



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Colorado River Valley Field Office  
2300 River Frontage Road  
Silt, Colorado 81652  
[www.co.blm.gov](http://www.co.blm.gov)

## ENVIRONMENTAL ASSESSMENT

### 1. Introduction

NUMBER: **DOI-BLM-CO-040-2012-0039 EA**

CASEFILE NUMBER: SRP # CO-140-11-09 and CO-140-07-02

PROJECT NAME: Commercial Hiking Recreation Permit Holders in WSA's, Special Recreation Permit (SRP) Renewals

LOCATION: Castle Peak WSA, Thompson Creek, Deep Creek and the Ute Trail on BLM public lands within the Colorado River Valley Field Office as shown in Appendix A.

LEGAL DESCRIPTIONS: T3S, R84W, sec. 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 36; T5S, R86W, sec. 5, 6; T4S, R86W, sec. 31, 32; T4S, R87W, sec. 22, 23, 24, 25, 35, 36; T8S, R89W, sec. 36, T8S, R88W, sec. 31.

APPLICANT: Vail Nature Center and Wilderness Workshop

SCOPING AND PUBLIC INVOLVEMENT AND ISSUES:

PURPOSE AND NEED FOR ACTION: The purpose of the action is to provide recreational opportunities for the public on public lands through offering commercial guided use. The need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act, 43 U.S.C. 1701(a)(8), section 302(b), section 303, and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801, 6802(f), 6802(g)(2), 6802(h), to respond to applications for renewals of Special Recreation Permits in order to continue to provide this opportunity for the public.

### 2. Proposed Action and Alternatives

DESCRIPTION OF PROPOSED ACTION: The proposed action is for renewing Special Recreation Permit (SRP) #'s CO-140-11-09 and CO-140-07-02 to Wilderness Workshop and Vail Nature Center for guided hiking trips (day use only) on the following existing trails: Poison

Trail, Ute Trail, Deep Creek Trail, and Thompson Creek Trail for May 2012-October 2022 with Additional Special Stipulations.

DESCRIPTION OF OTHER ACTION ALTERNATIVES ANALYZED IN DETAIL: None.

DESCRIPTION OF NO ACTION ALTERNATIVE: Under the no action alternative, the SRP's would not be renewed.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL: None.

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: Record of Decision and Resource Management Plan Glenwood Springs Resource Area

Date Approved: January, 1984; revised in 1988; amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Number/Page: pages 5, 34

Decision Language: The action is in conformance with "Administrative Actions" of the RMP, which approves the "issuance of permits for ...competitive and commercial recreation activities." The action is also in conformance with the Recreation Resource Management Objective Page 34: "To ensure the continued availability of outdoor recreational opportunities which the public seeks and which are not readily available from other sources, to reduce the impacts of recreational use on fragile and unique resource values, and to provide for visitor safety."

RELATIONSHIP TO STATUTES, REGULATIONS, OTHER PLANS:

- Federal Land Policy and Management Act of 1976;
- Title 43 of the Code of Federal Regulations Subpart 2930 – Permits for Recreation on Public Lands
- National Environmental Policy Act of 1969;
- H-8550-1 – Interim Management Policy and Guidelines for Land under Wilderness Review, Chap II Sec. B, Paragraph 6 details preparation of an EA or EIS. The last sentence of the introductory paragraph reads: The use of categorical exclusion reviews for uses and facilities on lands under wilderness review is not allowed. July 1995.

## STANDARDS FOR PUBLIC LAND HEALTH

The proposed action is covered by several Land Health Assessments. BLM staff concluded that land health standards were being met within the action area surrounding each trail with only slight departures from expected conditions (BLM 2003, 2006, 2008, and 2010). Implementation of the proposed action is not anticipated to degrade land health conditions from their current situations.

### **3. Affected Environment & Environmental Consequences**

#### DIRECT AND INDIRECT EFFECTS, MITIGATION MEASURES

This section provides a description of the human and natural environmental resources that could be affected by the proposed action and alternatives. In addition, the section presents comparative analyses of the direct and indirect consequences on the affected environment stemming from the implementation of the various actions.

