

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2014-0031 CX**

June 2014

Top of the Pines Sanitation Improvement Thinning

Location: Top of the Pines in Ouray County

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2014-0031 CX

PROJECT NAME: Top of the Pines Sanitation Improvement Thinning

LEGAL DESCRIPTION: New Mexico Principal Meridian, Colorado
T. 45 N., R. 8 W., sec. 31, lots 5, 6, 7 and 8.

APPLICANT: Ouray County

BACKGROUND: The above referenced parcel of land was patented to Ouray County by the BLM per Patent No 05-72-0011, but BLM retained all timber rights for management and disposal. This parcel is managed by Top of the Pines, Inc. (TOP) vested by Ouray County. TOP's mission is to provide a natural setting that offers public and private organizations an educational facility with rustic outdoor recreational opportunities, while preserving the land for open space and wildlife.

Due to the presence of dwarf mistletoe, mountain pine beetle, and fire mitigation concerns, Colorado State Forest Service (CSFS) began assisting Ouray County in 2011 by addressing forest health issues at Top of the Pines. With match funding from State Fire Assistance money (a CSFS program), Ouray County entered into contract with a private contractor resulting in the thinning of 28 acres in 2011. In 2012, Ouray County entered into a similar contract with a different private contractor, resulting in the additional thinning of 16 acres. In 2013, to further continue improvements for stand health, West Region Fire Council on behalf of Ouray County applied for, and received, a grant from the Department of Natural Resources (DNR). Matching funds provided by Ouray County were approved by the Ouray County Board on November 12, 2013.

As a requirement of the DNR grant, treatment monitoring is a key component to this project. To meet this requirement, Colorado Forest Research Institute (CSFR) has taken the lead on establishing pre- and post-treatment plots.

In addition to the partners listed above, this project is also supported by the adjacent land owners.

DESCRIPTION OF PROPOSED ACTION: Ouray County proposes to mitigate the spread of dwarf mistletoe and mountain pine beetle by single tree and group selection thinning of ponderosa pine over approximately 44 acres. Secondary objectives include fire mitigation and improved aesthetics.

For mistletoe, trees are selected for thinning by using the Hawksworth 6-class dwarf mistletoe rating system (Hawksworth, 1977). Trees rated 4-moderate and higher are marked for removal unless the tree is 1 to 1 ½ tree heights length away from the others, then only trees rated 5-moderate/high are selected for removal. For mountain pine beetle, trees are selected individually for removal if there is visual evidence of beetle attack on the tree indicated by red needles with the presence of beetle bore holes.

Average density over in the proposed unit is currently about 81 BAF (basal area feet) per acre. After assessment of the stand using the Hawksworth rating system, the prescription would result in a stand density of 66 BAF per acre. This is approximately a 19% reduction.

Limbs and tops may be loped and scattered, chipped, and/or masticated. Any combination will be deemed acceptable as long as the residual material meets specifications stated below:

- Lop and scatter depth should not exceed 2 feet in depth. Byproduct material from lop and scatter technique should not exceed 3 feet in length and 2 inches in diameter.
- Chips and or chunks resulting from chipping and or mastication should not exceed 4 inches in depth. Chip and chunk size should not exceed 1 foot in length and 3 inches in diameter.

The BLM's authority is limited to the timber, which includes ponderosa pine, pinyon pine and juniper. Oak brush is not considered timber, and the county can manage it as appropriate.

Design Features:

- The undercarriage and tires of all trucks and equipment must be washed offsite before entering the project area to reduce the spread of noxious weeds from other projects. Machine operations should avoid driving through weed areas. Equipment will need to be inspected prior to movement onto the site.
- Ephemeral drainage areas will not be used as primary travel routes.
- All vehicles and motorized equipment must utilize effective manufacturer-certified spark arresters and muffler systems.
- Refueling will not take place in or adjacent to any drainage. In addition, refueling areas will have a minimum dimension of five by five feet, and will be cleared of all combustible material to mineral soil- preferably utilizing the gravel driveways and roads in and around the project site. No chainsaw or other motorized equipment will be started within 15 feet of any refueling area.
- Gates, fences, windows, siding, roofing, etc. damaged by the Contractor will be repaired to a like or better condition, or replaced by the Contractor, at the discretion and with coordination by the Project Administrator.
- Boundary fences must not be damaged and excessive mastication debris must not be propelled onto the adjoining private land. No woody material may be left on or piled up

against boundary fences. Work may need to be completed by hand near property boundaries in order to meet this standard.

