



United States  
Department of  
Agriculture  
Forest Service  
November 2011



# **Decision Notice and Finding of No Significant Impact**

## **Ophir Mountain Forest Health and Fuels Project**

**Dillon Ranger District, White River National Forest  
Summit County, Colorado**

Township 5 South, Range 77 West, Section 31;  
Township 5 South, Range 78 West, Sections 35 and 36;  
Township 6 South, Range 77 West, Section 7;  
Township 6 South, Range 78 West, Sections 1, 2, 3, 11, 12, 13, 14, 23 and 24; 6<sup>th</sup> P.M.

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## Introduction and Background

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The USDA Forest Service (Forest Service), White River National Forest (WRNF), Dillon Ranger District, is proposing to implement vegetation management activities on National Forest System (NFS) lands within and adjacent to the Wildland Urban Interface (WUI)<sup>1</sup> of Frisco, Colorado and surrounding communities. These activities are designed to lower the existing and accumulating fuel loads following the mountain pine beetle (MPB) epidemic and expedite the regeneration of lodgepole pine and aspen located in the Ophir Mountain area. This project would also be expected to result in improvements to other forest resources, such as scenery and recreation over the long term (30+ years) following the ongoing MPB epidemic. The proposed project is referred to as the Ophir Mountain Forest Health and Fuels Project (also referred to as proposed action, project, or proposal).

This analysis has been completed under the Healthy Forest Restoration Act (HFRA), Title I, Sec. 102 (a) (1) and (4) authorities. This project meets the definition of “Authorized Project” under HFRA because (1) it would be conducted on federal land in a wildland-urban interface, and (2) the project contains an active insect epidemic that poses a “significant threat to an ecosystem component, or forest or rangeland resource on federal land or adjacent non-federal land”. The Lakewood Service Center has completed a report (LSC-07-06) of the mountain pine beetle infestation in northern Colorado and southern Wyoming, and has concluded that an epidemic of mountain pine beetle exists. On June 25, 2007 Deputy Regional Forester, Richard Stem, documented that a mountain pine beetle epidemic exists in lodgepole pine forests on the Arapaho, Roosevelt, Routt, White River, and southern Medicine Bow National Forests in Grand, Routt, Eagle, Summit, and Jackson Counties in Colorado.

HFRA calls for the preparation of Community Wildfire Protection Plans or comparable plans to define the wildland-urban interface and establish locally based strategic priorities for wildfire preparedness and hazardous fuels reduction work in these areas. Several areas of Summit County have been identified as potential areas of elevated risk from the negative effects of wildfire. A portion of the proposed project is within the WUI identified in the Summit County CWPP, surrounding the Iron Springs and Gold Hill areas and the town of Frisco. The Forest Service has incorporated the recommendations of the Summit County CWPP in the development of this proposed action.

## Purpose and Need for Action

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The Ophir Mountain EA was proposed by the Dillon Ranger District to address the forests in the vicinity of Ophir Mountain that have experienced high levels of tree mortality as a result of the mountain pine beetle (MPB) epidemic. Mortality rates of mature lodgepole pine in some areas are over 80 percent of the basal area<sup>2</sup>. It is reasonable to suspect that within a 10 year period, many dead lodgepole pines will deteriorate and fall to the ground. The resulting condition would be heavy fuel accumulations that could support large-scale wildfires characterized by high severity/high intensity fire behavior. Extreme fire

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<sup>1</sup> Wildland Urban Interface (WUI) is an area within or adjacent to an at-risk community identified in recommendations to the Secretary in a Community Wildfire Protection Plan (The Healthy Forests Initiative and Healthy Forests Restoration Act, p. 51 USDA, FS-799, February 2003).

<sup>2</sup> Basal Area is the cross-sectional area of all stems of a species or all stems in a stand measured at breast height and expressed per unit of land area (Society of American Foresters, 1998).

behavior and high fire severity would threaten private property, community infrastructure, fire fighter safety and forest resources.

The purpose of the proposed action is to:

- Reduce the accumulation of future heavy fuel loading over the long term on NFS lands adjacent to communities in the WUI. Fuel reduction would reduce the impacts of potential wildfire to forest resources and infrastructure (roads, trailheads, utilities) within NFS lands.
- Expand treatments within the community protection zone (CPZ<sup>3</sup>) on NFS lands adjacent to communities in the WUI that have been identified as having an elevated risk due to hazardous fuel accumulations resulting from the bark beetle epidemic.
- Create conditions that would increase lodgepole pine and aspen regeneration following the MPB epidemic and provide an environment that would maximize growth rates for regeneration in the short term.
- Create conditions whereby the forest may be manageable for future objectives.