A variety of laws, regulations, and policy directives mandate the evaluation of the effects of a proposed action and alternative(s) on certain environmental elements. Not all programs, resources or uses are present in the area, or if they are present, may not be affected by the proposed action and alternatives (Table 1). Only those elements that are present and potentially affected are described and brought forth for detailed analysis.

<b><i>Table 1. Programs, Resources, and Uses (Including Supplemental Authorities)</i></b>	<b><i>Potentially Affected?</i></b>	
	<b>Yes</b>	<b>No</b>
Access and Transportation		X
Air Quality		X
Areas of Critical Environmental Concern		X
Cadastral Survey		X
Cultural Resources	X	
Native American Religious Concerns	X	
Environmental Justice		X
Farmlands, Prime or Unique		X
Fire/Fuels Management		X
Floodplains		X
Forests		X
Geology and Minerals		X
Law Enforcement		X
Livestock Grazing Management		X
Noise		X
Paleontology		X
Plants: Invasive, Non-native Species (Noxious Weeds)		X
Plants: Sensitive, Threatened, or Endangered		X
Plants: Vegetation		X

Realty Authorizations		X
Recreation	X	
Social and/or Economics		X
Soils		X
Visual Resources		X
Wastes, Hazardous or Solid		X
Water Quality, Surface and Ground		X
Water Rights		X
Wetlands and Riparian Zones		X
Wild and Scenic Rivers		X
Wilderness/WSAs/Wilderness Characteristics		X
Wildlife: Aquatic / Fisheries		X
Wildlife: Migratory Birds		X
Wildlife: Sensitive, Threatened, and Endangered Species		X
Wildlife: Terrestrial		X

## **Cultural Resources**

### Affected Environment

A records search of the general project area was completed for proposed project and a total of eight cultural resource inventories have been conducted within the Area of Potential Effect (APE) totaling 55.5 of 462.6 acres inventoried at a Class III level (CRVFO CRIR 1012-21). Two archaeological sites fall within the APE of this project. One is a historic ditch segment (5EA2290.1) that is not eligible for the National Register of Historic Places (NRHP) and the second is a prehistoric trail segment that has not been evaluated but needs further research. Complete Class III cultural resource inventory for the entire trails were not completed in areas not previously inventoried because the trails already exist and actions authorized by this permit ensure no new disturbances will occur outside of the current trails. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

### Environmental Effects

#### *Proposed Action*

There is low potential for impacts to cultural resources from this project based on no new ground disturbances as the proposed activities are occurring on existing roads and trails. The two sites located within the APE will not be impacted by the permitted action. Following mitigations will ensure that the project will not adversely impact cultural resources.

#### *No Action Alternative*

Under this alternative, direct and indirect impacts to cultural resources would be reduced based on the absence of the permitted action and no related surface disturbing activities.

#### *Mitigation*

Actions approved by this permit are restricted to the existing trail and/or road.

## **Native American Religious Concerns**

### Affected Environment

American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation. The Ute have a generalized concept of spiritual significance that is not easily transferred to Euro-American models or definitions. As such the BLM recognizes that they have identified sites that are of concern because of their association with Ute occupation of the area as part of their traditional lands.

### Environmental Effects

#### *Proposed Action*

Cultural resources known to hold special significance to Native Americans are located within the proposed project area. Following the *mitigations* will ensure that the project will not adversely impact nor alter or limit any access if there were traditional uses that are not known to the agency.

#### *No Action Alternative*

Under this alternative, there will be no direct or indirect impacts to cultural resources from project implementation because no related surface disturbing activities will occur. Therefore, areas of concern to Native American tribes would not be affected.

#### *Mitigation*

Actions approved by this permit are restricted to the existing trail and/or road. No additional Native American Indian consultation was conducted for the proposed project.

