details of the specific rule would be further established through the terms and conditions of the permit. This rule would also prohibit digging within twenty feet of any electric transmission support structure to help ensure the integrity of the line and structure.

In search of minerals, users of the site often dig extremely hazardous holes, undercuts, and ledges that pose serious safety hazards to the digger. These dangerous situations are often not reclaimed when prospecting is complete and then become a safety hazard.

Adaptive Management: Specifics regarding the allowed distance to dig from trees and creation of hazard holes could be modified and adjusted based on monitoring and feedback. This would be done through the terms and conditions of the permit.

- h. Permit Fee - The BLM is proposing to initiate a fee for the individual use permit in order to provide the needed management of this site and reduce impacts to resources.

As with any type of concentrated recreation use, a high volume of use in a concentrated area leads to the need to provide a higher level of management that can exceed the base funding the bureau receives to manage recreation resources. This is the case for Cache Creek where use levels and associated issues requires almost daily interaction and coordination. Adequate management of the site requires a high level workload and operational expenses to ensure reasonable visitor and resource protection.

The permit is directly tied to managing gold panning activities therefore fees would only be charged for this activity. The fees generated from this permit are then available to the field office to assist with management of the site covering costs such as portable toilets, user education, monitoring, reclamation, partnership support, and law enforcement. The process to establish a fee as outlined in the Federal Lands Recreation Enhancement Act (FLREA) would be followed including development of a business plan (see Appendix 1) and public comment. This process also directs that any fees are reasonable when compared to similar activities. The fee structure could be revised if warranted in the future. All revision would follow established policies.

- i. Water usage - Rules would be developed that would not allow the exposure of groundwater and outline how naturally occurring water in the designated mining area would be used.

Holes should not be dug so deep as to expose groundwater. If groundwater is encountered, they would be backfilled to a point where the water is covered with 6 inches of material.

Adaptive Management: Initially, any water flowing through the designated mining area could be used for sluicing activities. If it is found that sediment levels entering the sediment pond are excessive and cannot be mitigated effectively, the usage of water outside of recirculating systems would not be allowed. In this case, mineral collection should not take place within 50 feet of live water. Options to make a more formalized water source or sediment catchment could also be explored.

- 2. In-Situ Panning - One of the management intents is to provide a beginner experience at Cache Creek therefore gold panning would be allowed within the Cache Creek parcel and a permit would be required. This use would be limited to the bottom in-situ wetted channel perimeter. Digging outside of the designated area would not be allowed.

Adaptive Management: If monitoring indicates that negative impacts are occurring in relation to in-situ panning then the BLM will consider making

changes to this activity. This could include no longer allowing this activity outside of the designated area. Options could be explored to re-establish the diverted water channel near the parking lot to allow panning in a more accessible area. If this were to occur sediment catches would need to be established and cleaned out on a regular basis to reduce the overall impacts to fisheries and riparian plant species. If this were to occur panning within the designated area would require a permit. Additional NEPA analysis may also be warranted for this to occur.

3. Camping - Camping and occupancy of public lands would follow BLM statewide rules allowing for dispersed camping with a 14 day stay limit. This is the current rule for camping in the parcel. Existing campsites would be marked and expansion of campsites both new and existing would be limited through the installation of signs and barriers. Camping could be limited to designated dispersed sites if impacts increase and on the ground management controls are not effective. If demand increases, additional sites could be developed within the existing area. Additional review may be warranted.
4. Partners - BLM will pursue agreements with third parties to assist with education, monitoring, and ongoing management of the site. A campground host program could be part of this agreement. A concessionaire agreement could also be considered to assist in management of the site.
5. Restrooms - The BLM will attempt to continue to provide toilet facilities at the site during busy periods when funding allows. BLM would continue to partner with organizations to provide this service and reduce the government's management costs of the site. A vault toilet could be installed in the future if other actions are successful in managing the site and there is long term interest in the site and activity.
6. Reclamation – Interim reclamation of the site would occur annually each fall, or sooner if needed, to re-contour the site and remove any hazardous walls or holes should they occur. The existing beaver pond would continue to be used as a sediment catchment to keep sediment from traveling further downstream. This pond would be cleaned when it reaches 80% of capacity and material removed would be spread across tailings areas with sparse/non-existent vegetation. This material would be spread 4-6 inches deep to act as a topsoil and promote vegetation growth/reclamation.

Adaptive Management: A more formal sediment catchment option may be explored in the future if site conditions warrant.

Should recreational mineral collection cease at the site (either due to closure based on monitoring results or reduction in recreation demand) to the point where a recreation area is no longer warranted the site would be reclaimed. A final reclamation plan would be developed and additional analysis may be warranted.

7. Dogs - Dogs would be required to be on leash at all times within the 1,600 acre designated placer area and day-use area from Memorial Day Weekend to November 30th

coincidental with the placer season. This could be expanded to include dispersed campsites if issues continue to occur.

8. Tree Removal - In order to provide more space and available ground for the public to “work” the site the BLM could reduce the tree density within the designated mineral collection area. This would only be done on a very small scale level and only when necessary. Large scale timber removal would not be allowed.

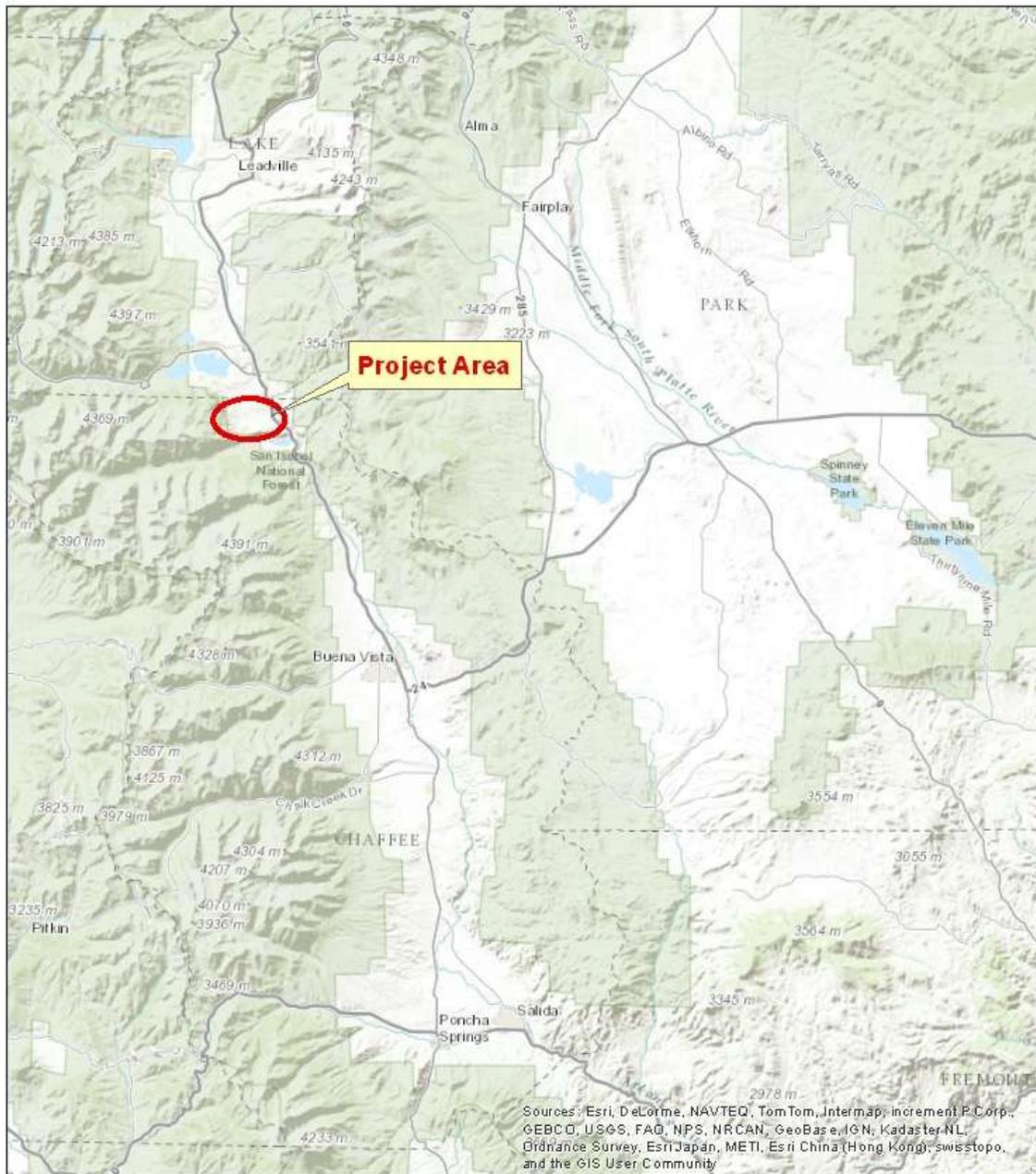
In order to reduce the creation of public safety hazards the BLM proposes to restrict digging around trees (see Health and Safety Management above). Due to the density of large trees in the area the resulting space available for recreational gold panning could be extremely limited.

9. Monitoring - Monitoring would focus on compliance with management plan actions and associated assumed reduction in impacts to resources. Data would continue to be collected regarding use levels, types of use, visitor demographics, and visitor satisfaction.

Part of the monitoring program will be to watch the sedimentation level in the pond to ensure that it is cleaned out before it loses its effectiveness.

Adaptive Management

Given the variety of influences that affect the level of interest in mineral collection in this area and the abundance of changes in management proposed in this document it is in the interest of the resources and the public for management to be able to adapt quickly. This document attempts to provide this flexibility and is reflected in each of the above sections of potential changes that could be implemented if warranted. Regular monitoring combined with ongoing coordination with stakeholders including Colorado Parks and Wildlife would be used to determine if changes are occurring at unacceptable levels and what the course of action should be. If solutions are not readily available the parcel could be closed to recreational mineral collection either temporarily or permanently.



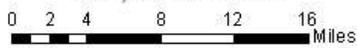
Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community



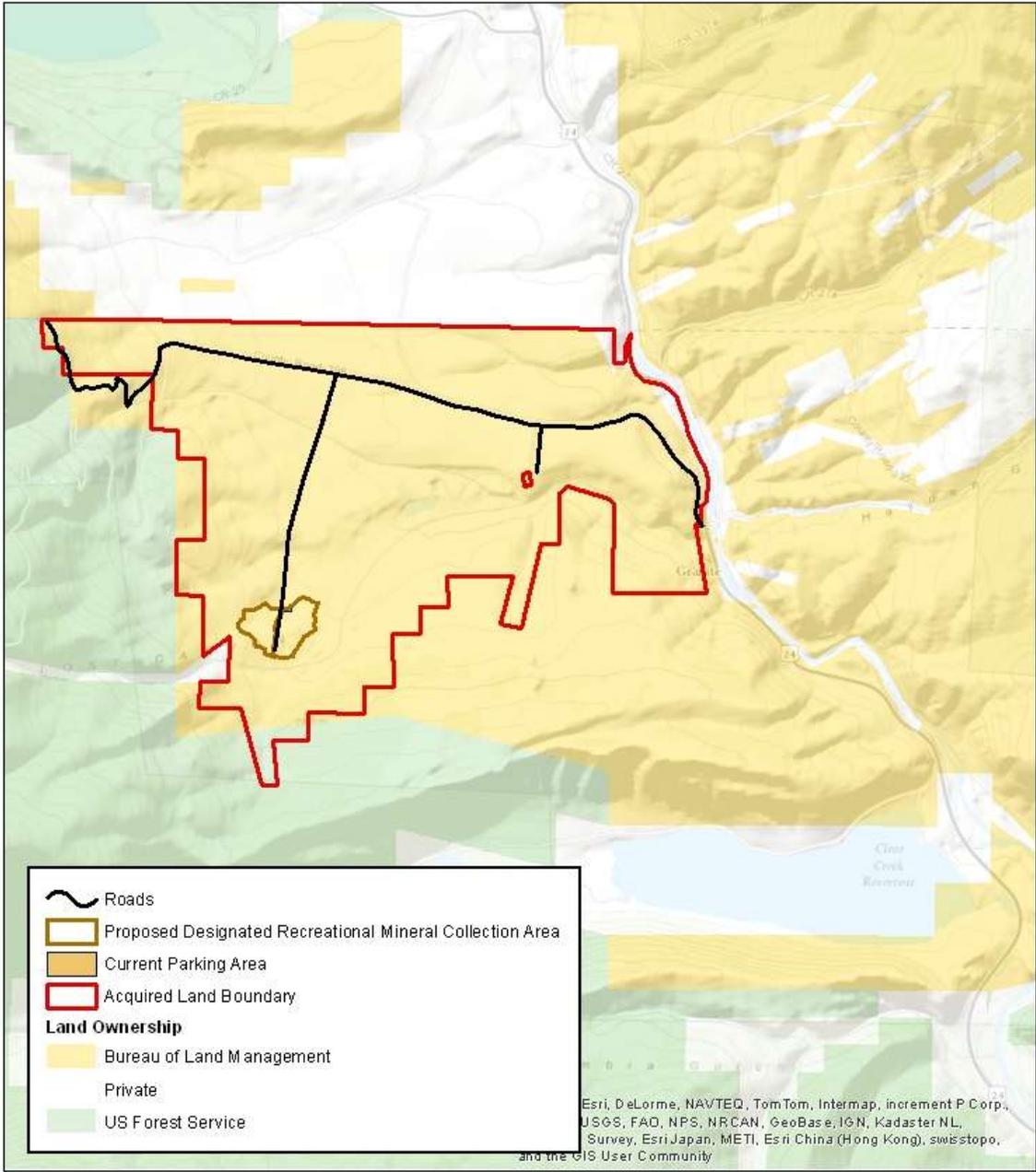
Cache Creek Placer Area Management Plan

DOI-BLM-CO-200-2012-0069 EA

6th PM, T12S, R80W Sec. 1 & 2
 T11S, R80W Sec. 34-36, T12S, R79W Sec. 6
 T11S, R79W Sec. 31