## **Project Location**

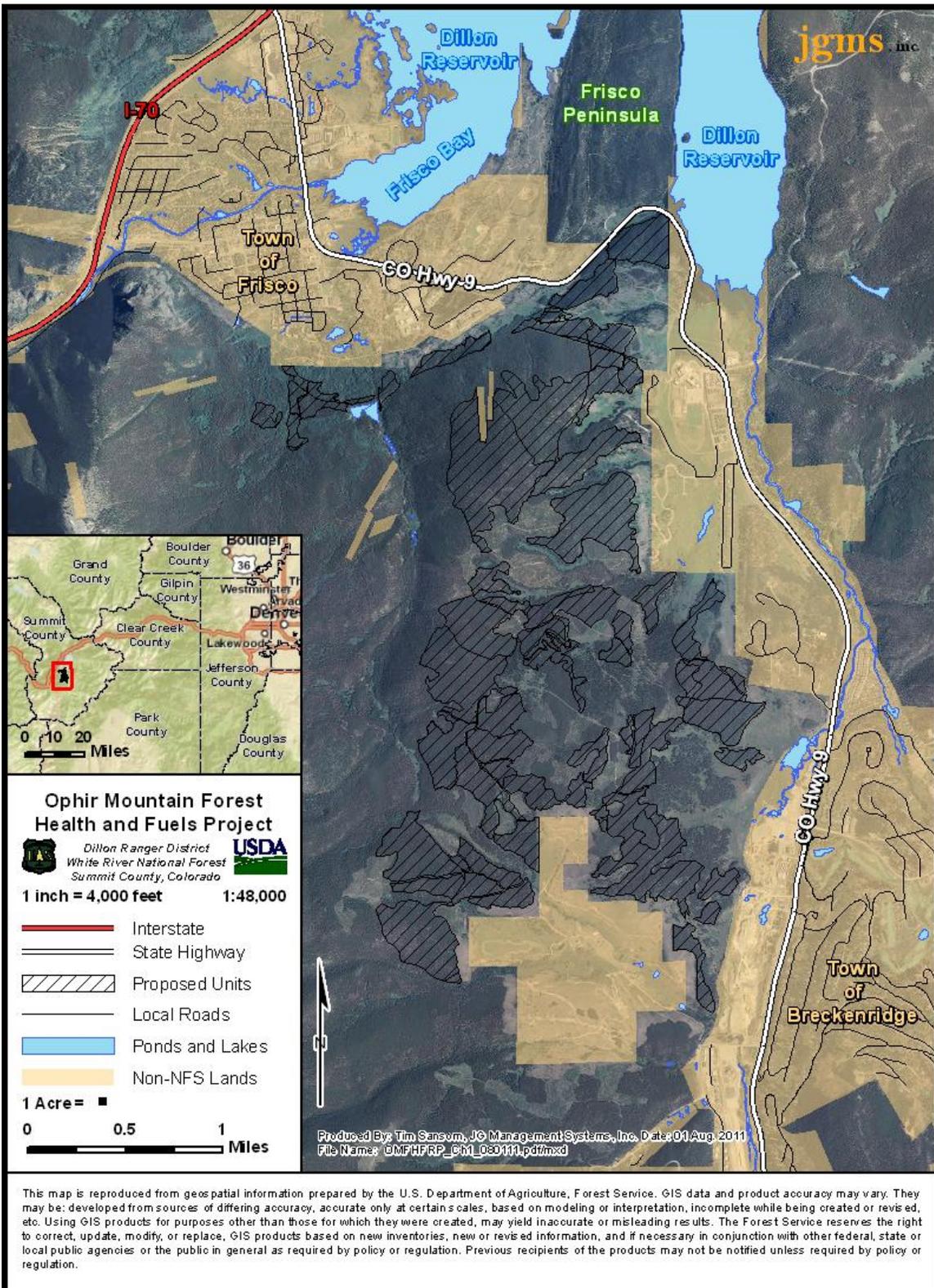
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The *Ophir Mountain Forest Health and Fuels Project* area is bounded on the north by the Summit County bike path on the south side of Frisco, on the east by Colorado Highway 9, on the south by the northern edge of North Barton Gulch and on the west by the Miner's Creek drainage (see Figure 1-1, *Ophir Mountain Forest Health and Fuels Project Vicinity Map*). Approximately 1,500 acres are proposed for treatment within the project area (see Figure 1-1 above).