### **Recreation**

Affected Environment: The guided hiking trails occur within the Castle Peak Wilderness Study Area, the Glenwood Springs Extensive Recreation Management Area, the Thompson Creek Special Recreation Management Area, and the Deep Creek Special Recreation Management Area. The Castle Peak Wilderness Study Area provides for primitive and unconfined recreation opportunities on the Poison Trail. The Glenwood Springs Extensive Recreation Management Area is an area where recreation is not the principal management objective but an issue of some significance and hiking occurs along the Ute Trail. The Thompson Creek Special Recreation Management Area provides scarce recreational opportunities not available elsewhere along the Thompson Creek Trail. The Deep Creek Special Recreation Management Area provides facilities for visitor experiences that are near the Deep Creek Trail. The Deep Creek Trail is currently managed for primitive recreational experiences and the trail is unmaintained. In addition, the trail involves a creek crossing at the beginning.

### Environmental Effects

*Proposed Action:* Allowing guided commercial hikes to occur on the Poison Trail, Ute Trail, Deep Creek Trail and Thompson Creek Trail may incur some minor trail impacts that would be negligible, since the trails are designed for hiking use. Allowing commercial use on these permits would incur an additional amount of approximately 100 visitor days on these trails combined, which would have very little impact on the trails that are designed for hiking use.

*No Action Alternative:* Not allowing guided commercial hiking on the trails would lessen the total visitor use on the trails by around 100 visitor days, which is negligible impact.

*Mitigation:* Notify the BLM of any trail maintenance needs that were discovered during your hike.

### CUMULATIVE EFFECTS

**Recreation** – Cumulative impacts to recreation can occur from increased recreation use along the authorized trails. Impacts would be a slight increase in recreational hiking use along the trails, which could lead to increased trail maintenance needs in the future. Based on the small increase estimated from the proposed action, it is assumed that cumulative effects to recreation are minor and immeasurable when combining that use with the general public recreation that occurs.

### RESIDUAL EFFECTS

## **5. Tribes, Individuals, Organizations, or Agencies Consulted**

## **6. List of Preparers**

Members of the CRVFO Interdisciplinary Team who participated in the impact analysis of the Proposed Action, development of appropriate mitigation measures, and preparation of this EA are listed in Table 1, along with their areas of responsibility.

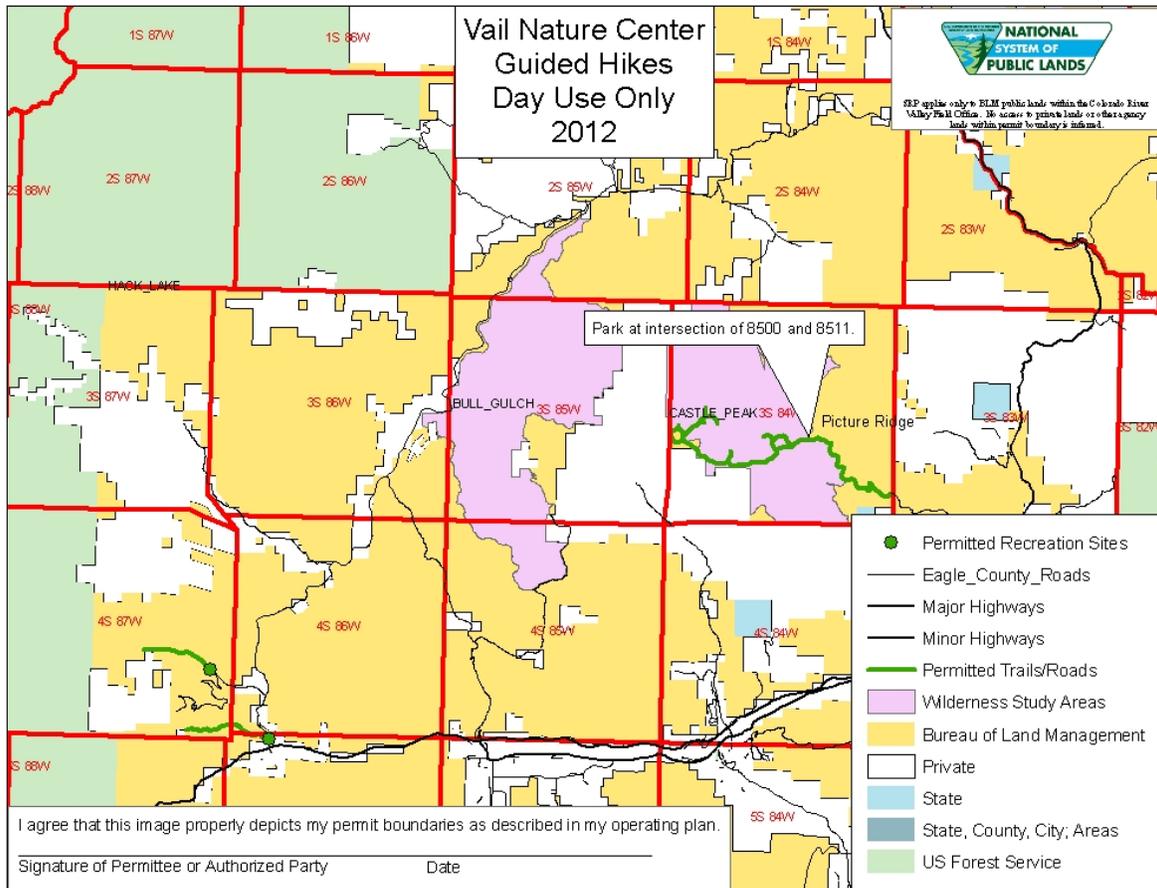
Table 1. BLM Interdisciplinary Team Authors and Reviewers		
<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Kimberly Miller	Outdoor Recreation Planner	Recreation, Wilderness, Wild and Scenic Rivers
Pauline Adams	Hydrologist	Soil, Water and Air Quality
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern, Special Status Plants, Vegetation, Land Health Standards
Monte Senior	Range Management Specialist	Invasive Species
Everett Bartz	Rangeland Management Specialist	Range Management, Riparian
Greg Wolfgang	Outdoor Recreation Planner	VRM, Travel Management