- Smoking will only be allowed in vehicles. Each vehicle must have a properly serviced Class A, 10 pound fire extinguisher and a minimum of one fire tool per cutting crew member. All vehicles and motorized equipment must utilize effective manufacturer-certified spark arresters and muffler systems.
- All access roads will be kept passable at all times. Any significant accumulations of mulch on the access roads and trails will be removed by the Contractor at the end of the project.
- Neither trash nor litter will be left by the Contractor anywhere on the property, access route, or vicinity. Daily hauling of any trash generated by the Contractor is the Contractor's responsibility.
- When working within 100 feet of any road, the contractor shall post signs at least 100 feet in advance of the work area on each direction of travel. Such signs shall have a minimum dimension of two feet by two feet. If necessary, flagmen will be placed along the road to control or stop traffic if there is any danger to motorists, recreationists or neighbors.

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

Name of Plan: Uncompahgre Basin Resource Management Plan (RMP)

Date Approved: July 1989

Decision Language: Even though the proposal is not specifically provided for in the RMP, it is not restricted by any RMP decisions. It is consistent with the RMP decision to incorporate Standards for Public Land Health, specifically Standard 3 (Plant and Animal Communities), which is "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. Plants and animals at both the community and population level are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations, and ecological processes."

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number C.9 which allows "Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities:

- a. May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and
- b. May include incidental removal of live or dead trees for landings, skid trails, and road clearing."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	_____ <u>X</u>
2. Have adverse effects 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, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	_____ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	_____ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ <u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	_____ <u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	_____ <u>X</u>
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	_____ <u>X</u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	_____ <u>X</u>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	_____ <u>X</u>
10. Have disproportionately high and adverse effect on low income or minority populations.	_____	_____ <u>X</u>
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	_____ <u>X</u>
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.	_____	_____ <u>X</u>

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Kelly Homstad	Fire Use Specialist	Forestry, Fuels
Glade Hadden	Archeologist	Archeology
Ken Holsinger	Botanist	TES Wildlife and Plants

REFERENCES

Hawksworth, F.G. (1977). *The 6-class Dwarf Mistletoe Rating System*. Rocky Mountain Forest and Range Experiment Station (Fort Collins, Colo.) United States. General technical report RM. Dept. of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station.

REMARKS:

Cultural Resources: The project area was inventoried for cultural resources by the BLM archaeologist on June 4, 2014 with negative results. There are no known or anticipated National Register or otherwise eligible historic properties within the project area and no further work is required.

Native American Religious Concerns: There are none known or anticipated for this area.

Threatened and Endangered Species: There are no threatened, endangered, or candidate species to the Endangered Species Act that currently occupy or derive import use of the project area or the surrounding vicinity.

Sensitive Species, Northern goshawk: The proposed project should have no detectable impact on this BLM sensitive species. As with the migratory birds, perch sites, and downed woody debris supporting small mammal prey may be reduced for foraging northern goshawks. Short-term displacement of individual raptors may occur due to treatment activities. It is possible individual wintering birds may be affected by the removal of standing, green trees that provide hiding and thermal cover; however, living tree removal in any given area is expected to be short-term. Long term, vegetation diversity and condition should increase. Shrub understory and herbaceous vegetation should increase after treatment and the reduction of competition from interlocking tree crowns in the overstory. Thinning the overstory would improve tree growth and vigor in remaining trees and improve understory vegetation, resulting in improved availability of food and shelter for prey species for raptors. Increased growth on overstory ponderosa pine should improve nesting and foraging habitat characteristics for the northern goshawk.

Migratory Birds: If treated during the peak nesting season (usually mid-May to mid-July) vegetation clearing prior to the fledging of young would result in take of young of the year. Avoiding clearing of vegetation until young have fledged would eliminate such impacts. Perch sites, cavity nest sites and downed woody debris supporting small mammal prey may be reduced for some bird species; dead wood supporting an invertebrate food source for some gleaning birds may be reduced. Short-term displacement of individuals may occur due to treatment activities. It is possible individual wintering birds may be affected by the removal of standing, green trees that provide hiding and thermal cover; however, living tree removal in any given area is expected to be short-term. Long term, vegetation diversity and condition should increase. Shrub understory and herbaceous vegetation should increase after the reduction of competition from interlocking tree crowns in the overstory. Thinning the overstory would improve tree growth

and vigor in remaining trees and improve understory vegetation, resulting in improved availability of food and shelter for some species.

