

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

**DECISION MEMORANDUM**

On Action and for Application of:  
Categorical Exclusion 1.12

**Project Name:** Sheep Mountain/Lake John Fuels Treatment Project

**NEPA Number:** CO-120-2007-55-CX

**Purpose and Need for the Action:** The purpose of this project proposal is to reduce the Wildland Urban Interface (WUI) hazardous fire threat, improve area vegetation diversity, and improve wildlife habitat and winter range within the project area. Over the past several decades, the lack of naturally recurring wildfire has resulted in encroaching stands of pinyon-juniper (*Pinus edulis and Juniperous scopulorum*) and limber pine (*Pinus flexilis*) into a traditionally sage and bitterbrush habitat. This encroachment has degraded habitat vegetation quality and diversity, and allowed large woody plants with limited vigor to increase across the project area. Stands of over-mature Aspen (*Populus tremuloides*) also exists in the project area.

**Description of the Proposed Action:** The BLM is proposing to use a combination of prescribed fire, hand, and mechanical treatments to remove timber encroachment and revitalize quaking aspen trees on BLM-administered public lands in the Lake John area of Jackson County, Colorado. Sagebrush treatments on gentler slopes (<20%) would utilize both prescribed fire and mechanical treatments to promote bitterbrush for wildlife forage. Sagebrush treatments on steeper slopes (>35%) would utilize prescribed burning in the spring or fall. For those areas in-between 20% and 35%, the appropriate treatment method would be determined during implementation. Depending upon the availability of BLM staff, treatments would be completed by the BLM or contractor.

The total project area proposed for fuel treatments would be approximately 728 acres (see map 1 below for general project area). Within the project area, it is proposed to treat:

- up to approximately 650 acres with prescribed burning, and
- 220 acres would be treated using mechanical or hand thinning (see map 2 below).

The Proposed Actions would not exceed these treatment numbers. The proposed treatments would start in 2008 and run through 2010. Upon completion, vegetation in the project area would have a mosaic appearance over 60-80% of the area treated.

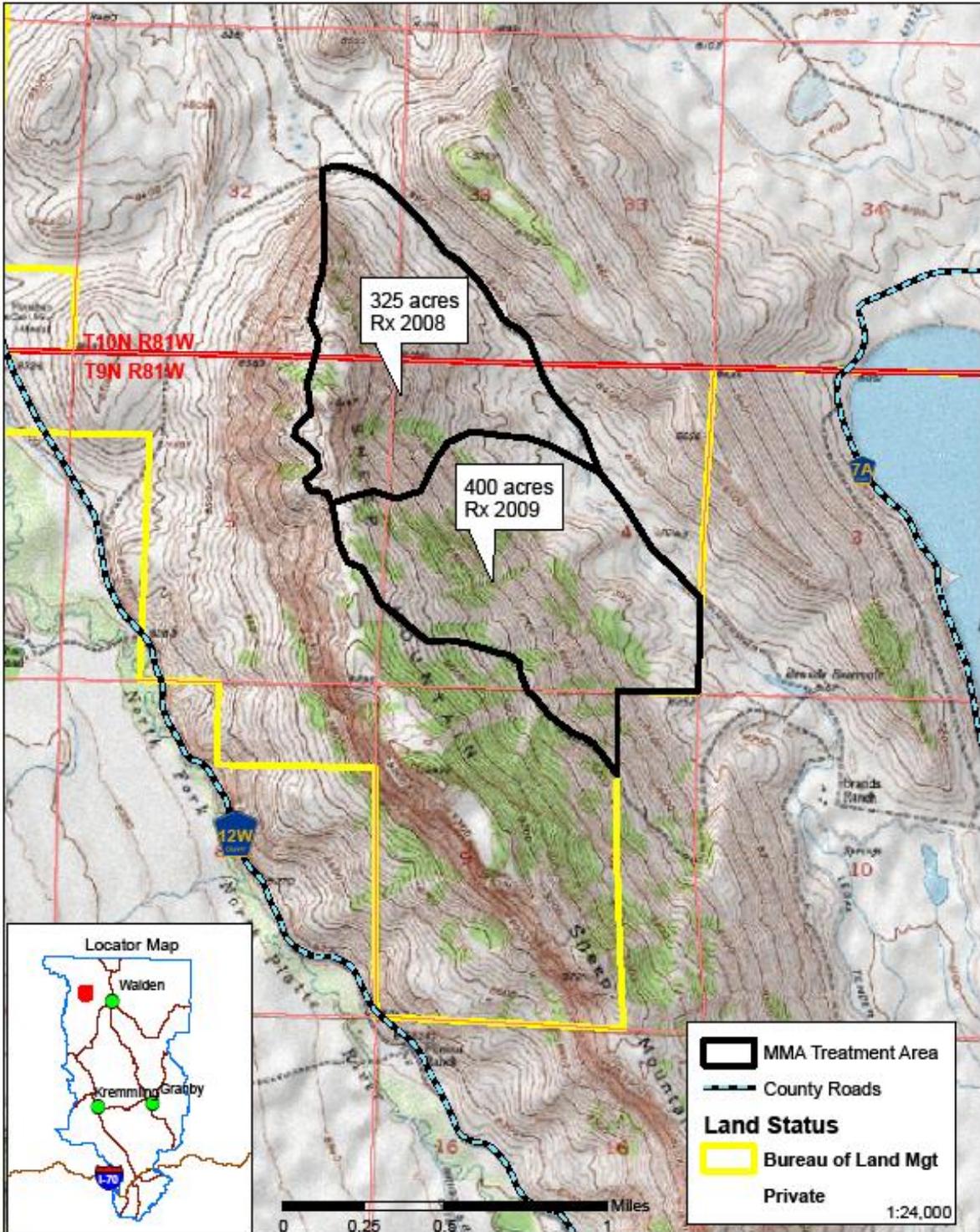
Design features of Proposed Action (see Attachment #1 for Standard Operating Procedures):