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<sup>3</sup> Community Protection Zone (CPZ) – fuel break areas to provide for public and firefighter safety on NFS lands adjacent to provide property or community infrastructure. Four hundred feet is considered a safe width for a crown fire free zone under high to extreme weather conditions (Scott, 2003).

Figure 1- 1 - Ophir Mountain Forest Health and Fuels Project Vicinity Map



## **Alternatives Considered**

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The proposed action was formulated by incorporating recommendations from other agencies and organizations through collaboration. Additional issues relating to the proposed action raised during the public involvement period were documented and addressed in the analysis. The interdisciplinary team (ID Team) considered the affected area and estimated the environmental consequences for both the no-action and proposed action alternatives. These alternatives are summarized below.

### **Alternative 1: No Action**

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With selection of Alternative 1 the natural processes would continue to alter forest conditions, but management activities to respond to these alterations would not be enacted. Ongoing activities such as recreation, fire suppression, and road maintenance would continue. Regulations require a No Action alternative be analyzed as a baseline against which effects of the action alternatives can be measured or compared.

### **Alternative 2: Proposed Action**

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Implementation of the proposed action, which consists of 59 treatment units, would involve mechanical removal of trees over approximately 1,500 acres<sup>4</sup>; piling and burning of slash and debris resulting from proposed treatments; road maintenance; clearing brush; grading, widening, and replacing gravel along roads; construction and closure (including obliteration) of temporary roads once they are no longer needed for operations, and mechanical site preparation to enhance the establishment of seedlings. Mechanical site preparation may include exposing bare mineral soil or disturbing existing vegetation that may out-compete seedlings. Lodgepole pine and other species may be used for fill-in planting on a case by case basis if deemed appropriate.

The treatment prescribed is the same for all of the proposed units. This type of treatment, or prescription, identified as “clearcut with leave trees” and would allow for the removal of dead trees, trees currently infested with MPB, trees susceptible to being infested with MPB, or trees prone to windthrow while retaining the healthy living trees within a given stand. In response to an objection, an “adaptive management” option will also be used in some units which would defer implementing a clearcut prescription until mortality rates reach a level of 40% of the basal area or greater. In general, all stands proposed for treatment are composed solely of or dominated by lodgepole pine trees; however, some inclusions of aspen, spruce, and fir exist and would be excluded from cutting as much as practical. Due to the retention of species other than lodgepole pine, many areas proposed for treatment would not be clearcut entirely; instead, clearcuts would at times be smaller than the larger unit boundary shown on the maps and would also retain individual trees of various species within their boundaries.

As authorized in the Knutson-Vandenberg (KV) Act of 1930, a portion of the timber receipts from the proposed commercial timber harvests would be deposited in a cooperative account for future use in improving existing structures and renewable natural resources within sale boundaries. KV-funded projects proposed by the interdisciplinary team are listed in Table 1-1 in order of funding priority. These projects would be included in the Sale Area Improvement Plan, which is required to receive and disperse KV funds and are a part of the Proposed Action.

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<sup>4</sup> Acres are approximate to + or – 10%.

Table 1- 1– Sale Area Improvement (KV) Projects (Listed in Priority Order)

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|---|
| 1. Regeneration surveys -1 <sup>st</sup> , 3 <sup>rd</sup> , 5 <sup>th</sup> year (all regeneration harvests) |
| 2. Site preparation for natural regeneration  |
| 3. Artificial reforestation (if needed)   |

## Decision/Selected Alternative

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The Selected Alternative for the Ophir Mountain Forest Health and Fuels Project strikes a balance between meeting the Purpose and Need for fuels reduction, while also considering local community concerns. During the formal objection period two objections were filed by persons or groups that had been involved with the development of the proposed action during collaboration and scoping. An Objection Resolution meeting was provided by the Forest Service, to meet with objectors and try and develop solutions to concerns raised by the objectors. The result of these meetings and discussions was to make some additional modifications to arrive at what is the Selected Alternative. The selected alternative is Alternative 2 and the design features as described in the EA, with the following modifications:

Treatment units 147, 152, 154, 155, 156 and 158 will be given an “adaptive management” prescription that defers clearcutting until the lodgepole within a given stand reaches a level of 40% mortality (measured in Basal Area) or greater. If any of these units do not reach this 40% threshold, salvaging dead and beetle infested trees could be conducted in conjunction with creating small group openings (1/4 – 2 acres in size) over 25% - 30% of the stand area. If high levels of dwarf mistletoe are noted, the Silviculturist can choose to defer treatment in these units.