NAME OF PREPARER: Kelly Homstad

NAME OF ENVIRONMENTAL COORDINATOR: *B. Krickbaum*
Bruce Krickbaum

DATE: 6-9-2014

COMPLIANCE WITH NEPA

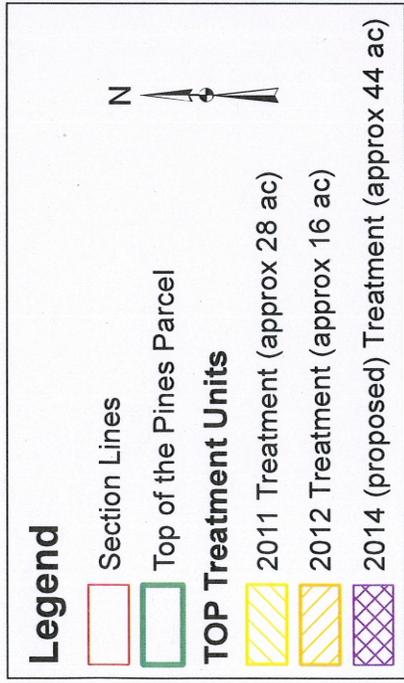
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, number C.9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: *Barbara Sharrow*
Barbara Sharrow,
Field Manager, Uncompahgre Field Office

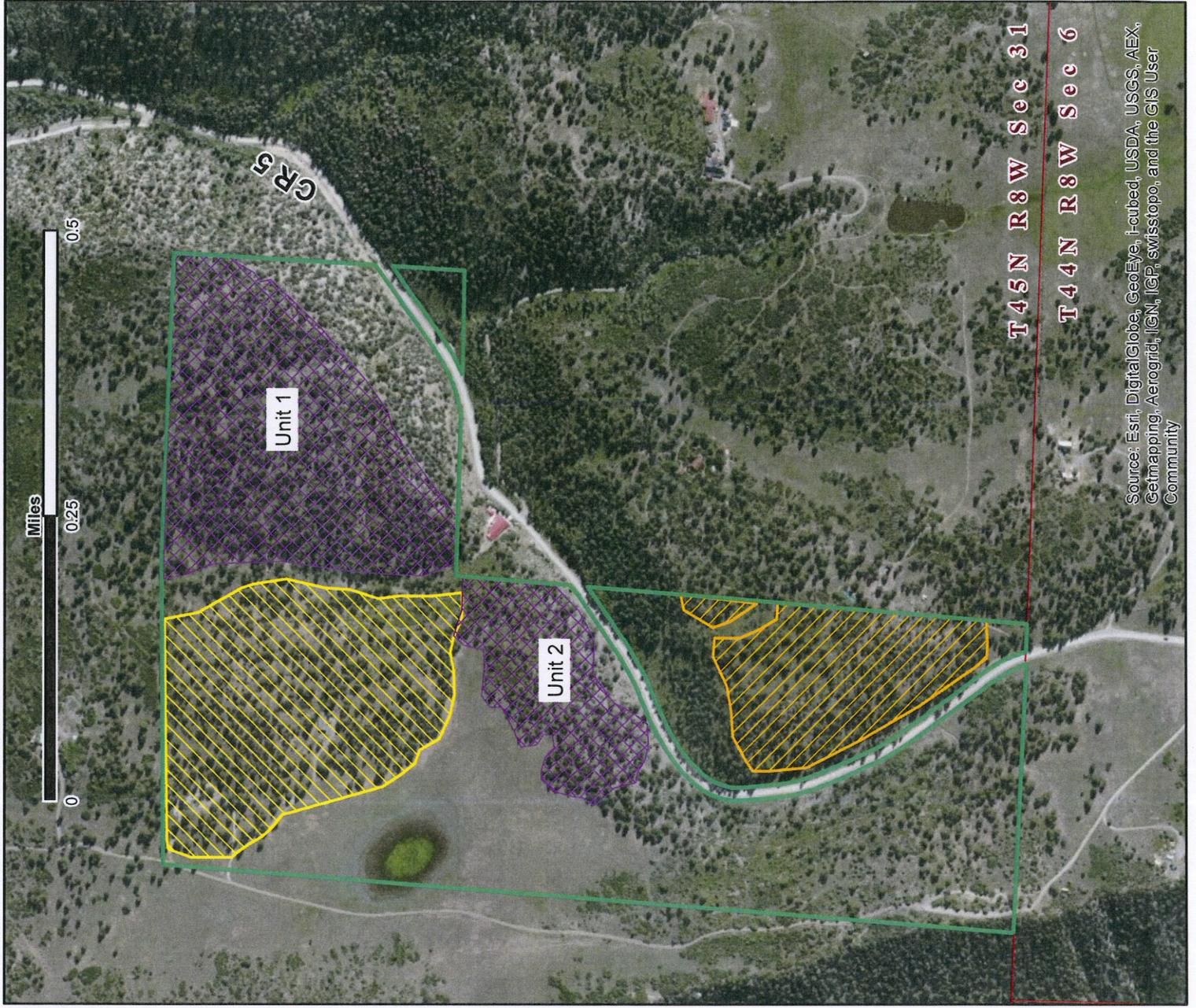
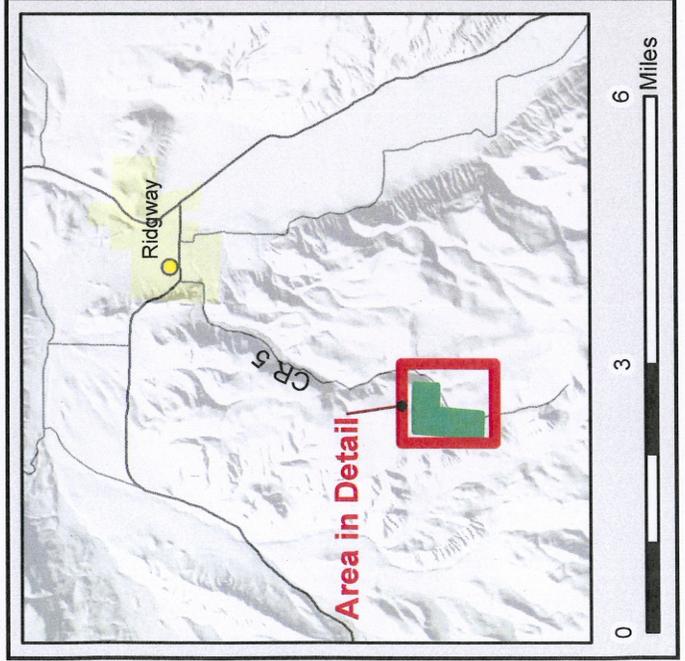
DATE SIGNED: 6-12-14