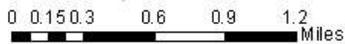
NOTE TO MAP USERS
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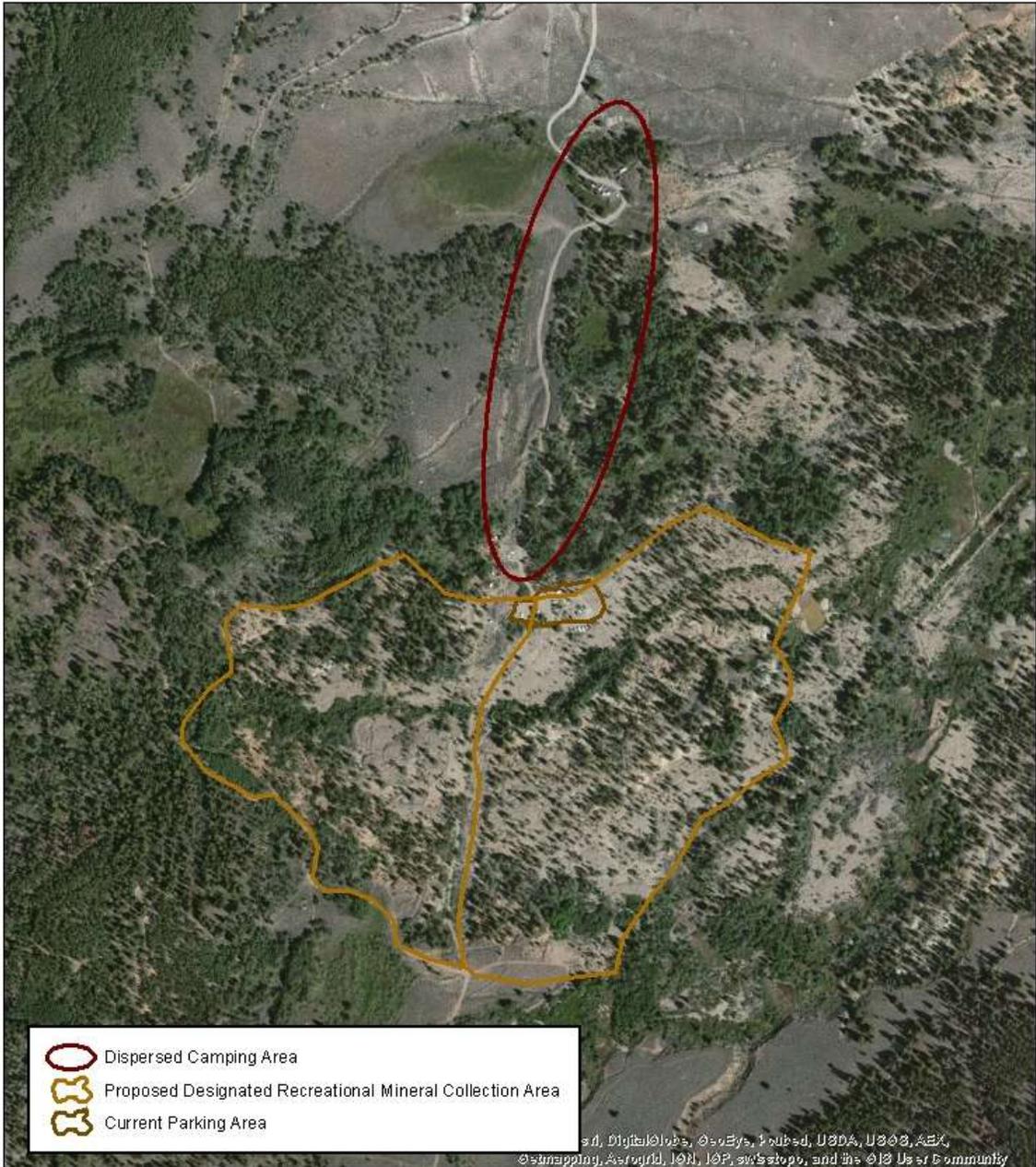
Cache Creek Placer Area Management Plan

DOI-BLM-CO-200-2012-0069 EA

6th PM, T12S, R80W Sec. 1 & 2
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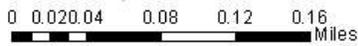
-  Dispersed Camping Area
-  Proposed Designated Recreational Mineral Collection Area
-  Current Parking Area



Cache Creek Placer Area Management Plan

DOI-BLM-CO-200-2012-0069 EA

6th PM, T12S, R80W Sec. 1 & 2
T11S, R80W Sec. 34-36, T12S, R79W Sec. 6
T11S, R79W Sec. 31



NOTE TO MAP USERS
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2.2.2 No Action Alternative

The no action alternative is to continue with current management of the Cache Creek Placer area. Recreational placer activities would be allowed on all public lands in the area under non-General Mining Law regulations where motorized and mechanized devices are not allowed. Travel management designations and season of use for the motorized vehicle closure (November 1st – May 31st) would remain the same. Partnerships to provide a campground host to educate users on panning ethics could continue. BLM would continue to enforce the existing rules in the area and education of users would continue to be the primary tool to protect resources and public health. Dispersed camping would continue to be managed so that sites do not cause undo degradation of the resources in the area and barriers and signs would be installed as needed to prevent unnecessary campsite expansion.

2.2.3 Closure to Recreational Mineral Collection Alternative

The focus of this alternative would be to manage the site primarily for wildlife values and ongoing restoration. In order to further manage resources of concern including wintering elk and fisheries and to reduce conflict between users of the area this alternative would close the site to recreational placer activities, including panning. This would be done through the supplementary rule making process. Travel management designations and season of use for the motorized vehicle closure (November 1st – May 31st) would remain the same. Rules, including the closure, would continue to be enforced in the area and education of users would focus on the closure and resources being protected. Management partnerships would likely be discontinued and a campground host would no longer be provided on site. Dispersed camping would continue to be managed so that sites do not cause undo degradation of the resources in the area and barriers and signs would be installed as needed to prevent unnecessary campsite expansion.

Under this alternative the primary site used for recreational mineral collection would be assessed and a final reclamation plan would be developed. The existing road and parking area would remain available for use by the public.

2.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

A number of alternatives for management of the site have been identified both by BLM staff, stakeholders and the public. Several of these have been identified as potential adaptive management strategies under the proposed action. Some of these however have been determined as not feasible or do not meet the overall management goals for the area.

One commenter suggested that the entire management of the parcel be focused on recreational placer activities while accepting higher impacts to wildlife and fishery resources. This included not having laws pertaining to where/how people can dig, allowing all forms of prospecting and mining methods, not requiring a permit, allowing mining year round, and allow for wheeled devices to carry materials and equipment. While some of these suggestions are addressed in the no action alternative (open to mining year round, limited rules, not requiring a permit) and others are included in the proposed action (allowing mechanized equipment, wheeled devices to carry equipment) the combination proposed would not be in conformance with the Resource Management plan. RMP decisions call for a balance between recreation and other resources and specifically that if conflicts occur they will be resolved in favor of wildlife and fisheries habitat.

It has been suggested that the area be “opened” to mining so that the Mining Law applies and those restrictions can be enforced. This does not appear to be feasible due to the nature of the acquisition of the parcel including the funding source, the reasons behind the acquisition, and direction provided in the RMP regarding wildlife and fishery values.

One comment suggested that all users of the site be required to possess a permit and pay a fee, not just the people participating in placer activities. The need for additional management of this site stems exclusively from recreational mineral collection activities and is driving the need for the management plan. Since other uses of the site do not require additional management or facilities a fee charged for simply accessing public lands would be a violation of FLREA and was not carried forward.

Commenters suggested that the entire site not be closed to recreational mineral collection and a variety of scenarios were suggested. As proposed the BLM is attempting to strike a balance between other resource values and allowing for this type of recreation activity to continue. It has been demonstrated that mineral collection throughout the parcel is having deleterious impacts to resources of concern and therefore this type of alternative would not meet RMP decisions regarding wildlife and fishery values.

Comments were received suggesting that wheeled carts be allowed to use for moving materials and overburden. This would move closer towards commercial scale mining and outside of the intended goal of providing a “recreational” level gold panning area and was therefore not considered.

CHAPTER 3 - AFFECTED ENVIRONMENT AND EFFECTS

3.1 INTRODUCTION

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

3.1.1 Interdisciplinary Team Review

The following table is provided as a mechanism for resource staff review, to identify those resource values with issues or potential impacts from the proposed action and/or alternatives. Those resources identified in the table as impacted or potentially impacted will be brought forward for analysis.

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
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<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Air Quality</u> <i>Ty Webb, Chad Meister, Melissa Hovey</i>	TW, 7/5/14	No Negative impacts to air quality are foreseen in any of the proposed actions.
<u>Geology/Minerals</u> <i>Stephanie Carter, Melissa Smeins</i>	SC, 9/23/2014	The area was historically mined for gold and since the land was acquired by the BLM, small scale gold mining has occurred on the parcel. No negative impacts to geology/minerals are foreseen in any of the proposed actions.
<u>Soils</u> <i>John Smeins</i>	JS, 10/21/14	See Soils section 3.2.1
<u>Water Quality</u> <u>Surface and Ground</u> <i>John Smeins</i>	JS, 10/21/14	See Water Quality section 3.2.2
<u>Invasive Plants</u> <i>John Lamman</i>	JL, 8/18/2014	Due to historical and current ground disturbing activities, there is very little top soil in the project area for invasive plants to become established in. There is a small (less than 20 feet in diameter) patch of Canada thistle near the outlet of the settling pond.
<u>T&E and Sensitive Species</u> <i>Matt Rustand</i>	MR, 9/2/2014	See affected environment and analysis sections
<u>Vegetation</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	JW, 9/5/14	See affected environment and analysis sections
<u>Wetlands and Riparian</u> <i>Dave Gilbert</i>	DG, 8/15/14	See affected environment and analysis sections
<u>Wildlife Aquatic</u> <i>Dave Gilbert</i>	DG, 8/15/14	See affected environment and analysis sections
<u>Wildlife Terrestrial</u> <i>Matt Rustand</i>	MR, 9/2/2014	See affected environment and analysis sections
<u>Migratory Birds</u> <i>Matt Rustand</i>	MR, 9/2/2014	See affected environment and analysis sections
<u>Cultural Resources</u> <i>Monica Weimer</i>	MMW, 7/2/14	See Cultural Resources section.
<u>Native American Religious Concerns</u> <i>Monica Weimer</i>	MMW, 7/2/14	In 2001, in conjunction with an RMP amendment proposal, BLM consulted with the Apache Tribe of Oklahoma, Cheyenne and Arapaho Tribes of Oklahoma, Cheyenne River Sioux Tribe, Comanche Nation of Oklahoma, Crow Creek Sioux, Eastern Shoshone, Kiowa Tribe of Oklahoma, Northern Arapaho Tribe, Northern Cheyenne Tribe, the Ute Tribe, Oglala Sioux Tribe, Pawnee Tribe, Rosebud Sioux Tribe, Southern Ute Tribe, Standing Rock Lakota Tribe, and the Ute Mountain Ute Tribe (Cultural Resources Number CR-RG-01-44 NA). None of the tribes had any concerns about the Cache Creek area.
<u>Economics</u>	mw, 9/9/14	See affected environment and analysis sections