Also, in order to protect trails for navigation in the winter, a Design Feature that would require on-the-ground designations of system trails in areas that no longer contain obvious corridors as a result of clearcut treatments has also been added. These designations would vary and be adaptable depending on conditions post-treatment, but could include markers, such as blue diamonds, which are currently being used on many trails on the Dillon Ranger District.

### Mechanical Felling

Mechanical felling would consist of using ground-based machinery to harvest trees and remove them from the stand. In most cases this method is preferable to hand-felling as it would remove the boles of the trees from the cutting units (in the form of timber) thereby opening up the surface to sunlight. This in combination with soil scarification caused by the ground-based machinery would create more favorable conditions for natural regeneration. Mechanical treatments are designed to follow forest stand boundaries where possible, with the intent of maintaining scenic integrity by following natural vegetation edges. Chainsaws, helicopter yarding or cable yarding may be utilized, where suitable, to implement the proposed treatments. Mechanical equipment would not be used on sustained slopes greater than 40%, but the use of helicopter yarding or cable yarding may be used on slopes greater than 40%.

## Rationale for Decision

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My decision involves balancing several considerations, including which combination of treatments best supports the purpose and need for action and the project objectives described in the EA while at the same time maintaining healthy watersheds, protecting wildlife habitat and meeting the needs of local communities. I reached my decision after careful consideration of the environmental effects of the alternatives discussed in detail in the EA, the associated planning records, the issues identified during the planning process, public comments and objections. My decision meets the requirements of the National Environmental Policy Act (NEPA), the Healthy Forest Restoration Act (HFRA), and best responds to the purpose and need for this project while considering the environmental and social effects. The rationale for my decision is further detailed below.

1. The project proposal is consistent with management direction in the Forest Plan as required by 36 CFR 219.10 (e). Specifically, the project conforms to the White River Forest Plan's Goals and Objectives and Management Area (MA) direction.
2. The Selected Alternative meets the purpose and need for regenerating lodgepole pine, reducing future heavy fuel loads, expanding the CPZ adjacent to communities in the wildland-urban interface and creating conditions whereby the forest may be manageable for future objectives.
3. The Selected Alternative will have no significant adverse effect on vegetation diversity, socioeconomic issues, wildlife and their habitat, hydrologic function, soils, recreation, fisheries, scenic integrity, or heritage resources as documented in the EA and the BA.
4. I considered public comments related to large scale clearcutting in the proposed treatments. The openings that will be created are within the natural variability of lodgepole pine ecosystems (White River Forest Plan FEIS, Appendix D) and the environmental effects on scenery, wildlife, watersheds, fisheries and soils are not significant.
5. This project provides one of the last opportunities to salvage merchantable dead lodgepole pine for the next several decades. Project implementation represents less than 4% of the cover types that contain lodgepole pine across the district. Unfortunately, the vast majority of beetle infested, mature lodgepole pine will remain untreated because it is logistically and economically infeasible to do so.
6. There is community and county support for the Ophir Mountain Forest Health and Fuels Project, though as is common with management of national forest resources, not unanimous support (project record).
7. I did not choose Alternative 1 (No Action) because it will not meet the objectives of forest regeneration and fuels treatments outlined in the EA. It would be irresponsible for me to select an alternative that does so little to address future fuel loading and management of the future forest.

## **Public Involvement**

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On July 27, 2010 the Forest Service initiated collaborative efforts to begin developing this proposal. Members of the public and local officials were invited to a community collaboration meeting to discuss forest health issues and to provide input on the design of the proposed project.

The Forest Service provided the proposal to the general public, interested stakeholders and other agencies for comment during the public involvement or “scoping” period beginning September 30, 2010. Thirty comment letters were received. Approximately 20 people attended the open house hosted by the Forest Service in Frisco, Colorado 5:30 p.m. to 7:30 p.m. on October 21, 2010.

