



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Glenwood Springs Field Office  
50629 Highways 6 and 24  
Glenwood Springs, Colorado 81601

## **Decision Memorandum on Action and for Application of: Departmental Categorical Exclusion 1.12**

### **Sweetwater Prescribed Fire Project**

**U.S. Department of the Interior  
Bureau of Land Management  
Grand Junction/ Glenwood Springs Field Office  
Garfield County, Colorado**

**Number: Co-140-2008-028**

**Legal Description: T3S, R87W, Sections 10, 15, and 3**

#### **Description of the Proposed Action and the Purpose and Need for the Action Need For Proposed Action:**

The BLM and U.S. Forest Service are proposing a joint effort to conduct a prescribed burn in the Sweetwater area. The BLM lands are adjacent to the Forest Service land and are downhill. The BLM administered land would provide a good starting point for ignition and control. In addition, this treatment will also help the BLM meet compliance with the National Fire Plan by collaborating with other agencies with common goals to reduce fuels, improve wildlife habitat, and help to prevent wildfire escaping on to private lands. This project will also reduce fuel loading and improve big game habitat on this unit. Other goals of this project would be to maintain a fire adapted ecosystem and start restoring the mountain shrub community back to its historic condition. This project will also reduce the susceptibility of the area to a future large, severe wildland fire. The Glenwood Springs Field Office Fire Management Plan (Chapter III page 10) identifies this area as a high emphasis on fuels treatments.

#### **Proposed Action:**

The Bureau of Land Management is proposing to use prescribed fire to reduce the density and continuity of oakbrush and mountain shrubs on public lands adjacent to the community of Sweetwater. The proposal is to burn approximately 250 acres over a 1-4 year period on BLM administered lands and approximately 950 acres on U.S.F.S. lands. The U.S. Forest Service will provide a separate Categorical Exclusion to provide for NEPA adequacy for the Forest Service administered land.

The preferred method of initiating fire is aerial ignition in the springtime using a helicopter. The helicopter is equipped with an aerial ignition device called a Plastic Sphere Dispenser (PSD) or a Heli Torch that can ignite ground fuels in a short time over large acreage. The ignition pattern and density of application is determined on site during the burn by the burn boss. This method of ignition will cover a large area quickly and it can pinpoint desirable pockets of burnable vegetation. This ignition method can

pinpoint natural advantage points to help direct the prescribed fire into fuel breaks and snow banks. Hand firing using drip torches and fusees can be used to supplement the aerial ignition. Hand firing may also be used as the primary ignition method depending on availability of the helicopter and to take advantage of prescription windows. Prescription windows are timeframes that meet the burn plan requirements that can vary in length from one day to a week or more. Hand firing requires more labor and resources on the ground than aerial ignition

Springtime is the preferred time frame to take advantage of good nighttime humidity recovery combined with the remaining snow banks which will help limit fire spread and reduce fire intensities. This will aid in the protection of desired vegetation such as fir, spruce, and aspen. Burning can be accomplished in the fall if the area meets the required prescription for ignition and control.

With either firing method or time of season, the intent is to apply fire in such a way as to create a mosaic with varying burn intensities including areas of unburned vegetation. Fire would be controlled utilizing natural fuel breaks, existing roads and trails, ignition patterns, and select weather conditions.

Individual prescribed fire plans are required for all prescribed burns. These plans describe exactly how and under what conditions prescribed burning will occur in order to meet the objectives determined. Prescribed fires are set only when humidity, temperature, winds, and fuel conditions are within pre-determined ranges specified by a Burn Plan. The BLM is required to meet all state and local air quality permit stipulations when they conduct prescribed burns.

### **Implementation Date**

This project will be implemented on or after April 1<sup>st</sup> 2008 and could take 1-4 years to complete.

### **Plan Conformance**

The Proposed Action is consistent with the Glenwood Springs Resource Management Plan, 1991 and the Fire Management Plan, 2004 as required by appropriate Federal, State, or local statutes having a bearing on the decision. The Proposed Action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.

Decision Number/Page: The proposed action is within Fire Management Unit B-140-05 Eagle Valley. The fire management Objectives, Strategies (including Prescriptive Vegetative Treatments) and the Priority Ranking are in Appendix B, pages 31-33 of the Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance 2002 and revised 09/2004. Also within the Fire Management Plan, Chapter III page 10 discusses Fuels Treatment Prioritization.