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Paleontology</u> <i>Melissa Smeins, Stephanie Carter</i>	SC, 9/23/2014	The proposed action would not impact paleontological resources.
<u>Visual Resources</u> <i>Kalem Lenard</i>	KL, 7/21/2014	None of the alternatives would introduce modifications to the landscape that would contrast greatly with the existing landscape. The proposed action and alternatives would not impact visual resources and further analysis is not warranted.
<u>Environmental Justice</u> <i>Martin Weimer</i>	mw, 9/8/14	The proposed action affects areas that are rural in nature. The land surrounding the project area is generally used for grazing and recreation, as a result, there are no minority or low-income populations in or near the project area that would be effected by the proposed management plan. As such, the proposal will not have a disproportionately high or adverse environmental effect on minority or low-income populations.
<u>Wastes Hazardous or Solid</u> <i>Stephanie Carter</i>	SC, 9/23/2014	The proposed actions will not involve use of materials that would result in generation of solid and/or hazardous wastes. Therefore, there is no concern with potential impacts involving wastes.
<u>Recreation</u> <i>Kalem Lenard</i>	KL, 7/21/2014	See Recreation Section
<u>Farmlands Prime and Unique</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	JW, 9/5/14	Not Present
<u>Lands and Realty</u> <i>Rich Rotte, Greg Valladares</i>	RR, 10/3/2014	Four rights-of-way cross the area. Notice was sent to ROW holders and only Xcel Energy who operates a transmission line in the area responded. They requested that excavations not be allowed to occur within 20' of support structures. The request was incorporated into the proposed action as a design feature mitigating impacts to this resource. No further impacts to lands and realty resources are anticipated.
<u>Wilderness, WSAs, ACECs, Wild & Scenic Rivers</u> <i>Kalem Lenard</i>	KL, 7/21/2014	Not present.
<u>Wilderness Characteristics</u> <i>Kalem Lenard</i>	KL, 7/21/2014	Not present.
<u>Range Management</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	JW, 9/5/14	Grazing use is currently not permitted in the analysis area. There are future plans to analyze grazing use in the Cache Creek area, but this use would be outside of this proposal area. The proposed action and alternatives would have no impact to future grazing use in the Cache Creek area.
<u>Forest Management</u> <i>Ken Reed</i>	KR, 9/5/2014	See affected environment and analysis sections.
<u>Cadastral Survey</u> <i>Jeff Covington</i>	JC 7/15/14	The project area is located in once was private mining claims. Many of these mining areas are now public lands. Much of the area has been dependently resurveyed and surveyed resulting in GCDB point reliability to be +/- 15 ft. It is not known the condition of the boundaries (posted or not posted) between public and private lands.

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Noise</u> <i>Martin Weimer</i>	mw, 9/8/14	This action will not result in any significant impacts due to noise or result in any increased noise levels.
<u>Fire</u> <i>Ty Webb</i>	TW, 7/5/14	There is no increase to fire occurrence or increased risk in any of the proposed actions.
<u>Law Enforcement</u> <i>Steve Cunningham</i>	SC, 10/20/2014	See affected environment and analysis sections.

The affected resources brought forward for analysis include:

- Soils
- Water Quality
- T& E and Sensitive Species
- Vegetation
- Wetlands and Riparian
- Wildlife Aquatic
- Wildlife Terrestrial
- Migratory Birds
- Cultural Resources
- Economics
- Recreation
- Forest Management
- Law Enforcement

3.2 PHYSICAL RESOURCES

3.2.1 SOILS (includes a finding on standard 1)

Affected Environment:

The area currently used for recreational placer activities and camping lies on several different soil types. The Pierian gravelly sandy loam, 3 to 9 percent slopes, Pierian soils, 20 to 45 percent slopes, Troutville gravelly sandy loam, 3 to 35 percent slopes, and the Placer Diggings and Tailings.

Camping area:

The Proposed Action would formalize dispersed camping along the road leading into the designated placer section. Of the 11.7 acres shown for camping, 4.5 are Pierian gravelly sandy

loam, 3 to 9 percent slopes, and the remaining 7.2 are Placer Diggings and Tailings, primarily on the east side of the road.

Designated collection area:

The 40 acres in the designated collection area is 94% Placer Diggings and Tailings. The natural drainage class is well drained, with a low runoff class. Some natural reclamation has taken place since the end of commercial mining in 1911, but the area is still heavily disturbed.

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

The recreational development rating for camping on the Pierian gravelly sandy loam is somewhat limited due to the gravel content of these soils. Dispersed, undeveloped camping would be at user discretion. The Placer Diggings and Tailings section is not rated for this use. Installation of barriers and signs may help maintain soil resources at current conditions.

The creation of a designated recreational placer area would focus impacts to the Placer Diggings and Tailings soil type. The Pierian gravelly sandy loam soils and Troutville gravelly sandy loams border the designated area on the north, west and south sides. They have a very limited rating for shallow excavations due unstable excavation walls (1.00), large stones (0.22 and 0.74, Pierian and Troutville, respectively). Placer Diggings and Tailings soils are not rated for this activity but may behave similarly. Due to past disturbances and the heterogeneous nature of tailings, excavation and development behavior is uncertain.

Use of dry washers, recirculating sluice systems, and handcarts is not expected to have adverse effects on soil resources provided the materials are coming from the area designated in the Proposed Action. Placer activities without highbanking or removing materials from Cache Creek is relatively low impact, and is expected to have little impact on riparian soils. Enforcement of a no coyote-hole and minimal vegetation removal policy will promote excavation safety for recreators and possibly hold erosion rates at current levels.

Indirectly, since the Cache Creek area has an estimated 2,000 prospecting days per year, institution of a permit system and restrictions to a designated area may incentivize individuals to conduct placer activities on other public lands not discussed or planned for. There are no data to suggest where, how much, or to what extent this possibility could mean for soil resources, and those impacts would have to be dealt with as needed.

Protective/Mitigation Measures:

The Proposed Action contains design criteria that would result in no need for further mitigation.

No Action Alternative

Direct and Indirect Impacts:

If no action is taken conditions would remain as they currently are. Currently, recreational mineral collection activities are taking place outside the Placer Diggings and

Tailings soil type and in soils that have not been previously disturbed, mainly along Cache Creel proper. In the long term, this would lead to further degradation of soil resources.

Protective/Mitigation Measures:
None

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts:

Closure to recreational mineral collection would allow for natural reclamation for the Cache Creek area; however due to the extensive disturbance in the Placer Diggings and Tailings soil type, natural reclamation would take a very long time. Indirectly, this could disperse the placer mining community to surrounding areas, mainly the mainstem of the Arkansas. While benefiting the Cache Creek area, this alternative could lead to additional negative impacts to surrounding areas that may be greater under this alternative than under the Proposed Action. Given the amount of the Arkansas that is currently under claimed under the Mining Law, it is uncertain how much activity could move to the mainstem.

Protective/Mitigation Measures:
No mitigation would be required under this alternative.

Finding on the Public Land Health Standard for Upland Soils:

The soils in the designated placer area were extremely disturbed over a century ago by placer mining to the point they are still not meeting land health standards today. The Proposed Action would redisturb much of these soils and not alter the finding on land health standards.

3.2.2 WATER (SURFACE AND GROUNDWATER, FLOODPLAINS) (includes a finding on standard 5)

Affected Environment:

The Cache Creek Placer area is located in the Clear Creek-Arkansas River watershed (110200010404), with a mean annual precipitation of 22 inches.

The area has three main water sources. Cache Creek, an ungauged creek originating in the alpine areas of Quail Mountain, has a natural hydrograph with year round base flow. The drainage area is approximately 3.5 square miles, and has an estimated 2-year peak flow of 29.3 cfs (USGS - *StreamStats*). The mean seven day, 2 year interval low flow (M7D2Y) is estimated at 0.3 cfs (USGS - *StreamStats*). Mean annual flows are estimated at 3.07 cfs, with peak flows occurring in May/June from snowmelt off of Quail Mountain (USGS - *StreamStats*). Cache Creek is not listed by the state of Colorado or the BLM as impaired.

The second is an unnamed, intermittent tributary north of Cache Creek that runs through the proposed camping area. This feature drains an area of 0.88 square miles, and produces much less water than Cache Creek.

The ephemeral channel that runs through the designated area naturally provides enough flow to maintain a small beaver pond. The resulting 'settling pond' requires dredging on at least an annual basis. Sediment moves beyond this main pond to lower ponds when it reaches

capacity. The former illegal diversion created on Cache Creek augmented flows to this channel and due to placer activities, augmented sediment loads where it connects to Cache Creek. This drainage provides water to sluicing and other mineral collecting activities for approximately half the collection season.

Managing sediment loads to Cache Creek and downstream wetlands is a chief concern for the connected water, riparian, aquatic life and soil resources.

Environmental Effects

Proposed Action

Direct and Indirect Impacts:

The Proposed Action contains a management plan that addresses several issues at Cache Creek that have developed since the parcel was acquired. By far the largest issue with Cache Creek from a water quality stand point is the introduction of sediment into the waterways. The sluicing activity itself generally pours material directly into the stream channel. Given the number of users and the amount of material moved along with observed holes and the settling pond, there is a large amount of sediment being moved in the area. The design of the Proposed Action would first implement a fee system that would help fund the management of the area and cleaning out of the settling pond; thereby, minimizing sediment leaving the site. Secondly the activity would be restricted to recirculating systems only and activities would not place material into any waterway. Finally, if problems continue, the site could be closed to this activity.

Sediment loads to Cache Creek can be managed with the proposed use restrictions by lowering the density of users and types of activities allowed on the Cache Creek itself. If an upward trend of users and sedimentation were observed, permanent monitoring sites for channel geometry will be created and measured pre, during, and post the mining season. If channels are seen to be aggrading or braiding, increased enforcement of rules or further restrictions may be required.

Other types of water quality impacts, such as heavy metal production, have not been observed in the designated area or downstream on Cache Creek. Overall, the impact to water from the Proposed Action would generally be better than they currently are and with the adaptive management proposed, water quality should improve.

Protective/Mitigation Measures:

The Proposed Action has been designed by the Interdisciplinary Team and contains design features where additional mitigation measures are not necessary. Monitoring would be necessary to determine if sediment is having an impact.

No Action Alternative

Direct and Indirect Impacts:

The No Action Alternative would continue management as it currently is. Current usage indicates that this encourages mining in Cache Creek itself and there would be no reliable source of funding to mitigate sediment production to the areas waters. Overall, this would continue having a large negative impact on water quality.

Protective/Mitigation Measures:

At a minimum, the settling pond would need to be maintained whenever funding allows.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts:

The closure to recreational mining would have the greatest positive impact on water quality. With this alternative, the uplands could continue a slow recovery from previous mining and no mineral collection induced sediment would enter the system. However, indirectly, users could be displaced putting more pressure on the mainstem of the Arkansas or other nearby waters. The effect of this on water quality is hard to predict given the volatility of the activity.

Protective/Mitigation Measures:

None required.

3.3 BIOLOGICAL RESOURCES

3.3.1 THREATENED, ENDANGERED AND SENSITIVE SPECIES

Affected Environment: Primary lynx habitat in the Southern Rocky Mountain region is found in the subalpine and upper montane forest zone, roughly between 8,000 and 12,000 feet elevation. Lower montane forests are likely to be important for movement and dispersal. Foraging habitat for lynx in the Southern Rocky Mountain region include subalpine fir, lodgepole pine, and Engelmann spruce cover types with abundant prey species. Densely regenerating conifer forests typically produce the highest densities of snowshoe hares. Conifer-aspen forests with dense regeneration or with an extensive shrub and woody debris understory may be important for snowshoe hare or other prey species. Extensive stands of pure aspen likely are poor lynx foraging habitat, unless intermixed with spruce-fir or young lodgepole pine stands. Regenerating burns are often quite productive for prey species due to the mixed deciduous/ conifer forests, multiple age classes, shrub layer, dense herbaceous layer, and extensive downed woody debris. Sagebrush communities at higher elevations and in proximity to subalpine and upper montane forests may be important foraging areas for lynx due to high prey abundance. Sagebrush communities also serve as movement corridors for lynx.