- There would be a 50-foot vegetative buffer (from ground disturbing activities) around all wetland areas and drainage bottoms to reduce water quality impacts.
- The mechanical treatments would leave scattered litter across the slopes whenever practicable to help provide soil protection.
- The BLM or contractor would locate, flag, and protect any survey monuments (brass cap monuments, bearing trees, private monuments) that may exist in the project area.
- The BLM would inspect disturbed areas for noxious weeds for two growing seasons after the project is completed. If weeds are found in areas where contractors completed the treatments, it would be the responsibility of the contractor to treat the weed infestations unless BLM determines otherwise.
- The BLM would monitor the disturbed areas to insure successful re-vegetation by the end of the third growing season.
- The BLM Archaeologist/Paleontologist would monitor treatments proposed for 2008 and 2009 during and after treatments are completed. If fossil resources are discovered they would be recorded, evaluated for their significance, and avoided or mitigated for any future ground disturbing activities.
- Visual impacts would be mitigated by avoiding cutting or clearing areas along straight lines, using natural vegetation patterns where possible, and attempting to mimic the existing vegetative patterns in the area.

Map 1 – General Project Area



# Sheep Mtn/Lake John Rx Burns Fuel Treatment

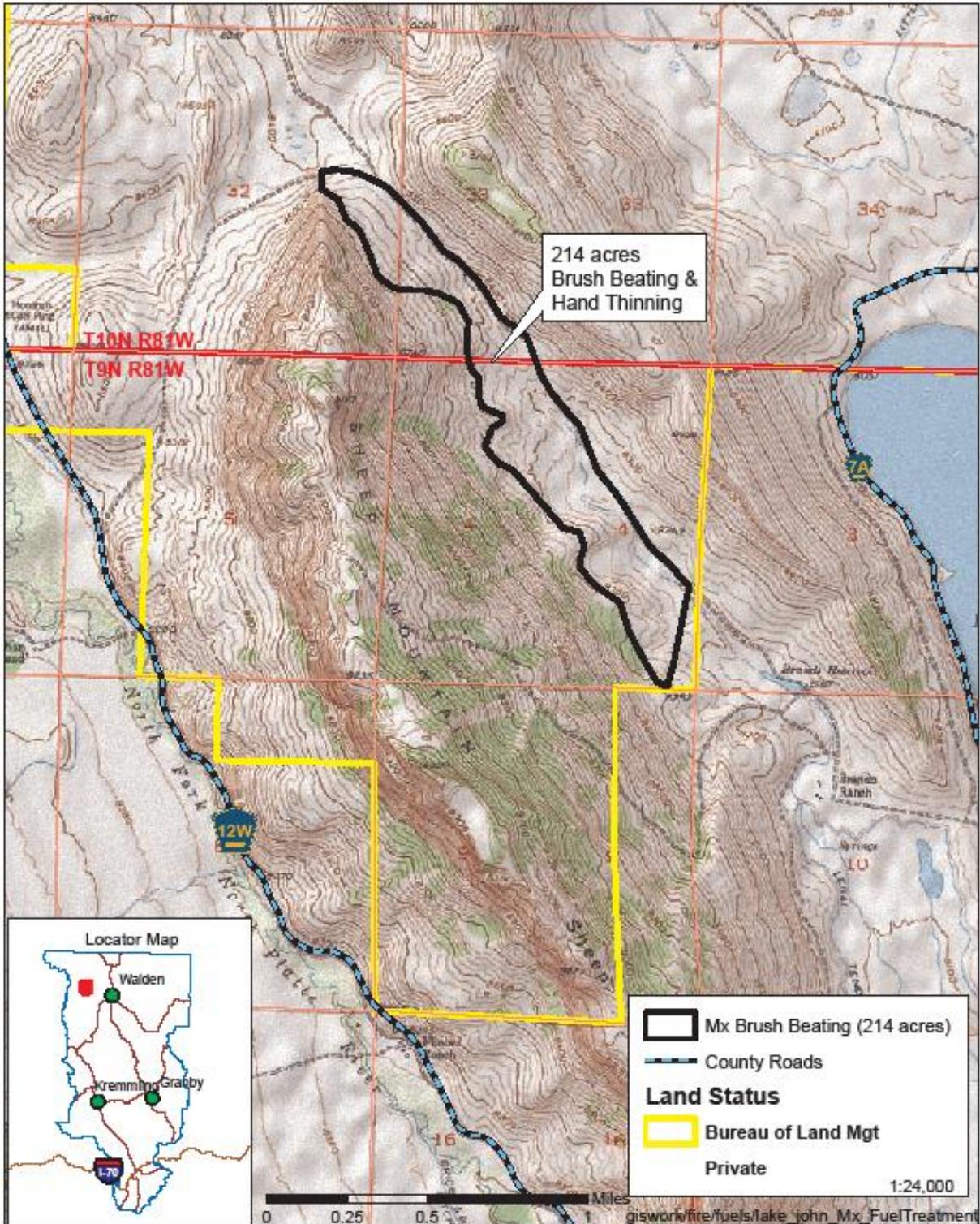


giswork/fire/fuels/lake\_john\_Rx\_FuelTreatment

Map 2 – 2008 Mechanical and Hand Thinning Project Area



# Lake John Mx Fuels Treatment Project Area



**Plan Conformance:** The Proposed Action has been reviewed for conformance and is consistent with the Kremmling Resource Management Plan, approved on December 19, 1984. The Proposed Action was designed in conformance with all bureau standards and incorporates the Standards for Public Land Health in Colorado.

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

**Persons and Agencies Consulted:** Scoping letters were sent in March 2008 to potential interested publics and agencies.

**Remarks:**

Rangeland Management: Silver Spur Ranches and Jeff Richards, the grazing permittees that would be affected by the proposed project, have been informed of the proposed project. The grazing allotment that would be affected by the proposed project would be rested for 2 growing seasons following the burn. Any fences or other structures destroyed by the fire would need to be replaced by the BLM.

Cultural Resources: Cultural resource report #CR-07-47 was completed for the project area. The cultural inventory recorded no new cultural sites or isolated finds. Thus, the project would not impact historic properties.

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

Watershed Issues: (Soils, Water Quality, and Wetlands) The eastern/northeastern boundaries of the project area ends at a easily eroded ephemeral drainage where the two track road channels runoff down the road's surface to the drainage. The adjacent gentler slopes and grass communities would help act as a natural buffer strip, reducing the amount of runoff reaching the road and drainage. Understory vegetation and scattered litter would also help slow runoff from the steeper areas to the drainage. By treating the area over a 2-3 year period, the total disturbance would be reduced because earlier treatment areas would already be re-vegetating before later areas are treated. As the treatment areas re-vegetate, the resulting ground cover would provide better soil protection than current conditions due to the increased vegetative diversity.