### **Compliance with the National Environmental Policy Act**

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

### **Persons and Agencies Consulted**

Cheryl Harrison, Archeologist, GSFO  
Ross Wilmore, White River National Forest Fire Management Officer  
Eric Lovgren, Eagle County Wildfire Mitigation Specialist  
Tom Fresques, Fisheries Biologist, GSFO

Ody Anderson, Fuels Specialist, GSFO  
 Jeff O'Connell, Hydrologist, GSFO  
 Kay Hopkins, Outdoor Recreation Planner, GSFO

**Categorical Exclusions: Extraordinary Circumstances**

Extraordinary circumstances exist for individual actions within CXs which may:

	YES	NO
2.1 Have significant impacts on public health or safety.	___	<u>X</u>
2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	___	<u>X</u>
2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	___	<u>X</u>
2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	<u>X</u>
2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	<u>X</u>
2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	___	<u>X</u>
2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	___	<u>X</u>
2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	___	<u>X</u>
2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	___	<u>X</u>
2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	___	<u>X</u>
2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	___	<u>X</u>
2.12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	___	<u>X</u>

**Remarks**

Cultural Resources and Native American Religious Concerns: Two Class II inventories (GSFO#'s 591 and 15405-6) have been conducted within the proposed burn area and the eastern edge of the MMA. One historic property and area of Native American concern, a possible variant of the Ute Trail (5GF1073.2), was identified along the eastern edge of the MMA. The BLM can make a determination of **No Adverse Affect** for this project. The Inadvertent Discovery clause needs to be added and all personnel need to be informed about reporting and protecting cultural/Native American resources.

### Inadvertent Discovery

The National Historic Preservation Act (NHPA) requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)). Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act.

### Threatened and Endangered Species:

#### **Canada lynx:**

The project area provides habitat for the federally threatened Canada lynx. Approximately 83 acres of lynx habitat is mapped within the prescribed burn boundary on BLM managed lands. This consists of 82 acres of 'other' habitat and less than one acre of both winter foraging and winter/denning habitat. Mapped 'other' habitat is a mosaic of mixed mountain shrub and sagebrush with pockets of aspen. Although oakbrush is considered non habitat, pure aspen or sagebrush within 500m of winter foraging or winter/denning habitat does provide alternate habitat for lynx, primarily in summer months and during movement or dispersal. The project area does not fall within an LAU and is not located within a landscape linkage. Lynx habitat within the project area is adjacent to the White River National Forest's Coffeepot LAU.

*Direct Effects:* Direct mortality of individual lynx by prescribed fire and equipment is unlikely. Adult lynx are very mobile and could easily leave the area of a fire unless they were previously injured or ill. Fire occurring in the spring would not result in direct mortality of dependant young as no denning habitat is being targeted in the prescribed burn.

#### *Indirect Effects:*

Impacts to Habitat: Taken as a whole, habitat affected by the fire would be small in area compared to the overall home range size of lynx. Nonetheless, the proposal does have slight potential to directly affect lynx habitat.

The purpose of the project is to reduce fuels on public lands, protect private land from wildfires escaping public land and improve wildlife habitat. The project is also designed to protect coniferous forest in the area from a wildfire. Only oakbrush and mixed mountain shrub would be targeted by prescribed burns. However, sagebrush and small aspen stands are located within the prescribed burn area and may also be impacted by the prescribed burn.

Prescribed burning oakbrush and mountain shrub communities would not affect lynx habitat because these are not considered lynx habitat. Burning sagebrush and aspen within 500m of winter foraging and winter/denning habitat would affect summer foraging habitat for lynx. Under prescription, no winter foraging or winter/denning habitat would be targeted.

Anticipated impacts on lynx habitat from prescribed fire could be a reduction in 'other' habitat by removing shrubs and some aspen trees, thus temporarily reducing alternate prey habitat. This may make the habitat less desirable to lynx for several years. However, as the burn is only impacting less than 82 acres of 'other' habitat and this habitat is located on the periphery of lynx habitat, these impacts would be minimal. Furthermore, project design would ensure that sufficient vegetation remains at all times to

provide some cover and foraging opportunities by creating mosaic patterns of vegetation. In the long term, the project would improve the overall health of the ecosystem, thus providing productive habitat for alternate prey species. The project would restore fire as an ecological process in the ecosystem and is consistent with objectives in the LCAS.

Although the proposed action would have short term impacts to 'other' habitat within the project area, prescribed burns in oakbrush and mixed mountain shrubs near coniferous forests would help protect winter foraging and winter/denning habitat from a large catastrophic fire. This type of fire would result in greater impacts to lynx as the habitat would actually be converted to non-habitat until regenerating trees are at a height to provide suitable habitat for prey species.

Impacts to Movement: Implementation of the project should have minimal long-term (> 15 years) direct impacts on lynx's ability to move and disperse across shrub-steppe habitats. However, in the short-term (<15 years) impacts could occur. Losses of vegetation could reduce cover for movement and reduce prey densities for a short time. The proposed project will take place over a one to four year period, thus not all vegetation in the project area would be treated at once. The prescribed fire would also be conducted in a way allowing for a mosaic landscape, leaving islands of unburned vegetation. Islands would continue to provide movement cover for any lynx moving through the landscape.