## **Finding of No Significant Impact (FONSI)**

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### **Findings**

Based on my review of the Ophir Mountain Forest Health and Fuels Project EA, I have determined that the activities included in the Selected Alternative will not individually or cumulatively have a significant effect on the quality of the human environment. Therefore, preparation of an environmental impact statement is not required. This finding is based on the context and intensity of the actions (40 C.F.R. § 1508.27) as explained below and in Chapter 3 of the Ophir Mountain EA.

### **Context**

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR § 1508.27).

This decision and the Ophir Mountain EA incorporate by reference the Forest Plan Record of decision and are tiered to the Forest Plan FEIS which analyzed and disclosed effects of potential Forest management at a larger scale. The activities planned in the Ophir Mountain Forest Health and Fuels Project are similar to others completed on the White River National Forest and are within the range of effects anticipated in the Forest Plan FEIS.

The environmental effects of this project are analyzed at varying scales (e.g. the project area or the watershed) as described for each resource in Chapter 3 of the EA and in the project record. I have reviewed the cumulative effects of past management combined with this project and reasonably foreseeable future actions as they are analyzed in Chapter 3 of the EA, and feel that the context of this decision is limited to the land in and adjacent to the project area. The analysis in Chapter 3 indicates that project design and application of Forest Plan standards and guidelines and best management practices will minimize negative impacts to all resources. Given the finite time period and localized nature of impacts described in the EA, the project will have no measurable effects at the regional or national levels and therefore consideration of significance will focus on the local setting.

This decision, and the effects analysis on which it is based, applies only to this local area. After a thorough review of the effects analysis contained in the EA, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the White River National Forest.

## **Intensity**

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from Chapter 3 of the EA and the project record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects using relevant scientific information and their knowledge of site-specific conditions gained from numerous field visits. My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR § 1508.27b.

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

As described in the EA (Chapter 3) and project record, there are likely to be both beneficial and adverse effects to certain resources from taking the actions proposed in the Selected Alternative. In reaching my finding of no significant impact, I did not ignore or trivialize negative effects by “offsetting” them with beneficial effects. The EA demonstrates that, due to careful project design that incorporates protective measures (Forest Plan standards and guidelines, water conservation practices, and site-specific design features), the possible negative effects are relatively minor and of short duration, and are not directly, indirectly, or cumulatively significant.

2. *The degree to which the proposed action affects public health and safety.*

As discussed in the EA (pp. 121-126) there would be no significant effects to public health and safety from the project. Effects of the proposed action from removal of hazard trees and reduction of heavy fuel continuity do constitute benefits to public safety within the limited area of the project, and the design features described in Chapter 2 serve to protect public health and safety during implementation.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no park lands, prime farmlands, research natural areas, or wild and scenic rivers in or near the project area, and therefore none would be affected by this project. The interdisciplinary team spent many days in the project area and identified areas and special features to be protected. Wetlands within the project area will be protected by the application of best management practices and project design features (EA pp.15-20). Ecologically sensitive areas (e.g. riparian areas) have been avoided in the design of harvest units and roads. Cultural resources on or eligible to the National Register of Historic Places and found within the project area have been or will be documented and will be flagged and avoided during operations. There are no activities in designated wilderness or roadless areas. As a result, the EA clearly demonstrates there will be no significant effects to any of these resources (Ophir Mountain EA Chapter 3).

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

In the context of the National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition. Our contacts with the U.S. Fish and Wildlife Service, Colorado Division of Wildlife, Colorado State Forest Service, and State Historic Preservation Office did not identify any scientific controversy regarding the direct, indirect, or

cumulative effects of this project. The interdisciplinary team for this project considered extensive scientific research (see project record), including any submitted by the public, to determine its applicability to the project and found no controversy related to the predicted effects. Based on these factors, and the analysis provided in the EA and project record, I have concluded that the effects of the Selected Alternative on the quality of the human environment are not controversial.