Other habitats that may be important for foraging include large and medium willow carrs, beaver pond complexes, and shrub dominated riparian communities. The common component of den sites appears to be large woody debris, either downed logs or root wads. Stand structure appears to be more important than forest cover type. Denning habitat in the southern Rockies is likely to occur in late-successional spruce-fir forests with substantial amounts of large woody debris, primarily on north aspects. For denning habitat to be functional, it must be in close proximity to large acres of foraging habitat.

Lynx Analysis Units (LAU) have been developed for the San Isabel National Forest and adjoining BLM lands. Potential lynx habitat has been modeled based on vegetation type,

precipitation, winter precipitation, topography, and snowshoe hare habitat. Vegetation types representative of suitable habitat include dense spruce-fir and mixed conifer with spruce, Douglas-fir, early seral lodgepole pine, mature lodgepole pine with developing understory of spruce-fir and aspen. Dry forest types (ponderosa pine) were excluded and not mapped as lynx habitat. Potential habitat is defined as having the capability to provide necessary habitat components. Existing condition of suitable habitat may or may not meet the needs of a lynx for denning or winter foraging. Changes in condition of suitable habitat can occur from disturbances such as fire, wind events, harvesting or the lack of disturbances.

The entire project area lies within the Cottonwood Pass LAU. The size of the LAU is 252,090 acres. When this LAU was developed by BLM and USFS, a 6th level watershed was used to delineate the LAU which resulted in extensive areas of non-habitat being mapped within the LAU.

Northern goshawks are associated with coniferous and mixed forests through much of the Northern hemisphere. Studies of nesting habitat show that goshawks nest in older-aged forests with variable tree species. The most consistent vegetative characteristic of goshawk nest sites is high percent canopy closure. Studies on habitat characteristics at goshawk sites have reported average canopy closure measurements ranging from 60% in eastern Oregon, 77% in northern California and 94% in northwestern California. Stand structure ranges from dense multi-layered stands in Oregon to open park-like understories in Colorado and California. Average tree size is just as variable with mean tree diameters ranging from 8-20 inches in Colorado, and 20 inches in Oregon. Goshawks appear to prefer north to east aspects for nest sites as stands on these aspects are typically denser and more suitable. Slope also appears important as nests are usually placed on flat to moderately sloped land where trees are able to grow larger and at a higher density (1-39%). The importance of the proximity of the nest area to water is not known.

The boreal toad of the southern Rocky Mountains inhabits high elevation montane forests and is Colorado's only alpine amphibian. Breeding habitat is found in spruce-fir forests and alpine meadows, and includes lakes, marshes, ponds, and bogs. The boreal toad continues to slide toward extinction. Its major threat appears to be the chytrid fungus, a disease that is affecting amphibians across the globe, but habitat degradation, logging, and overgrazing also play a role.

Boreal toads in the Southern Rockies are isolated from other boreal toad populations. For this reason, the U.S. Fish and Wildlife Service treated it as a Distinct Population Segment. While boreal toad populations in the Southern Rockies have continued to drop, it was on the Endangered Species Act "candidate" species list for more than a decade but has been removed the "candidate" list. The Southern Rockies boreal toad now has no formal federal protection. The BLM has no records of boreal toad occurring within the project area; however, habitat does occur for this species within the watershed and placer activities will likely degrade the potential of future occupation.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The impact to Canada lynx would be caused by the presence of people and the subsequent avoidance of potential habitat. A lynx mapping exercise completed by the Pike-San Isabel National Forest delineated primary and secondary lynx habitat in this region based on Geographical Information System vegetation data. The project area did not contain the constituent elements required to be classified as primary or secondary lynx habitat. While the location of the proposed action is not located within the digital modeled habitat for Canada lynx, it is likely a lynx would traverse through this area during exploratory or dispersal movements. The proposed action would reduce even further the probability lynx would occur in this area during the summer months. However, due to the lack of suitable habitat available to lynx, the proposed action would likely have no effect to Canada lynx.

Available evidence suggests that two important resources, food and nest habitat, are the principle mechanisms limiting goshawk densities. Specifically, populations may be limited by shortage of nest sites; and where nest sites are readily available, densities may be limited by food abundance and availability. While the project area likely contains tree species used by goshawks for habitat and nesting, the lack of canopy cover limits the usefulness of the area to this species. The BLM does not have any records of goshawks nesting in the vicinity of the project area and therefore concludes the effect to goshawks would be minimal as a result of the proposed action.

Currently, there are no boreal toads found within the action area, however, the proposed action would eliminate the continued sedimentation into the watershed, improving potential toad habitat from its current state.

Protective/Mitigation Measures: The design features within the proposed action are adequate.

No Action Alternative

Direct and Indirect Impacts: This action would continue to allow an expanded use of the area and increased sediment loads in the watershed. Impacts to lynx and goshawk would remain similar to the proposed action, but spread over a larger action area. Potential boreal toad habitat would continue to degrade and remain poor as a result of the increased sediment load.

Protective/Mitigation Measures: Restrict the introduction of fine material into the stream.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: This is the most desirable alternative for threatened, endangered, and sensitive species. Removing the primary draw of recreational users would decrease visitor use of the area and increase the utility of these species. A restoration plan could improve habitat for these species so that may occupy this area in the long-term.

Protective/Mitigation Measures: A reclamation plan will be developed to begin to restore habitat.

Finding on the Public Land Health Standard for Threatened & Endangered species:
This Proposed Action will not affect the standards for public health for threatened and endangered species.

3.3.2 VEGETATION (includes a finding on standard 3)

Affected Environment: The analysis area is located between 9,000 and 9,500 feet in elevation. The area receives approximately 15 – 18 inches of precipitation annually and occurs primarily as snow, but wet thunderstorms are frequent during the short summer months. The optimum growing season for native vegetation is limited at this elevation consisting of 70 to 90 days, typically June 15 through August 15. The average annual temperature is 37 to 40 degrees F (NRCS 1995).

The proposed placer management area occurs within the Cache Creek floodplain and is intermixed with riparian vegetation, drier upland grass-shrub community, lodge pole pine and tailing rubble. The riparian-wetland communities are dominated by various sedges and rushes intermixed with willows, alders, birch and aspen. Potentilla shrubs and aspen trees occur along the transition corridors between the wetter and drier areas. The lodge pole pine communities are scattered throughout and dominated by lodge pole pine as the over story with limited understory vegetation except for kinnikinnick. The drier upland sites are dominated by Big Sagebrush, Arizona and Idaho Fescue. Other plants typically intermixed include various bluegrass spp., fringe sage, Western Wheatgrass, Squirrel tail, Phlox, Penstemon, Daisies, and Geraniums.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The proposed action integrates a management plan for the Cache Creek area that addresses the issues and concerns identified at the site associated with recreation mineral collection. The plan limits recreational mineral activities to designated areas where impacts associated with stream sedimentation and disturbance to riparian vegetation is reduced. Mineral collection impacts would be diverted to existing overburden rubble. The activities would occur under a permitted use where impacts to vegetation could be better controlled. This alternative is an improvement to the current situation and will improve the Public Land Health Standards for vegetative resources in the area.

Protective/Mitigation Measures: None.

No Action Alternative

Direct and Indirect Impacts: This alternative would continue with current management as is today. This alternative limits the control of mineral collection activities resulting in further negative impacts to vegetation. Current management would not allow the area to meet Public Land Health Standards for vegetation resources.

Protective/Mitigation Measures: None.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: No mineral collection activities would occur in the area. The area would be reclaimed and managed for wildlife values. Under this alternative there are

no impacts to vegetation and historic disturbances would be reclaimed to a natural state. Public Land Health Standards for vegetation resources would be met.

Protective/Mitigation Measures: None.

3.3.3 WETLANDS & RIPARIAN ZONES (includes a finding on standard 2)

Affected Environment: The area discussed for management changes has two main water sources sustaining the wetland and riparian area observed. Cache Creek main-stem drains from alpine areas of Quail Mountain and has a typical for the area hydrograph with a stable year round base flow. An second un-named smaller tributary north of Cache Creek originates within a smaller forested bowl west of the placer area and produces much less water. This water flows through a historic beaver pond complex on public land and largely goes sub-surface through areas historically disturbed in the vicinity of the power line / main access road. A high snow pack will have this stream staying on the surface farther into the Cache Creek property giving some surface flow near the main placer interest area early in the summer in some years, but is not a dependable water source for year round panning/placering as is Cache Creek. These main water sources, combined with other seeps, the sporadically diverted Cache Creek water mentioned in the background section, combined with extensive beaver activity, creates a large area with spread out standing water and an associated high water table. The wetland vegetation has been expanding as the water is spread by beavers and there are numerous areas where upland coniferous evergreen trees have died due to flooding with cottonwood trees and willows encroaching. The extensive historic placering disturbance created a greatly widened valley bottom that is becoming more of a wetland with the presence of beavers than likely the historic situation of a single thread stream channel. The water spreads, but eventually collects into a single thread stream prior to entering the Arkansas River close to the town of Granite. Livestock grazing has not occurred since the parcel was acquired into public ownership and extensive wetland plant succession has been occurring across the parcel. Grazing could have been managed to allow for a similar response, but did not occur and the parcel is unallotted. Wet meadow grasses now occur among an expanding cottonwood and willow over-story. The position of this huge wetland area adjacent to sage habitat and lodge-pole forest creates high value wildlife habitat.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The main area of interest for public recreational gold seeking is among large piles on the western end of the wetland complex. The primary impacts of the placer activity discussed in the background section centers on a continuous large supply of dirt from the upland areas hauled into water to process for gold and then dumped. The scale of use went beyond casual use to a large cumulative impact by many separate individuals. BLM contacted the Army Corps of Engineers and was given permission to remove the highest concentration of tailings from a key silt deposit area, an upper beaver pond, sometimes referred to as a settling pond. The dirt removal was to keep those silts from continually washing down valley, to contain at least the largest source. Gold seekers however wander extensively throughout the parcel and have hauled large quantities of dirt into the Cache Creek main-stem

channel well away from the area of highest recreational interest as well as the beaver ponds and surface waters of the property (see also Aquatic Wildlife Section). Large quantities of dirt aggrades in channels causing lateral movement of stream flow into banks creating a situation where additional bank erosion occurs. Summarized; Stream instability results from the constant supply of upland dirt added to waterways. Substantial guidance and policy within Bureau of Land Management Directives defines that the activities that have occurred are counter to sound watershed, riparian or wetland management. Additionally, discussions with and comments received from Colorado Parks and Wildlife biological staff highlighted the disturbance issues.

The Proposed Action, according to extensive scoping and coordination with user groups and gold seeking clubs, is believed to make huge strides to allow people to work previously disturbed piles of historic dredge spoils but to do so in a dry setting. Soil can be worked in the uplands using the allowable equipment of the proposed change and recycle that dirt back into that upland setting. Precipitation induced runoff from areas of constant disturbance will mimic that of the historic disturbance because infiltration is into the generally large substrate material surrounding piles and most of the finer soils processed on site at the piles should remain there. Natural vegetation succession will be impaired; however the piles as left from the historic mining rapidly drain precipitation and inhibit vegetation growth in their current state somewhat regardless of some of the planned activity. This Alternative still allows what is thought to be a much reduced number of users to explore the property to pan using only material of the stream beds, (not hauled in upland dirt) thus reducing siltation of the current situation. Riparian resources will benefit by halting the destructive digging of stream banks. Reducing use to a more reasonable casual level outside of the recreation area and concentrating use around the piles will limit the constant supply of dirt dumped into waterways. This Alternative aids concentrating use to an area less disturbing to riparian obligate wildlife species than the current situation. Total removal of placer activity would be more protective as in the removal Alternative, but much discussion however has occurred pointing out that not allowing use somewhere such as proposed at Cache Creek would serve to disperse that use to other public land in the region. Cumulatively there may be benefit to allowing the concentrated use (see also Wildlife sections)

Protective/Mitigation Measures: Evaluate the magnitude of small scale panning equipment used outside of the main recreation area as time goes by to gauge the level of future impact. Additional restriction may be necessary depending on use and impact. Adaptive management and additional monitoring may be needed depending upon the new level of use if sedimentation is not curtailed.