Table 1. BLM Interdisciplinary Team Authors and Reviewers		
<i>Name</i>	<i>Title</i>	<i>Areas of Participation</i>
Erin Leifeld	Archaeologist	Cultural Resources and Native American Concerns
Brian Hopkins	Wildlife Biologist	Migratory Birds, Terrestrial Wildlife and T/E/S Terrestrial Wildlife, Aquatic Wildlife and T/E/S Aquatic Wildlife

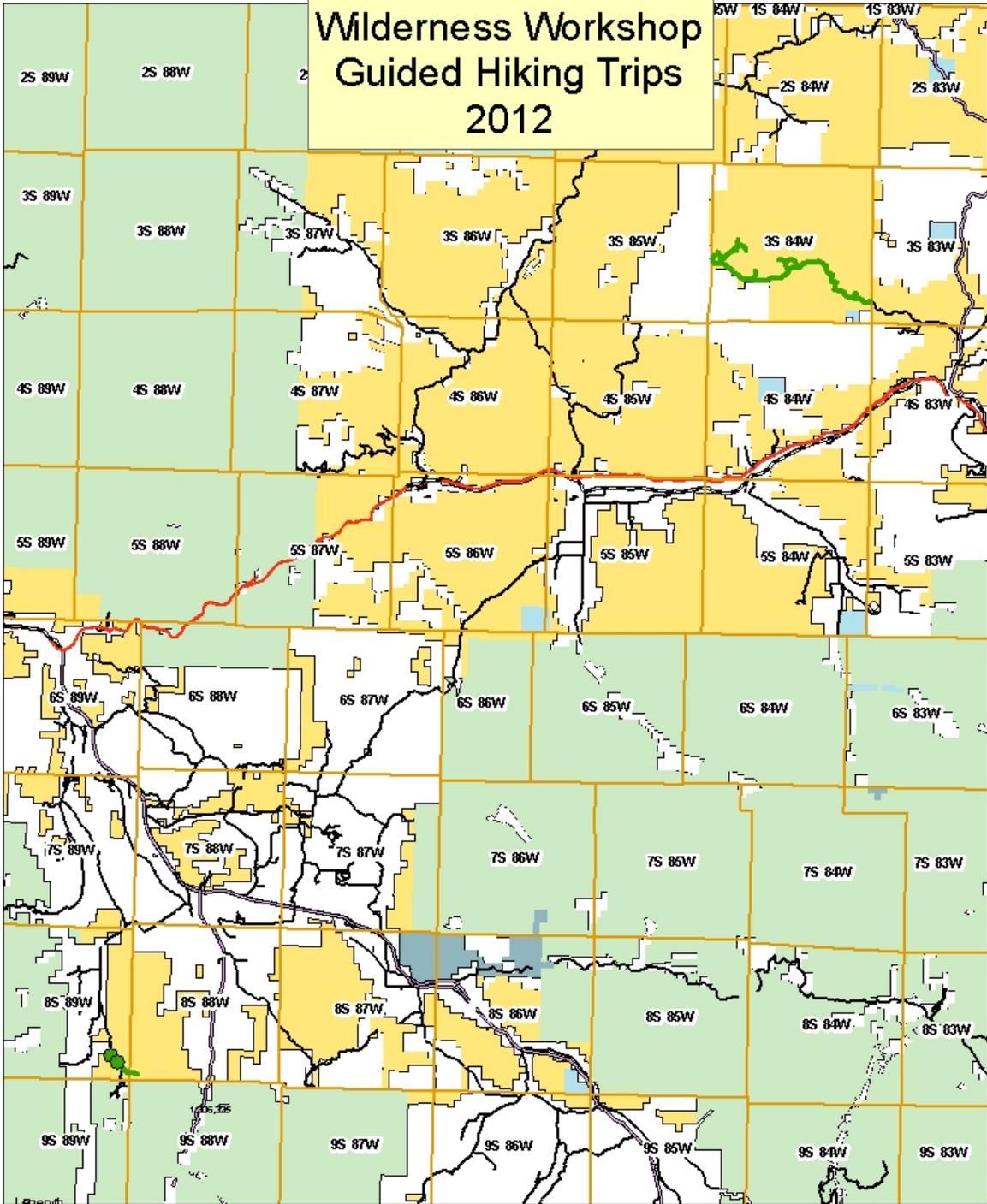
## 7. References

- Bureau of Land Management (BLM). 1984. Glenwood Springs Resource Management Plan. Glenwood Springs Field Office, Colorado.
- \_\_\_\_\_. 1991. Record of Decision, Oil and Gas Plan Amendment. Glenwood Springs Field Office, Colorado.
- \_\_\_\_\_. 1995. H-8550-1 – Interim Management Policy and Guidelines for Land under Wilderness Review.
- \_\_\_\_\_. 1998. Oil & Gas Leasing & Development – Draft Supplemental Environmental Impact Statement. Glenwood Spring Field Office, Colorado.
- \_\_\_\_\_. 1999a. Oil & Gas Leasing & Development – Final Supplemental Environmental Impact Statement. Glenwood Spring Field Office, Colorado.
- \_\_\_\_\_. 1999b. Oil & Gas Leasing & Development – Record of Decision and Resource Management Plan Amendment. Glenwood Spring Field Office, Colorado.
- \_\_\_\_\_. 2003. North Eagle River Land Health Assessment, Unpublished report. Glenwood Springs Field Office, Colorado.
- \_\_\_\_\_. 2006. Burns to State Bridge Land Health Assessment. Unpublished report. Glenwood Springs Field Office, Colorado.
- \_\_\_\_\_. 2006. Final Roan Plateau Resource Management Plan Amendment & Environmental Impact Statement, Volume III, Appendix C. Glenwood Springs Field Office, Colorado.
- \_\_\_\_\_. 2008. Deep Creek Land Health Assessment. Unpublished report. Glenwood Springs Field Office, Colorado.
- \_\_\_\_\_. 2010. Roaring Fork Land Health Assessment. Unpublished report. Colorado River Valley Field Office, Silt, CO.

# Appendix A



# Wilderness Workshop Guided Hiking Trips 2012



- Legend**
- Permitted Recreation Sites
  - Castle Peak - Picture Ridge Trail
  - Permitted Hiking Trail
  - Bureau of Land Management
  - Private
  - State
  - State, County, City, Areas
  - US Forest Service



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No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notice.