Attachment: Project Area Map

Top of the Pines (TOP) Project Area



kdh 06/06/14



**U.S. Department of the Interior
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2465 South Townsend Avenue
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Decision Record

(DOI-BLM-CO-S050-2014-0031 CX)

PROJECT NAME: Top of the Pines Sanitation Improvement Thinning

DECISION: It is my decision to authorize Ouray County to mitigate the spread of dwarf mistletoe and mountain pine beetle by single tree and group selection thinning of ponderosa pine over approximately 44 acres, with the secondary objectives of fire mitigation and improved aesthetics.

For mistletoe, trees are selected for thinning by using the Hawksworth 6-class dwarf mistletoe rating system (Hawksworth, 1977). Trees rated 4-moderate and higher are marked for removal unless the tree is 1 to 1 ½ tree heights length away from the others, then only trees rated 5-moderate/high are selected for removal. For mountain pine beetle, trees are selected individually for removal if there is visual evidence of beetle attack on the tree indicated by red needles with the presence of beetle bore holes.

The treatment will result in a stand density of 66 BAF per acre, down from an average density over in the proposed unit of about 81 BAF (basal area feet) per acre. This is approximately a 19% reduction.

Limbs and tops may be loped and scattered, chipped, and/or masticated. Any combination will be deemed acceptable as long as the residual material meets specifications stated below:

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The BLM's authority is limited to the timber, which includes ponderosa pine, pinyon pine and juniper. Oak brush is not considered timber, and the county can manage it as appropriate.

An inventory of the timber stand indicates the presence of 97.5 cords of fuelwood. At \$5.00 per cord, the value of the fuelwood is \$487.50. This decision is contingent upon Ouray County agreeing to pay for the value of the fuelwood.

MITIGATION MEASURES:

To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

Project design features identified in the CX will be followed:

- The undercarriage and tires of all trucks and equipment must be washed offsite before entering the project area to reduce the spread of noxious weeds from other projects. Machine operations should avoid driving through weed areas. Equipment will need to be inspected prior to movement onto the site.
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RATIONALE: The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, number

C.9. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP (1989).

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

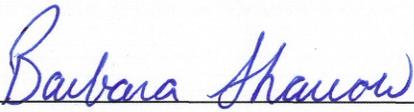
If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Kelly Homstad

NAME OF ENVIRONMENTAL COORDINATOR: 

DATE 6-9-2014

SIGNATURE OF AUTHORIZED OFFICIAL



Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 6-12-14