No Action Alternative

Direct and Indirect Impacts: The No Action Alternative allows recreation use to continue in a manner counter to substantial guidance provided in Public Land Management directives. Dirt continues to be hauled to various wetland types and dumped into water.

Protective/Mitigation Measures: Under this Alternative, BLM should construct true siltation collection areas that can be cleaned and work with groups to encourage placer work around those areas only, but without regulation change, rouge digging of streambanks would likely continue throughout the property.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: Removal of all recreational gold seeking activity from this public land parcel best protects resources discussed for this property. It however is a reality that at least some proportion of the numbers of users displaced would dig somewhere else in the region. Dispersed use impacts can be difficult to evaluate and manage for an agency.

Protective/Mitigation Measures: This alternative risks creating a “gold rush” to another area. If this Alternative is selected the Bureau would need to be reactive to what develops.

Cumulative impacts

The three Alternatives give a range of impact managing scenarios. Unlike most defined casual use that generally leaves limited or “no trace” impacts, recreational placering by its very nature requires that an area be dug up and leaves an area of deposited soil. Any of the Alternatives results in cumulative impacts to riparian resource. The proposed action however seems to best control the impacts to region wide riparian and wetland resources by absorbing demand at a specific location and moves much of it to an upland setting with adaptive management measures options depending how use of the area evolves.

3.3.4 WILDLIFE AQUATIC (includes a finding on standard 3)

Affected Environment: The Affected Environment is largely described in the Wetland and Riparian section 3.3.4. Specific to primary aquatic wildlife and their habitat, the Cache Creek parcel provides fisheries values with brook and brown trout in most areas of flowing water and larger beaver and manmade ponds. In off-channel ponded areas, there are known tiger salamander populations and likely choirs frog inhabiting certain areas. No other obligate aquatic species have been observed other than diverse macroinvertebrate communities because of the variety of wetlands types. The wetland environments present also host other riparian obligate terrestrial species (see wildlife section 3.3.6). Aquatic habit on the parcel is diverse with stagnate puddles, various sized beaver and manmade ponds, flowing stream segments and freshly flooded areas due to beaver colonization.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The affects to aquatic resources from placer activity is also partially described in the wetland and riparian section, 3.3.4, and is caused by stream bank digging, etc. Summarized, impacts to aquatic habitat from placering at the scales seen on the parcel include excessive turbidity, braiding stream channels from bed-load inputs, deep-water areas (pools, etc.) within the stream filled in with dirt resulting in a shallower stream, stream bank erosion from lateral stream movement caused by aggradation within the stream channels of sediments, reduction in stream bed particle size from the addition of silts, and plugged ditches that carry beaver spread waters to various ponds, among others. These conditions were readily observable when the popularity of the property as discussed in the background section occurred. BLM’s Resource Advisory Committee observed conditions and supported some type of management change. Additionally, Colorado Parks and Wildlife (CPW) has been greatly concerned over degradation to resources. CPW provided substantial comments to BLM concerning degradation to resource as well as the recreational gold seeking at the magnitude observed. Primarily, CPW’s overall concerns are that the level of activity and disturbance has

become a direct conflict to the rationale for the acquisition of the property; which CPW strongly supported. CPW input has been important in building support for a change in management direction with respect to recreational prospecting. User group conflict has also been a topic not just between gold seekers, but also among local trout enthusiasts who worked with the RGFO to clean dumped waste off the property and install travel management infrastructure that aided in protecting resources.

The proposed action, according to extensive scoping and coordination with user groups and gold seeking clubs, is proposed to make huge strides to allow people to placer previously disturbed piles of historic dredge spoils but to do so in a dry setting unlike the existing situation. Soil can be worked in the uplands with the proposed changes to allowable equipment and recycle the dirt back into that upland setting. Precipitation induced runoff to aquatic habitat from areas of constant disturbance will mimic that of the historic disturbance currently there because infiltration is into generally large substrate material surrounding the piles so that most of the finer soils processed on site at the piles should remain there. Natural vegetation succession will be impaired; however the piles as left from the historic mining rapidly drain precipitation and inhibit vegetation growth in their current state somewhat regardless of some of the planned activity. This alternative still allows for what is thought to be a much reduced number of users that would explore the property to pan using only material of the stream beds. However, by not hauling in upland dirt a reducing siltation scenario from that of the current situation is predicted. Aquatic habitat benefits further by halting the destructive digging of stream banks and moves use outside of the defined placer area to a more reasonable casual use level. Aquatic areas closer to the main piles will not have the constant supply of dirt dumped into waterways. This Alternative aids in concentrating users to a less disturbing situation for aquatic wildlife species than the current situation, but of course it would be more disturbance than removal of placer activity altogether as in the removal Alternative. Much discussion however has occurred pointing out that not allowing use somewhere in the basin such as that proposed at the Cache Creek site would serve to disperse use to other public land in the region. Cumulatively there may be overall benefit to allowing the concentrated use (see also Wildlife sections 3.3.6).

Protective/Mitigation Measures: Evaluate the magnitude of small scale equipment used outside of the main recreation area in coordination with Colorado Parks and Wildlife biological staff as time goes by to gauge the level of future impact. Additional restriction may be necessary depending on use and impact.

No Action Alternative

Direct and Indirect Impacts: The No Action Alternative allows recreation use to continue in a manner counter to the substantial guidance provided in Public Land Management Directives. Dirt continues to be hauled to the various wetland types on the property and dumped into water.

Protective/Mitigation Measures: Under this Alternative, BLM should construct true siltation collection areas that can be cleaned and work with groups to encourage placer work around those areas. Without regulation change however roue digging of streambanks would likely continue throughout the property.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: Removal of all recreational gold seeking activity from this public land parcel best protects resources discussed for this property. It however is a reality that at least some proportion of the numbers of users, if displaced, would dig somewhere else in the region. Dispersed use impacts can be difficult to evaluate and manage for an agency.

Protective/Mitigation Measures: This Alternative risks creating a “gold rush” to another area. If this Alternative is selected the Bureau would need to be reactive to what develops.

Cumulative impacts

The three Alternatives give a range of impact managing scenarios. Unlike most casual use that generally leaves by definition limited or “no trace” impacts, recreational placer mining by its very nature requires an area dug up and an area of deposited soil. Any of the Alternatives result in cumulative impacts to riparian resource if the user participation remains high as described in the background section. The proposed action however seems to best control the impacts to region wide riparian by keeping it contained to an area better suited to use; that is already disturbed piles. By absorbing demand at a specific location and moving much of it to an upland setting makes the Proposed Action preferable to the other Alternatives.

3.3.5 WILDLIFE TERRESTRIAL (includes a finding on standard 3)

Affected Environment: The importance of the property for wildlife was a key component for acquisition by the Bureau of Land Management (BLM). The area was to be developed as a ski area in the 1980s by a local developer until funding was lost. Considerable effort and money was spent at that time by Colorado Parks and Wildlife (CPW) to identify important wildlife habitat features present. It was determined the Cache Creek property was used as an elk migration corridor while also providing critical winter range. Habitat along Cache Creek was used heavily for elk calving and deer fawning. As elk populations have increased through the years, these values have become more important in providing sustainable habitat. A field visit to the Cache Creek parcel was conducted with CPW and BLM staff when recreational placer activities were first proposed. The site identified in the proposed action was examined to determine the best placement for this activity. The identified area, while located within elk winter and calving habitat, has become the preferred location for this activity.

Additionally, a variety of raptor species could occur within and near the project area. Golden eagles are common yet are unlikely to nest near the area due the lack rock outcroppings and cliff faces in the area. Red-tailed hawks will be the most common broad-winged hawk found in the area and nesting could occur in the tree tops. Cooper’s hawk and sharp-shinned hawk are expected to occur in smaller numbers due to the absence of large tracks of forested landscape. There are no BLM records of any eagle, falcon or hawk nests in the area, although BLM has not actively conducted raptor nest surveys. Forest owl species include flammulated owl, long-eared owl, great horned owl, and saw-whet owl.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: Prior to acquisition, the land was private and was consistently used by elk for calving and winter range. Once the land was made public, the increased human presence has decreased the utility to elk for these purposes. The canopy cover within the tailing piles were and remain open relative to the surrounding habitat and contain little understory vegetation. While the action area may not provide desirable habitat for elk and other terrestrial species, human presence due to placer activity will decrease the value of adjacent habitat. The proposed action will continue the decrease in utilization within the action area and the adjacent habitat. However, by restricting mechanized activity to the proposed designated area, human presence throughout the entire watershed may be decreased, improving habitat for all terrestrial species.

While the project area likely contains tree species used by raptors for habitat and nesting, the lack of canopy cover and prey limits the usefulness of the area to these species. The BLM does not have any records of raptors nesting in the vicinity of the project area and therefore concludes the effect to raptors would be minimal as a result of the proposed action.

Protective/Mitigation Measures: The design features within the proposed action are adequate.

No Action Alternative

Direct and Indirect Impacts: This action would continue to allow the expansion of recreational mineral collection within the Cache Creek watershed. If the footprint of human presence is allowed to grow, the acres of valuable terrestrial wildlife habitat will also expand decreasing the worth of this watershed to terrestrial species.

Protective/Mitigation Measures: Mitigation measures needed to protect terrestrial species would render the alternative unrecognizable with respect to its current description. This alternative is not a viable option for terrestrial wildlife species.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: Eliminating recreational mineral collection will likely reduce public use enough to promote an increase in use by all terrestrial species. However, due to the nature of habitat, a reclamation plan would have to be developed and implemented before the full potential of the Cache Creek watershed could be realized.

Protective/Mitigation Measures: A reclamation plan will be developed to begin to restore terrestrial wildlife habitat.

Finding on the Public Land Health Standard for Plant and Animal Communities (partial, see also Vegetation and Wildlife, Aquatic): The area identified for the placer activity is mostly un-vegetated and described in the soil survey as “waste” areas. With these conditions the area does not meet the health standard for a properly functioning plant and animal community. The proposed action will likely keep the area from reaching this standard.

3.3.7 MIGRATORY BIRDS

Affected Environment

The project area is around 9200 feet in elevation with an annual precipitation of 15-18 inches with higher amounts within the watershed to the west. The area is a mosaic of aspen, mixed conifer, sagebrush flats and riparian areas with narrow-leaf cottonwood, various riparian shrubs and wet meadow herbaceous. The following birds are listed on the US Fish and Wildlife Service Birds of Conservation Concern (BCC) – 2008 List for BCR 16-Southern Rockies/Colorado Plateau with habitat available. These species could occur in the project area and have been identified as species with declining populations that should be monitored and protected from habitat alterations.

The golden eagle is a bird of grasslands, shrublands, pinon-juniper woodlands, and ponderosa pine forests, may occur in most other habitats occasionally, especially in winter. Nests are placed on cliffs and sometimes in trees in rugged areas, and breeding birds range widely over surrounding habitats.

Peregrine falcons nest on cliffs and forage over adjacent coniferous and riparian forests. A peregrine eyrie is located less than four miles from the project area. The eyrie does not appear to be in current use, but it is an indication that nesting habitat is available near the project area and falcons would likely use this area as hunting grounds.

Flammulated owls prefer old-growth or mature ponderosa pine, apparently due to the presence of large broken-top and lightning-damaged snags and trees for nesting cavities, large cavities excavated by Northern Flickers and other woodpeckers, open structure of trees and understory for foraging, and high prey availability. They will utilize other habitats with similar structure, such as open mixed-conifer and aspen forests.

Williamson's sapsuckers breed in forested regions throughout the western United States. In Colorado populations are concentrated along the eastern edge of the Rockies and in the San Juan Mountains in southwestern Colorado, with smaller numbers in appropriate habitat throughout the area. Williamson's sapsuckers nest primarily in ponderosa pine and in aspen components of mixed-conifer. They often place nest cavities in aspen trees, and often choose nest trees in aspen stands adjacent to open ponderosa pine or mixed-conifer forest. Nest substrate preferences appear to be live aspen (with some decay) or aspen snags, followed by conifer snags.