Impacts from Disturbance: In Ruediger et al. (2000), lynx are described as "...being generally tolerant of humans. Other anecdotal reports also suggest that lynx are not displaced by human presence, including moderate levels of snowmobile traffic." Local information provided by Fitzgerald et al. (1994) also suggests lynx have some tolerance for people: "[t]he species may not be entirely intolerant of humans, as tracks were observed around garbage dumps at a central Colorado ski area."

Human activity and associated noise and commotion related to prescribed burning would result in short-term impacts to lynx. Burning would occur during daylight hours and would last for a few days in the spring or fall over the course of 1 to 4 years. It is possible that lynx could be displaced from the area due to noise and human presence, but work would be minimal in duration and scope and would occur only during daylight hours. Lynx are more active from dusk to dawn which would minimize potential impacts. Other factors lessening the effects of disturbance would be the timing of the projects and seasonal exploratory lynx movements. Studies in other states, such as Wyoming and Montana with similar heterogenous habitat as Colorado indicate lynx exploratory movements occur in the summer (Rudiger et al. 2000) which would most likely preclude any disturbance from project impacts resulting from prescribed fire since that activity will occur during the spring and fall.

As importantly, lynx are unlikely to be in or near the proposed project area during implementation or upon completion. The low likelihood for lynx to be in the vicinity is due to 2 aspects of this cat's existence in Colorado: 1) the inherent rarity of lynx on the landscape generally, and 2) the nocturnal tendency. Therefore, minimal disruptive impacts to lynx are anticipated from the proposed activity.

Based on the analysis, the Sweetwater Prescribed Fire "MAY AFFECT, BUT IS NOT LIKELY TO ADVERSELY AFFECT" the threatened Canada Lynx or its habitat.

The Joint Counterpart Endangered Species Act Section 7 Consultation Regulations (50 CFR Part 402.04) are being implemented for this project. The counterpart regulations complement the general consultation regulations in part 402 by providing an alternative process for completing Section 7 consultation for agency projects that authorize, fund, or carry out actions that support the NFP. The alternative consultation process contained in these counterpart regulations eliminates the need to conduct informal consultation and eliminates the requirement to obtain written concurrence from the Service for those NFP

actions that the Action Agency determines are “not likely to adversely affect” (NLAA) any listed species or designated critical habitat.

### **Plants:**

There are no known federally listed threatened or endangered plants or plants that are candidates for listing within the project area. The BLM Sensitive species, *Penstemon harringtonii*, is known to occur within the MMA, just east of the proposed burn boundary. As long as no ground disturbance is planned within sagebrush habitat along the ridge south of Hack Lake, there should be no impacts to this Sensitive plant.

### **Big River Fishes (Colorado pikeminnow, razorback sucker, bonytail, humpback chub):**

These four federally endangered fishes reside in the mainstem Colorado River far downstream of the project area. The proposed action would likely result in the use of some water for control of planned fire activities. Water depletions occurring within the Upper Colorado River Basin have been determined to negatively affect the four listed fishes. Water use associated with the project is anticipated to be minimal within the 222 acre burn boundary and would come from municipal sources.

Because water for control efforts would be from municipal sources, the proposed action should have No Effect to these listed fishes or their habitats.

### **Recreation**

In order to reduce potential human health and safety concerns involving public land users, the following mitigation needs to be applied.

#### ***Mitigation:***

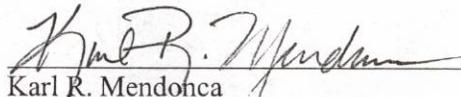
All trailheads (*Forest Service trailheads: at “Ute and W Mountain” trail and Turret Creek trail, and BLM trailheads at the bottom of Sheep Creek and top trailhead for Hack Lake*) should be posted with information containing what activity is going to take place, when, and why. A public contact phone number for additional information also needs to be posted.

In addition, there are (2) permitted outfitters that conducted recreational horseback tours under a within or directly adjacent to the project area. For human health and safety reasons, the following companies must be notified prior to the proposed action so they can adequately plan trips around the prescribed burn and associated activities:

- A.J. Brink, 1503 Sweetwater Rd, Gypsum, CO 81637 (970) 524-9301 (Attention: *Adrian Brink*)
- Anderson Camps, 7177 Colorado River Road, Gypsum, CO 81637 (970) 524-7766 (Attention: *Christopher Porter*)

**Decision and Rational on Action**

I have decided to implement the Sweetwater Prescribed Fire Project plan. These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

  
Karl R. Mendonca  
Supervisory Natural Resource Specialist

Date 2/21/2008

**Administrative Review or Appeal Opportunities**

This decision is not subject to administrative appeal.

**Contact Person**

For additional information concerning this decision, contact:

Ody Anderson

OR

Angie Foster

Fuels Management Specialist

BLM Fuels Program Manager

970-947-2810

970-244-3026