*5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The White River National Forest has considerable on-the-ground experience with the types of activities to be implemented in this project, (EA Chapter 3). The range of site characteristics is similar to those taken into consideration and disclosed in the Forest Plan FEIS, Chapter 3, and the effects of this project are within the range anticipated in that FEIS and the Forest Plan Record of Decision. The effects analysis (EA Chapter 3, project record) demonstrates that the effects of these activities are not uncertain or significant and do not involve unique or unknown risks. The body of knowledge gained through years of project-level and programmatic monitoring, timber sale inspections, stand examinations, wildlife surveys, and applied research provides a basis for the effects analysis in the EA and supports my determination that there will be no highly uncertain effects or unique or unknown risks associated with this project.

*6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

This is not a precedent-setting decision. Similar actions have occurred for decades in the local area and across the Forest and the Region. The effects of implementing the Selected Alternative were disclosed in Chapter 3 of the EA and the project record, and are within the range of effects of these similar actions. They also are within the range of effects disclosed in the Forest Plan FEIS, which analyzed the effects of the types of activities that will be implemented under the Selected Alternative at a larger scale. The implementation of the Selected Alternative does not make a commitment to do anything in other areas on the White River National Forest or any other national forest. It will not set a regional or national precedent. For these reasons, I have determined this action does not establish a precedent for future actions with significant impacts. All actions are wholly consistent with the Forest Plan.

*7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Chapter 3 of the EA (pp. 25-132) and the individual resource reports in the project record disclose the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in Selected Alternative would create significant impacts alone or when considered with other actions. The interdisciplinary team carefully chose cumulative effects analysis areas and timeframes, including private lands where it made sense for the resource, that would most thoroughly examine and predict effects. Based on the analysis in the EA and incorporating by reference the range of effects predicted in the Forest Plan FEIS, I have determined that implementing the Selected Alternative will not result in significant cumulative effects.

*8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

For the reasons explained in Chapter 3 of the EA (pp. 119-121), this project will not adversely affect cultural resources. As mentioned above cultural resources on or eligible to the National Register of Historic Places and found within the project area have been or will be documented and will be flagged and avoided during operations. I find that this decision will not adversely affect any cultural or historical resources. No other significant scientific resources have been identified in the project area.

*9. The degree to which the action may adversely affect all endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

Compliance with the Endangered Species Act and Southern Rockies Lynx Amendment and protection of species and their habitat are described in the Biological Assessment (in the project record) and in the EA (pp. 37-61). Each of these references explains the determination that the Selected Alternative will not have a significant adverse effect on any listed species. In the case of Canada Lynx, The Ophir EA analyzes the effects of the proposed action and the no-action alternatives, using lynx habitat designations that have already been developed at the forest level, as well as site-specific data. The habitat within the proposed treatment units has already been determined to be “unsuitable”. Therefore, treatments would not reduce the amount of suitable habitat within the Ophir Mountain landscape. In addition, higher quality lynx habitat to the west of the project area would provide travel corridors for any lynx that may be in the area. Forest Service Wildlife Biologists expect, and representatives with the DOW agree, that the proposed action would improve lynx winter foraging habitat in the long-term.

*10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the White River National Forest Plan. The Selected Alternative complies with the Forest Plan, as described above in the Rationale for the Decision, and in the EA, I find that none of the actions in this decision threaten to violate applicable Federal, State, or local laws or other requirements to protect the environment.

## **Administrative Review or Appeal Opportunities**

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This Decision Notice and Finding of No Significant Impact have been completed under authority of the Healthy Forests Restoration Act (HFRA) and subject to regulation at 36 CFR 218. Therefore, this Decision Notice is not subject to the notice, comment and appeal procedures found at 36 CFR 215.

### **30-Day Predecisional Review of the EA.**

Under HFRA process the EA was subject to administrative review termed an “Objection” period, pursuant to Forest Service regulations at 36 CFR 218. Only parties who submitted specific written comments related to the project during the opportunity for public comment were eligible to file an objection. On August 19, 2011, a Legal Notice was published in the Summit Daily News to announce a 30-day objection period. Two objections were filed. An objection resolution meeting was offered and held on October 14, 2011. Efforts to resolve the objections were made and the Reviewing Official provided a final response to those objections in letters dated October 25, 2011.

**Implementation**

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Implementation of this decision may occur immediately after the decision is signed.

**Contact Person**

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For further information regarding this decision, contact Brett Crary at the Holy Cross Ranger District 24747 Hwy 24, P.O. Box 190, Minturn, CO 81645 or by phone at (970) 827-5182.

*for*   
for Jarl Cutts  
District Ranger  
Responsible Official

*November 21, 2011*  
Date