Cassin's finch often live in mature forests of lodgepole pine and ponderosa pine, but are also found in Douglas-fir, limber pine, Engelmann spruce, subalpine fir, grand fir, pinyon pine, bristlecone pine, and quaking aspen.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: Species mentioned above may be seen or their sign identified within the project boundary during any season of the year. The project action will affect lands within the proposed designated area and an additional buffer area that will be impacted by noise and human presence. Outside the reduced quality of poor habitat within the

designated area, some species of migratory bird will incur additional habitat loss due to noise and human presence while others will not be affected by these activities (Gilbert and Chalfoun 2011). Species richness of newly impacted habitat will decrease as bird species not tolerant to noise as these species will avoid the area (Francis et al. 2009). The additional acreage is difficult to quantify because species react and adapt differently to anthropogenic features and activity. However, restricting mechanized use and material removal to a designated area will decrease the size of human footprint created.

Protective/Mitigation Measures: None.

No Action Alternative

Direct and Indirect Impacts: Same as proposed action, except the human foot print will be much larger likely decreasing the habitat value of additional acres to migratory birds when compared to the proposed action.

Protective/Mitigation Measures: None.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: Eliminating recreational mineral collection will likely reduce public use enough to promote an increase in use by all migratory bird species. However, due to the nature of habitat, a reclamation plan would have to be developed and implemented before the full potential of the Cache Creek watershed could be realized.

Protective/Mitigation Measures: A reclamation plan will be developed to begin to restore migratory habitat.

3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT

3.4.1 CULTURAL RESOURCES

Affected Environment: The area of potential effect is located within an important historic landscape, which contains sites that date to the very earliest mining in Colorado. The landscape is anchored by an enormous historic placer mining site (5CF1750), which is mostly extremely disturbed, due to the nature of the site itself (extractive), severe erosion, and some non-adverse effects resulting from modern recreational mineral collection (gold panning). Portions of the site are intact, but are distant from the area of concentrated recreational mineral collection activity and are not located near the drainage bottom. The site was analyzed in 2005 (Report CR-RG-05-39 P), and BLM and the Colorado SHPO concurred that the proposed recreational mineral collection undertaking would have no adverse effect on the historic property.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The area of potential effects is located on a portion of the site that is not adversely affected by the gold panning activities. A plan to limit and control

recreational mineral collection activities in the proposed designated area would provide the benefit of preventing damage to other parts of the site that might be adversely affected.

Protective/Mitigation Measures: The proposed action, itself, is protective in nature, so no additional protective measures or mitigation is likely to be necessary. However, BLM annually monitors the historic mining landscape, and if damage to the intact cultural resources is occurring, will develop a protection plan, in consultation with the SHPO

No Action Alternative

Direct and Indirect Impacts: Because recreational mineral collection activity would be allowed on all the public land in the area, the important areas of Site 5CF1750 would be at a high risk of being disturbed or destroyed.

Protective/Mitigation Measures: It would be necessary to prevent access to certain areas of the site and develop and implement a mitigation plan. Extensive consultation with the Colorado State Historic Preservation Office, and possibly the Advisory Council on Historic Preservation, would be required.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: This alternative would provide the most protection for Site 5CF1750. By preventing additional recreational mineral collection on the site, erosion would likely proceed at a much slower pace, and the likelihood of adverse effects would be essentially eliminated.

Protective/Mitigation Measures: None.

3.4.2 ECONOMIC

Affected Environment: In 2013 Chaffee County travel and tourism dollars were estimated at 75.5 million dollars, generating for the County 21million dollars in earnings, the creation of 970 jobs and generating a total of 4.9 million in state and local taxes (Runyan 2014). Although the recreational mining community represents only a small subset of the total recreational tourism for Chaffee County, they do contribute, albeit in a small way, to the overall tourism generated revenue in the County and State.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: While many of the recreational miners camp on site at Cache Creek location, some take advantage of the nearby campgrounds. Indirect impacts to the local and overall tourism generated revenue would be in those dollars spent by the recreational minors in support of these campgrounds, local food and fuel services as well as other benefitting service providers.

Protective/Mitigation Measures: None

No Action Alternative

Direct and Indirect Impacts: Impacts would be similar to the proposed action.

Protective/Mitigation Measures: None

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: Should the area be closed to recreational mineral collection in favor of protection and restoration of the natural resources of the project area, it would have the effect of reducing by a small amount those tourism dollars generated for the County and State by the recreational minors. Due to the small amount of revenue generated by the minors relative to the overall tourism of the county, this impact would be considered minor.

Protective/Mitigation Measures: None

3.5 LAND RESOURCES

3.5.1 RECREATION

Affected Environment: Given that Cache Creek is a place that the general public can very easily successfully pan for gold without concern of being on someone else's claim or belonging to a prospecting club gives it a somewhat unique recreation niche. Because of this, Cache Creek is a regionally, if not nationally, recognized area for prospecting that attracts visitors from throughout Colorado and nearby states. It is estimated that Cache Creek sees approximately 2,000 prospecting days annually. As described in the Purpose and Need section of the document one of the main goals of the Bureau of Land Management is to continue to provide recreational mineral collection opportunities for families and hobby interests by providing the settings to meet the desired outcomes. As directed by the RMP this must occur in a manner that does not significantly impact other resources, reduces conflicts between uses and improves visitor health and safety.

Through conversations with recreation users of the site outcomes desired include improved knowledge, skills and self-reliance, increased outdoor resourcefulness and know-how as well as helping others obtain this resourcefulness. Users also desired the area provide for releasing or reducing some built-up mental tensions/stress through spending time in nature. While some of these outcomes are being achieved visitors also realized adverse outcomes including increased disregard towards other visitors and evidence of increased human impacts.

The social setting for the Cache Creek parcel is primarily front country during summer months when winter closures are not in effect. At the parking area contacts are relatively high with some observations recording upwards of 90 people on weekends when visitors can expect upwards of 30 encounters per day. Sounds of others and of vehicles are common within the core area as well as other evidences of use such as worn vegetation and social trails. Both within and outside of the core area visitors can still expect fewer contacts especially the further one travels from the parking area and outside of weekends. Scoping comments and informal conversations with

visitors indicates that few contacts with others are desired by some visitors in order for them to fully realize their desired recreation outcomes.

The physical setting is primarily front country as well due to the proximity to an improved county road along with a partially modified landscape that includes roads, utility lines, and evidence of mining disturbances. There are primitive campsites, portable restrooms and a kiosk.

Current operation settings at the site range between back country and middle country. This is due to the presence of management controls such as a kiosk with posted rules and regulations and a site host along with random enforcement presence. Users of the site feel this setting is most likely the most in need of alteration to reduce the level of adverse outcomes that are currently being achieved at the site.

High volumes of gold panning related recreation use has also been reported to cause conflicts with hunters who also desire to use the area.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: In order to better meet the stated goal of providing a high quality yet somewhat primitive/rugged opportunity for hobby level prospectors the proposed action calls for making a number of management changes. The biggest changes would be seen in the operation setting of the site that proposes additional restrictions as well as changes in the allowed type of equipment. Much of these changes would occur through a new requirement for obtaining a permit and paying an associated fee. These operational changes will be seen as a mixed bag for most visitors of the site who, for the most part, desire minimal rules and restrictions while participating in their activity. Many visitors at the same time see the need for additional rules and enforcement in order to reduce conflicts between visitors, decrease concerns for health and human safety, and ultimately fear for the loss of the opportunity to gold pan at the site. Allowing mechanized equipment and wheeled carts for the transport of this equipment will be seen as a welcome change greatly enhancing their recreation experience. However, for some visitors this increase in rules and restrictions will greatly impact their desired outcomes to the point that they may be displaced from the site entirely.

The proposed changes in the operational settings of the site could also alter the social setting. It is proposed to limit digging to a designated area which would concentrate all of the users potentially resulting in more contacts per outing. While most visitors already gold pan within the proposed designated area the number of visitors who prefer further out areas is currently unknown. Anecdotally staff observes one to two cars parked at the cemetery on a regular basis and has also observed visitors prospecting throughout the parcel. It is assumed that these are the types of visitors who prefer fewer contacts and would be most impacted by the changes. Given the observed relatively low volume of use outside of the proposed designated area it can be assumed that few visitors would realize an actual change in social setting and any associated impacts.

The proposed action would not alter the physical setting other than potentially installing a permanent toilet that would be perceived as neutral by most visitors neither enhancing or reducing their recreation experience.

The change in settings associated with the proposed action could indirectly impact other gold panning areas, most likely those along the Arkansas River, if users are displaced. This could result in increases in the number of contacts per outing at other sites however, it is assumed that the level of displacement would be relatively low and this indirect impact would be negligible.

Protective/Mitigation Measures: None

No Action Alternative

Direct and Indirect Impacts: The No Action Alternative would partially meet the stated goal of continuing to provide gold panning recreation at Cache Creek in a primitive/rugged setting. However, without the changes in rules for the area it is anticipated that conflicts between users would continue to occur and some visitors would realize undesired outcomes while recreating at Cache Creek. As stated in the section above visitors to Cache Creek, for the most part, desire fewer rules while recreating on public land. Through this alternative you would not see the same type of displacement due to a change in operation setting and most visitors would likely achieve their desired outcomes. The social setting would remain the same as it currently is and visitors who wish for fewer contacts would likely not be impacted by concentrating use into a designated area. By not requiring a permit and an associated fee it can be assumed that visitors would realize fewer enforcement/education contacts and a reduction in services such as portable toilets if other funding was not available.

Protective/Mitigation Measures: None.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: This alternative would have the greatest impact of all the alternatives on the recreational prospecting community. As stated earlier in this section, Cache Creek is somewhat unique in the opportunities that it offers, hence the level of demand. If closed to recreational mineral collection this unique opportunity would no longer be available and thousands of users annually would be displaced. This displacement could result in indirect impacts to the recreational gold panning community in the region as former visitors to Cache Creek look for other locations. This could result in more contacts per outing for visitors in other areas as use is concentrated potentially limiting visitors ability to achieve their desired recreation outcomes.

This alternative could improve conditions for sportsmen who would now use the area for hunting in the fall. This is a result of reduced displacement of animals during the hunting season and improved conditions for elk reproduction.

Protective/Mitigation Measures: None.

3.5.7 FOREST MANAGEMENT

Affected Environment: The forests on the BLM lands in Cache Creek are considered second growth due to the historic timber harvests in the late 1800's. The timber was used to build the railroad and the infrastructure of the local towns; and utilized for heating and cooking. Lodgepole pine and quaking aspen are the two most common tree species currently found in Cache Creek drainage. Both aspen and lodgepole pine are considered a shallow rooted species. Douglas-fir was more common prior to the historic timber harvests, their stumps can be found throughout the area.

In 2008, numerous lodgepole pine trees came under attack by Mountain Pine Beetles (MPB). It is thought that they moved from Summit County into the Leadville area. Adequate rains came the summer of 2011 and the additional moisture naturally slowed the MPB progress. The forestry program has been salvaging timber in this area since 2009 and should have a majority of the beetle killed timber removed by the fall of 2014.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: If fully implemented the proposed action should result in less tree damage and fewer hazard trees created by the activity. There is still likely to be a few individuals who will not follow the rules and therefore creating hazard trees in the mineral collection area.

Protective/Mitigation Measures: Provide adequate over-sight by both the BLM recreation/geology staff and the partners. Have a BLM trained hazard tree identification individual patrol the collection area multiple times, depending on use, each open season looking for hazard trees. All hazard trees identified by the survey need to be felled within 2 weeks of discovery. Strictly enforce the terms of the permit relating to tree health.

No Action Alternative

Direct and Indirect Impacts: There will continue to be 50-100 hazard trees created each year. Current mitigation measures are not enforceable and over-sight insufficient.

Protective/Mitigation Measures: Current mitigations are not sufficient to stop hazard tree creation.

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: Closing the site to mineral collection will result in no tree damage from mineral collecting. Individual trees will not be under-cut, therefore no root systems damaged and hazards to recreational miners would not occur.

Protective/Mitigation Measures: Adequately enforce the mineral collection closure.

3.5.8 LAW ENFORCEMENT

Affected Environment: The area being discussed for management changes has historically been a challenge for law enforcement to manage primarily due to the lack of site specific regulations. As an acquisition the parcel is not open to the General Mining Law of 1872 therefore BLM law enforcement staff has been unable to enforce the stipulations identified in earlier management actions. This has created a situation where the BLM law enforcement staff does not have the regulatory tools it needs to address many of the activities resulting in resource impacts and threats to public safety. Issues such as the public safety concerns created when users dig deep holes with steep walls or horizontal “coyote holes” or impacting resources by digging along water ways are difficult to address under existing regulations.