Threatened and Endangered Species: There are no records of T&E species or their habitat for the project area; therefore there would be no impacts.

Paleontology: The Area of Potential Effect contains geologic strata with a high potential for the discovery of fossil resources.

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

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

**Signature of Authorized Official:**

/s/ Pete McFadden 7/3/08

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

**Contact Person:** For additional information concerning this decision, contact:

Justin Kincaid  
Kremmling Field Office  
2103 E. Park Ave  
Kremmling, Colorado 80459  
(970) 724-3000

**Attachment(s):**

1.) Standard Operating Procedures

## **STANDARD OPERATING PROCEDURES**

### **ENVIRONMENTAL CONSIDERATIONS**

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

### **FIRE EXTINGUISHER AND TOOLS ON EQUIPMENT**

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

- a) One fire extinguisher, at least 5#ABC with an Underwriters Laboratory (UL) rating of 3A- 40BC, or greater. Extinguisher shall be mounted so as to be readily available for use (not locked in a tool box or chained to a seat, for example).
- b) One shovel, sharp, size A0@ or larger, round-pointed with an overall length of at least 48 inches.
- c) One axe, sharp, double bit 32#, or one sharp pulaski.

### **FUELING**

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

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

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

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

## **HAZARDOUS MATERIALS**

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

## **OFF ROAD TRAVEL - ACCESS**

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

## **PROTECTION**

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

## **REMEASUREMENT**

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

## **SPARK ARRESTERS**

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

## **STATUS REPORT**

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

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

## **WEED CONTROL**

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

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

## **BIOMASS REMOVAL**

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

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

## CULTURAL RESOURCE PROTECTION

1. The contractor is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.
2. The contractor shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The Contractor shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the Contractor shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the Contractor as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the Contractor will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the Contractor wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the Contractor will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the Contractor will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the Contractor's cost.

3. Pursuant to 43 CFR 10.4(g), the Contractor of this authorization 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. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the

vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.