## FINDING OF NO SIGNIFICANT IMPACT

### DOI-BLM-CO-040-2012-0039 EA

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



\_\_\_\_\_  
Matthew Thorburn  
Supervisory Natural Resource Specialist

DATE: 6-6-2012

# DECISION RECORD

## DOI-BLM-CO-040-2012-0039 EA

FINAL DECISION: It is my decision to approve the permit renewals for Special Recreation Permit (SRP) #'s CO-140-11-09 and CO-140-07-02 to Wilderness Workshop and Vail Nature Center for guided hiking trips (day use only) on the following trails: Poison Trail, Ute Trail, Deep Creek Trail and Thompson Creek Trail for May 2012-October 2022 with Additional Special Stipulations. The SRP renewals will authorize the original permit renewal applications.

RATIONALE: Allowing guided commercial hikes to occur on the Poison Trail, Ute Trail, Deep Creek Trail and Thompson Creek Trail may incur some minor trail impacts that will be negligible, since the trails are designed for hiking use. Allowing commercial use on these permits would incur an additional amount of approximately 100 visitor days on these trails combined, which would have very little impact on the trails that are designed for hiking use.

### MITIGATION MEASURES:

1. Actions approved by this permit are restricted to the existing trail and/or road.
2. The permit holders will notify the BLM of any trail maintenance needs that were discovered during their hike.
3. Cultural Resources Education/Discovery/NAGPRA Stipulation

#### *Cultural resources*

If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

#### *Native American human remains*

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

### RIGHT OF PROTEST AND / OR APPEAL:

This decision may be protested. Protests shall be filed with the authorized officer at the Colorado River Valley Bureau of Land Management (BLM) Field Office. Protests must be postmarked by the 15th calendar day after publication of this decision. Protests postmarked more than 15 calendar days after publication of the decision will not be considered.

Protests must be in writing. E-mail and faxed protests will not be accepted. The protest letter must be postmarked by the close of the protest period. The protest must include:

1. The name, mailing address, telephone number, and interest of the person filing the protest;
2. A statement of the issue being protested;
3. A concise statement explaining why the authorized officer's proposed decision is believed to be incorrect (this is a critical part of your protest). Document all relevant facts; and
4. A permit number or other identification of the case (i.e. permittee name).

Upon filing of a protest, the authorized officer shall reconsider the decision in light of the evidence submitted by the protestor and in view of other information pertinent to the case. At the conclusion of the review of the protest, the authorized officer shall prepare a recommended decision on the protest, and it shall be reviewed by the next higher authority. If the authorized officer is the Field Manager, the higher level authority is the District Manager. If the authorized officer is subordinate to the Field Manager, the higher level authority is the Field Manager. The decision of the higher level authority shall be the final decision of the BLM. Final decision on protests will be made by the 15th calendar day of the receipt of protests.

### **PROCESS FOR APPEALING AT THE INTERIOR BOARD OF LAND APPEALS**

An appeal is an opportunity for a qualified party to obtain a review of a BLM decision by an independent board of Administrative Judges within the Department of Interior's Board of Land Appeals (IBLA). The IBLA determines whether the BLM followed applicable laws and regulations, adhered to established policies and procedures, and considered relevant information in reaching a decision.

Individuals who believe they are adversely affected by a BLM decision to approve, deny, modify, or cancel a Special Recreation Permit (SRP) may appeal the decision. Appeals are made to the IBLA under Title 43 C.F.R., Part 4, pursuant to 43 C.F.R. 4.411. A person who wishes to appeal to the IBLA must file a notice that he wishes to appeal in the office of the officer who made the decision. Appeal and stay procedures are outlined in Form 1842-1, "Information on Taking Appeals to the Board of Land Appeals."

NAME OF PREPARER: Kimberly Miller, Outdoor Recreation Planner

SIGNATURE OF AUTHORIZED OFFICIAL



Matthew Thorburn  
Supervisory Natural Resource Specialist

DATE: 6-6-2012