Additionally the Cache Creek area is located a long distance from the Royal Gorge Field Office in Cañon City making patrols to the area logistically challenging.

Environmental Effects

Proposed Action

Direct and Indirect Impacts: The implementation of an Individual Special Recreation Permit (ISRP) and associated stipulations would give the BLM Law Enforcement staff the regulatory tools necessary to more effectively protect resources and provide for public safety. Law enforcement would be able to enforce the requirement that each person participating in recreation mineral collection within the designated area have an ISRP on their person while participating in that activity. Additionally law enforcement would be able to enforce the stipulations of the ISRP. These stipulations, which are discussed in detail elsewhere in this document, would give law enforcement the tools it currently lacks to protect resources and better provide for public safety.

Designating a specific area where recreational mineral collection could occur with an ISRP will give law enforcement the ability to control the expansion of resource impacts which is currently occurring as users dig holes throughout the parcel. Having the ability to adapt management to limit camping to designated dispersed sites will give law enforcement the tools needed to reduce resource impacts which occur when campsites are pushed further and further into the surrounding landscape.

Protective/Mitigation Measures: None

No Action Alternative

Direct and Indirect Impacts: The No Action alternative would allow existing uses to continue without giving BLM Law enforcement staff the tools needed to provide protection to resources or effectively provide for public safety. Current hazards such as users digging under and near trees, causing the eventual death and collapse of the tree, would continue since the existing laws do not adequately address the impacts. Users would still likely dig dangerous steep walled, deep holes, and coyote holes and law enforcement would not have adequate regulatory tools to address these.

Current hazards such as users digging under and near trees, causing the eventual death

and collapse of the tree, would continue since the existing laws do not adequately address the impacts. Users would still likely dig dangerous steep walled, deep holes, and coyote holes and law enforcement would not have adequate regulatory tools to address these.

Protective/Mitigation Measures: None

Closure to Recreational Mineral Collection Alternative

Direct and Indirect Impacts: If the Cache Creek area was closed entirely to recreational mineral collection through the supplemental rule making process it would be a simple matter for law enforcement to identify individuals who are violating the closure. There would likely be a period of adjustment where increased patrols would be necessary to enforce the closure, possibly including detailing in additional Law Enforcement Rangers to enforce the closure. During this initial period following closure it is anticipated that there would be a high number of violations of the closure.

Protective/Mitigation Measures: None

3.6 CUMULATIVE IMPACTS SUMMARY

As identified in the background the historic mining on the parcel had a high impact to a number of resources which have been slowly recovering ever since. Over time wetlands and riparian habitat have been reestablished leading to improved conditions for aquatic species as well as terrestrial wildlife, soils, and overall landscape health. As recreation use has increased impacts to water resources have begun to re-appear but not at the same scale as the original mining disturbances. Forest health projects to establish age class diversity have also occurred on the project leading to an overall landscape improvement. Recreation use is anticipated to continue into the future unless the closure alternative is chosen. It is also anticipated that grazing could be introduced on the parcel.

The three alternatives give a range of impact managing scenarios. Unlike most casual use that generally leaves by definition limited or “no trace” impacts, recreational placer activity by its very nature requires an area dug and an area of deposited soil. Any of the Alternatives result in cumulative impacts to riparian resources if the user participation remains high as described in the background section. The proposed action however seems to best control the impacts to region wide riparian by keeping it contained to an area better suited to use; that is already disturbed piles. By absorbing demand at a specific location and moving much of it to an upland setting makes the proposed action preferable to the other Alternatives.

Interest in recreational placer activity on public lands appears to be a growing activity leading to an increase in management challenges and impacts across a broader landscape. As interest in this activity increases land managers throughout the region will be required to develop management responses to address associated impacts. Depending upon this response impacts to recreation could vary with the potential to see changes in social settings (more people) in given areas as well as changes in the physical setting as disturbances become more apparent to other

users. The proposed action attempts to provide a location where this type of activity is generally accepted by other recreating public absorbing this demand and reducing impacts to other recreation users dependent upon healthy riparian resources. Other alternatives have the higher potential to cumulatively impact other recreation users either from decreased angling opportunities or re-locating the use at Cache Creek to other locations.

CHAPTER 4 - CONSULTATION AND COORDINATION

4.1 LIST OF PREPARERS AND PARTICIPANTS

Preparer: Kalem Lenard, Outdoor Recreation Planner.

Please see Interdisciplinary Team Review list for BLM Participants

4.2 TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

In 2001, in conjunction with an RMP amendment proposal, BLM consulted with the following tribes;

- Apache Tribe of Oklahoma
- Cheyenne and Arapaho Tribes of Oklahoma
- Cheyenne River Sioux Tribe
- Comanche Nation of Oklahoma
- Crow Creek Sioux
- Eastern Shoshone
- Kiowa Tribe of Oklahoma
- Northern Arapaho Tribe
- Northern Cheyenne Tribe
- The Ute Tribe
- Oglala Sioux Tribe
- Pawnee Tribe
- Rosebud Sioux Tribe
- Southern Ute Tribe
- Standing Rock Lakota Tribe
- Ute Mountain Ute Tribe

During the scoping and proposed action development the following organizations, agencies, businesses and individuals were consulted and/or notified.

- Front Range Resource Advisory Council
- Gold Prospectors of Colorado
- Colorado Gold Diggers
- Sidewinder Mining, associated business
- Gold Prospectors Association of America Colorado Springs Chapter
- Rock Doc, associated business

- Pic N' Pan Prospectors Club
- Colorado Gold Camp Prospecting Club
- Colorado Prospectors
- Gold Prospectors of the Rockies
- Lake County Commissioners
- Chaffee County Commissioners
- Arkansas Headwaters Recreation Area
- USFS, Leadville Ranger District
- USFS, Salida Ranger District
- Trout Unlimited
- Colorado Parks and Wildlife, Salida Area Office Area Manager; Mr. Jim Aragon and Fisheries Biologist; Mr. Greg Policky.
- US Army Corps of Engineers, Pueblo Area Office Supervisor; Mr. Van Truan
- Colorado Division of Water Resources, Water Commissioner Staff; Mr. Bruce Smith and Mr. Gary Hanks
- Paul Zoch, mining claimant in area
- Scott McGinn, adjacent private land owner
- Keith Hilbert, interested public
- Shane Menenti, interested public
- Alberta Woods, interested public
- Wallie Robinson, interested public
- James Long, interested public
- Dennis Shaydak, interested public

CHAPTER 5 - REFERENCES

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Appendix A

**Business Plan for Cache Creek
Placer Area Permit
DRAFT**

**United States Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Cañon City, CO 81212**



October, 2014

**Business Plan for Cache Creek
Placer Area Permit**

DRAFT

Recommendations, Reviews, and Approvals

Recommended by:

Outdoor Recreation Planner

Date

Reviewed by:

Associate Field Manager, Renewable Resources

Date

Approved by:

Field Office Manager

Date

This business plan was prepared pursuant to the Federal Lands Recreation Enhancement Act (Public Law 108-447) and BLM recreation fee program policy. It establishes future management goals and priorities for the Cache Creek Gold Panning recreation fee program in the Royal Gorge Field Office.

DRAFT

Introduction

This business plan is being prepared in conjunction with the development of the Cache Creek Placer Area Management Plan and Environmental Assessment that addresses the high demand and associated impacts of recreation placer activities at the site. This plan, along with a number of other management actions, calls for the need to develop a permit system and associated fee in order to ensure a quality recreation experience in a relatively primitive and undeveloped setting and alleviate impacts to resources from the placer activity. Bureau of Land Management policy requires the development of a business plan when considering instituting a fee. This plan is intended to assist in determining appropriate fee rates to achieve management objectives, outline the cost of administering fee programs, and identify priorities for future fee program expenditures.

Description of the Cache Creek Management Program

Background

Cache Creek is located immediately west and south of the town of Granite and flows into the Arkansas River just below the Granite Bridge. It was the site of one of the first large mining communities in Colorado during the late 1800s. In January 2000, the Bureau of Land Management acquired 2,160 acres through which Cache Creek flows, extending from the San Isabel National Forest boundary to highway 24. The parcel was acquired from the Conservation Fund, a group that works to maintain Colorado's open space. It was purchased to help protect critical elk and riparian habitat as well as to provide recreational access.

Due to the traces of gold found in the waste rock piles along with past BLM management actions and the rise in popularity of gold panning, Cache Creek saw tremendous increases in recreational placer activity. Resulting impacts to water quality and visitor experiences despite several other management strategies led to the development of the Cache Creek Placer Area Management Plan. This plan was developed in conjunction with prospecting clubs and organizations. Additional background information and the need for the management plan can be found in the Cache Creek Placer Area Management Plan Environmental Assessment.

Site Description:

The Cache Creek parcel is located in Chaffee County Colorado near the town of Granite. Cache Creek flows through the heart of the parcel which is a tributary to the Arkansas River. Chaffee County Road 398 serves as the primary access to the parcel which also travels further onto lands managed by the US Forest Service. Sitting at the base of the Collegiate Peaks of the Sawatch Range rolling sagebrush dominates much of the site. The higher elevations are heavily forested with a diversity of tree species. The meandering creek and associated floodplain, while still recovering from past mining disturbance, is rich with riparian plant species and a fishery.

Recreation Use:

Based on data collected starting in 2011 by a volunteer campground host and a voluntary registration form it is estimated that on average Cache Creek sees approximately 2,000 visitor days per year participating in placer related activities.

Visitor Use Estimates						
Year	2015	2014	2013	2012	2011	Average
Number of Users	2100	2100	2242	1424	2061	1985.4

Many visitors consider Cache Creek as a unique recreation opportunity offering placer activities in a relatively primitive natural environment that is available to the general public. The general parcel sees a variety of dispersed recreation activities such as hunting, hiking and sight-seeing but within the developed area the majority of users participate in mineral collection activities such as gold panning and sluicing. Users range from beginners wanting to see what the activity is all about to highly experienced individuals that have a high level of investment, both time and financially, into the activity.

While a former demographic study was not conducted staff and campground host observations indicate that people visit the site from all over the country with the majority being from the Front Range urban centers and adjacent states. For Front Range visitors Cache Creek is often the destination while visitors from out of the state often tie Cache Creek in with a larger itinerary. These types of trips often involve other placer activities including private club claims and sites along the Arkansas River such as Point Barr. Group size ranges from individuals to small groups as well as families. Cache Creek is often a repeat destination with visits occurring multiple times/year and annually.

Length of stay is also highly variable. Data indicates that approximately 25% of the visitors camp at the site staying for varying lengths of time up to two weeks. Multi-day visitors also often take advantage of nearby lodging accommodations in Buena Vista. The length of stay for day time visitors often varies depending upon the level of gold panning experience where newbies might visit for 2-4 hours where as more experienced visitors will stay all day.

Site Management:

As identified in management plan there would be a change in the management from current conditions in order to facilitate reduction in impacts to resources and improve visitor experiences. This would include additional rules for the area along with an increase in BLM staff presence at the site. Rules would be associated with a required permit. A campground host would continue to be present as well when available. Portable toilets, a kiosk, and informational signing would be provided.

Proposed Fee Rates and Permit Distribution³

Proposed Fee Rate

The Royal Gorge Field Office proposes to implement a fee system for individual use permits as proposed in the Cache Creek Placer Area Management Plan. Based on a financial analysis along with public comment it was determined that two types of fees should be available to users; a season permit valid for the current use season (Memorial Day Weekend – 11/30) as well as a day permit valid from time of purchase until 12:00 p.m. the following day. There would not be a separate camping fee.

Fee Type	Proposed Amount
Annual Permit	\$25.00
Day Permit	\$5.00

It is estimated that this fee revenue will generate approximately \$28,635 annually based on current rate of estimated visitation. Operating expenses of the site are anticipated to steadily increase based on past years trends. 2015 operating expenses are anticipated to be approximately \$34,308.38. It is anticipated that the management program for Cache Creek will continue to be subsidized from base program dollars but at levels commensurate with other recreation areas.

Permit Distribution

Season permits would be available for sale at the Royal Gorge Field Office in Cañon City as well as Arkansas Headwaters Recreation Area in Salida. These would be designed so they are small and convenient to carry in a pocket or wallet.

Day use permits would be available at the above locations as well as at the site through an iron fee tube. These would be similar to other fee envelopes that the public is accustomed to using at other recreation sites.

Stipulations would be printed on the back of the permits along with a signature line acknowledging reading and understanding of the terms and conditions.

Financial Analysis

Anticipated Operational Expenses:

To determine anticipated operational expenses actual expenses were identified over the past five years. Trends from this data were then carried forward combined with anticipated needs associated with changes in management to determine future estimated operational expenses.

³ This business plan would be revised and available for public review and comment if changes in the fee structure are proposed in the future.

Actual/Estimated Expenses; 2009-2013

All of the costs identified are based on actual expenses realized by the BLM over the five year period except for patrolling/maintenance. Patrolling/Maintenance costs were estimated based on average number of visits to the site during the year by position multiplied by the number of hours spent traveling to, from, and at the site to determine average annual hours by position. The average per season hours was then multiplied by the hourly rate cost to the government for each position. The cost per season per position was then combined to determine average annual costs. Cost of living or other increases associated with inflation was not calculated into this cost estimate.

Sum of (# of days per season x average hours/day x hourly rate cost to government) = estimated patrolling/maintenance/season

The table below identifies actual/estimated costs to operate the site from 2009-2013.

	Actual/Estimated Expenses				
	2013	2012	2011	2010	2009
Toilets	\$ 1,020.00	\$ 940.00	\$ 720.00	\$ 630.00	\$ 710.00
Reclamation (avg 30% annual increase)	\$ 5,400.00	\$ 4,100.00	\$ 3,300.00	\$ 1,850.00	\$ 1,650.00
Road Maintenance	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00
Patrolling Costs (2 x per week)	\$ 12,792.00	\$ 12,792.00	\$ 12,792.00	\$ 12,792.00	\$ 12,792.00
Campground Host (\$200/month x 5 months)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Indirect Rate	7%	7%	7%	7%	7%
Annual Cost Totals	\$ 19,612.00	\$ 18,232.00	\$ 17,212.00	\$ 15,672.00	\$ 15,552.00
Annual Cost Totals + Indirect	\$ 20,984.84	\$ 19,508.24	\$ 18,416.84	\$ 16,769.04	\$ 16,640.64

Estimated Future Expenses

As identified in the table portable toilet costs increased from \$710 to \$1,020 over the five year period with an average increase of 11% per year. It can be assumed that this rate of increase would continue as management continues due to annual inflation and use levels.

Reclamation costs also increased during this same five year period from \$1,650 to \$5,400 with an average increase of 37% per year. For the purposes of this analysis the annual 37% increase is projected forward to 2016 resulting in a dramatic increase. At this point it is unclear if this dramatic increased expense is accurate or if actual reclamation needs will be lower given changes in management.

While the cost to maintain the road annually has not increased during the five year period analyzed in can be assumed that this rate will increase slightly in the future due to inflation. This was taken into account in the analysis of future expenses.

With the changes in management there is an evident need for an increase in BLM presence and monitoring. An ideal scenario would result in law enforcement patrolling the area at least two times per month during the use season. A seasonal employee devoted almost exclusively to the site would also be warranted spending at least two days a week at the site combining patrolling with site maintenance and monitoring. Higher level planning staff would also be needed at the site monthly to assess the management program and perform monitoring of impacts to resources. This results in a labor increase not including cost of living increases.

Based on feedback from partners and past partner campground hosts the \$200/month camping rate is not sufficient to attract long term devoted hosts. In order to improve management of the site a higher amount would be more appropriate that is commensurate with other BLM volunteer opportunities. This increases the campground host cost.

The indirect rate was adjusted for future scenarios.

Projected Expenses

	2016	2015	2014
Toilets (avg. 11% annual increase)	\$ 1,377.00	\$ 1,245.92	\$ 1,127.31
Reclamation (avg 37% annual increase)	\$ 13,767.77	\$ 10,077.98	\$ 7,377.07
Road Maintenance	\$ 500.00	\$ 500.00	\$ 400.00
Patrolling/Monitoring Costs	\$ 17,740.00	\$ 17,740.00	\$ 17,740.00
Campground Host (\$125/week x 20 weeks)	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Indirect = 7%	7%	7%	7%
Annual Cost Totals	\$ 35,884.77	\$ 32,063.90	\$ 29,144.38
Annual Cost Totals + Indirect	\$ 38,396.71	\$ 34,308.38	\$ 31,184.49

*Since the management plan will not be finalized or implemented in 2014 these expenses will not be realized.

As identified in the analysis above expense associated with the management of Cache Creek is anticipated to increase. These increases are realized in every single expense line item. It is important to note that this is not a direct result of changes in management per se, but more associated with unavoidable increases and ideal management scenarios.

Comparable Analysis

As part of the business analysis a variety of similar opportunities were researched and compared. This provides insight into not only comparative rates but also sees the range of prices and

services charged for a similar experience as well as other approaches to managing gold panning activities.

In conducting this research it became evident that similar areas managed by federal land management agencies are incredibly rare. In fact only two sites managed by a federal land management agency were identified and they were both BLM sites; one in Redding, CA and the other is Point Barr managed by the Royal Gorge Field Office. It is unclear why few federal land management sites exist. It could be that given the only recent increase in the hobby of gold panning agencies have yet to respond to the increased demand but the issue is present. It could also be that Cache Creek is unique in how it relates to mining law and few similar instances occur with the same challenges.

One State Park in South Dakota was identified that charges fees for gold panning and seven private companies located throughout the United States were also identified. Two gold panning clubs that charge fees to members to use the club claims were also included.

It was discovered that a variety of fee structures exist with a wide range of services provided. The high end is \$25/five hours which included the use of equipment. The lower end is \$5.00/five days at the Redding, CA BLM site where it is assumed there are minimum services, similar to Cache Creek. The state park charges \$15/vehicle . Gold Panning clubs researched generally charged an annual fee ranging from \$25.00 to \$69.00. This fee provides access to the claim and reclamation but other services, such as restrooms, are generally not provided.

Private Service #1	\$2.00/day
Private Service #2	\$25/five hours with equipment
Private Service #3	\$6.00/day
Private Service #4	\$20.00/day
Private Service #5	\$5.00/day
Private Service #6	\$10.00/half day
Private Service #7	\$9.95/day
State Park	\$15.00/vehicle
BLM-Redding, CA	\$5.00/five days
BLM-Point Barr	\$25/two years
Club #1	\$25.00/year
Club #2	\$69.00/year

Anticipated Use Level Analysis

In order to determine estimated revenues based on a variety of rate structures anticipated use was determined. These figures were derived from campground host logs which document the number of participants each day during the season. Anecdotal evidence from staff and campground host observations was used to fill holes where data wasn't available.

Use Level Calculations

	2011	2012*	2013	Average
# of Users/Year	2242	1424	2061	1909
# of days with data	102	119	127	116
Avg. # of Users/Day	17.6	11.9	20.2	16.6
# of Unique Users/Year**	1121	712	1030.5	954.5

*Data from 2012 is assumed to be low due to differences in data collection methods and use would be similar to other years.

**Estimated that approximately half the visitors are return visitors within the same season based on a 25% camping rate and anecdotal campground host information.

Revenue Analysis – 2015-2016

Revenue Analysis

	Private Facility-Daily	Annual Fee-Clubs	Annual Fee-Point Barr	Daily Rate-BLM	Combination-Daily/Annual
Fee	\$10.33*	\$25**	\$12.50	\$5.00	\$25/\$5
# of Users/Year	1909	N/A	N/A	1909	954.5
# annual passes***	N/A	1909	1909	N/A	954.5
Estimated Revenue	\$19,719.97	\$47,725	\$23,862.50	\$9,545	\$28,635.00
Revenue/Expense Difference, 2015	(\$14,588.41)	\$13,416.62	(\$10,445.88)	(\$24,763.38)	(\$5,673.38)
Revenue/Expense Difference, 2016	(\$18,676.74)	\$9,328.29	(\$14,534.21)	(\$28,851.71)	(\$9,761.71)

*Based on average price of private facilities with outliers removed.

**Based on smaller clubs offering access to limited claims.

***Estimate based on # of unique users/year.

As identified in the above table almost all of the scenarios outlined result in a deficit when comparing anticipated expenses to revenue.

Public Participation

The initial concept of a permit and associated fee was first broached at a meeting held between the BLM and prospecting interests including regional and national prospecting clubs and business owners. From this meeting the BLM developed a proposed action for the management plan that included implementing a permit and fee system. An initial scoping period was initiated in March/April 2014 that presented a draft proposed action including a permit and fee program. Scoping letters and emails were sent out to those clubs and businesses who participated in the initial meeting who then also shared the information with their members and customers. The draft proposed action was also sent out to county commissioners along with local, state and federal agencies.

6 commenters provided input on the draft proposed action during the scoping period and only two of those commented directly on the fee. One commenter requested that the fee be reasonable so that families and individuals can afford to continue to recreate at the site and have both long term and short term fee options. The other commenter was opposed to the fee and felt that budget allocations should be sufficient to cover the management of the site.

The next step in the NEPA process is to send the draft Environmental Assessment out for public review. The business plan will be an attachment to this document and the public will have further opportunity to comment. This document will be revised following this comment period.

Authorities and Planning Guidance

The Bureau of Land Management (BLM) originally began collecting recreational fees for the use of public lands under the authority of the Federal Lands Policy and Management Act of 1976. The Federal Lands Recreation Enhancement Act of 2004 (REA) now provides the BLM with its current authority to collect recreational fees, and allows the agency to collect Special Recreation Permit fees for specialized uses of federal lands and waters. The act authorizes the BLM to locally retain collected recreation fees and outlines how revenues may be used, for such things as facility repair, facility maintenance, facility enhancement, interpretation, visitor information, visitor services, visitor needs assessments, signs, habitat restoration, law enforcement related to public use and recreation, and operating or capital costs directly associated with the Recreation and Visitor Services Program.

The authorities and regulations for this business plan are:

- **The Federal Land Policy and Management Act of 1976** (Public Law 94-579), contains BLM's general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands. Section 302 (b) of FLPMA authorizes the BLM to manage the use of the public lands through permits.
- **The Federal Lands Recreation Enhancement Act of 2004** (Public Law 108-447), repealed applicable portions of the Land and Water Conservation Fund Act and replaced BLM's authority to collect recreational fees. This law authorizes BLM to collect recreation fees at sites that meet certain requirements, allows BLM to keep the fee revenues at the local offices where they are collected, and directs how BLM will manage and utilize these revenues. Section 803 contains BLM's authority to issue permits and charge a permit fee for gold panning use at Cache Creek. Section 803 (h) authorizes the BLM to require Special Recreation Permits and fees associated with specialized recreation uses of federal lands and waters, such as group activities, recreation events, and motorized recreational vehicle use.

- ***Code of Federal Regulations, Title 43, Part 2930 (43 CFR 2930)***, contains the regulations governing BLM’s recreation permitting programs. 43 CFR, Subpart 2932.11(b) contains BLM’s authority to issue permits for use of gold panning at Cache Creek. It states that, “If BLM determines that it is necessary, based on planning decisions, resource concerns, potential user conflicts, or public health and safety, we may require you to obtain a Special Recreation Permit for – (1) Recreational use of special areas.” A “special area” is where the BLM determines that the resources require special management and control measures for their protection. Permits for gold panning at Cache Creek protect recreation experiences, riparian ecosystems, fisheries, wildlife, and cultural and historic resources.
- ***BLM Recreation Permit Administration Handbook (H-2930-1)***, explains how the BLM implements its recreation permit and fee program. Chapter 1, page 27, sections (e) and (f) specifically address Special Recreation Permit fees for Special Areas and application fees for Special Recreation Permits.

This business plan has also been prepared pursuant to all applicable BLM recreation fee program policies and guidance, including:

- BLM Recreation Fee Proposals Step-by-Step Review & Approval Process, March 22, 2007
- BLM Instruction Memorandum 2007-028: *Federal Lands Recreation Enhancement Act Final Public Participation Policy for Certain Recreation Fee Adjustments and Proposed New Fee Sites/Areas*
- BLM Colorado Instruction Memorandum CO 2012-001: *BLM Colorado Recreation Fee Proposals, Step-by-Step Review and Approval Process and Checklist for Resource Advisory Committee Fee Review*

The BLM strives to manage recreation and visitor services to serve diverse outdoor recreation demands while helping to maintain sustainable setting conditions needed to conserve public lands, so the visitor’s desired recreation choices remain available.