Decision Notice

& Finding of No Significant Impact

Swan River Stream Restoration

USDA Forest Service
Dillon District, White River National Forest
Summit County, Colorado
Township 6S, Range 77W, Sections 13, 14, 23, 24, 25

Decision and Reasons for the Decision

Based upon my review of all alternatives, I have decided to implement Alternative 2 which is the proposed action to implement and create two new miles of stream habitat in the Swan River.

Background

The purpose of this proposal is to reconnect surface continuity between the three main tributaries within the Swan River watershed; this would restore over 15 miles of hydrologic function. Reconnecting the tributaries would provide an opportunity to restore a meta-population of native cutthroat which would create a need to prevent non-native brook trout from migrating upstream into newly created habitat. Associated with this project is also the need to address a variety of recreation uses within the project area such as hiking, mountain biking, and ATV use as well as impacts to stream heath from current road and stream crossings.

This action is needed because:

- Historic dredge boat mining on private, town, county, and National Forest System (NFS) lands degraded the mainstem Swan River up to the confluences of the North Fork, Middle Fork, and South Fork Swan River tributaries.
- Surface continuity between these three tributaries has been completely lost due to dredge mining. Fish migration can no longer occur between these three tributaries. Recreation along the Tiger Road is very high and includes both summer and winter activities. Recreation would increase due to the implementation of this project. There is a need to address parking use in the project area as well as current roads within the project area that are impacting stream health of the Swan River; specifically the access road across the Swan River into Muggins Gulch.

Future conditions would include a healthy, functioning stream and riparian corridor on the private, county, town, and NFS properties which would provide surface continuity and fish migration between the three main tributaries. Tributaries are on National Forest System lands.

Collaboration with multiple stakeholders has been ongoing for the past three years. Restoration and collaboration is a high priority for the White River National Forest. The stream design has been completed and public access easements with two private landowners are being secured. An environmental analysis is now needed to help guide implementation.

This action responds directly to many goals and objectives outlined in the Forest Plan. Those goals and objectives can be reviewed in the Environmental Assessment.

Alternatives

Alternative 1 (No Action)

The No Action alternative represents the current condition. The status of the dredge piles and Swan River would remain the same. The Tiger parking lot would not be increased in size and the Muggins Gulch road would remain in its existing condition with no new utility authorization. The broader goals of reconnecting the three tributaries of the Swan River watershed would not be met. No ground disturbance would occur with the No Action alternative.

Alternative 2 (The Proposed Action)

The proposed action would include a variety of project elements including: 1) stream, riparian, and upland restoration activities, 2) road projects including decommissioning, expansion of an existing parking lot, and creation of a new road and trail, 3) fish barrier construction, and 4) a hiking trail near the Swan River; all project elements are within a mixed ownership of private, county, town, and NFS lands. Stream and riparian restoration as well as new trail construction on private lands would be within public access easements granted to the USDA Forest Service.

Stream, riparian, and upland restoration activities would occur within a 100 acre valley. Two new miles of stream channel with a 20-25 foot bank-full width would be created. Riparian restoration would occur on approximately 44 acres with upland restoration occurring on approximately 45 acres. New stream habitat would be approximately 26 acres. Heavy equipment would be used to mass excavate the dredge piles within the 100 acre valley and equipment would also be used to create the channel widths and restore riparian and upland habitats. Equipment would also be used to create the fish migration barrier on Tiger Road near Muggins Gulch, which would prevent non-native brook trout from migrating upstream into newly created habitat designated for native cutthroat trout. For a detailed description of stream restoration activities, see "Swan River Restoration Preliminary Design Plan Report" which can be found in the project file at the Dillon Ranger District.

The Proposed Action would also create a new road and stream crossing in Muggins Gulch near its confluence with the Swan River. This would eliminate an unnecessary stream crossing through the Swan River and help achieve broader restoration goals. The action would also include the authority for private road use and utility location in the new road associated with private development in the Muggins Gulch watershed. Additional road projects include decommissioning the current road and stream crossing through the Swan River into the Muggins Gulch area as well as minor road improvements and temporary bridge installation on an existing road that connects FS Rte. 6.2 to FS Rte. 355. This connection route is located approximately one mile upstream from where the current Georgia Pass road (FS Rte. 355) crosses the Swan River through private property. The connection route already exists and there currently is a ford that crosses the Middle Fork Swan River. At a minimum, a temporary bridge spanning approximately 15-20 feet would be installed at the ford crossing to provide a connection route for temporary traffic detours during summer construction, which could last up to four summer seasons. The analysis will also cover the potential to make this a permanent stream crossing. Ground based equipment would be used for both the temporary and permanent crossing. Total ground disturbance for both the temporary and permanent crossing would be less than ¼ acre with little to no tree removal.

The Tiger Trailhead parking lot along Tiger Road would be increased in size to better accommodate vehicle use and parking as the current size does not meet the demand for parking at the site. Total ground disturbance would be roughly 0.5 acres (21,000 square feet). The increased capacity would allow an additional ten vehicles with trailers and 34 standard vehicles (e.g., pickup trucks). Heavy equipment would be used for grading. The action would also include the removal of sage brush with minimal tree loss. Soils and vegetation removed for the new parking lot would be reused for stream and riparian restoration.

Lastly, the proposed action would create a new hiking trail from the Tiger Road crossing near Muggins Gulch on Summit County/Town of Breckenridge land up to the South Fork Swan/Georgia Road crossing (FS Rte. 355) on private land. Parking on private land would be under the USDA Forest Service easement and managed by the USFS. The trail would be approximately 1.75 miles in length with a width no more than 24 inches. The trail would be a new creation on the dredge rock with no soil disturbance or tree removal. The trail would be designated for summer and winter non-motorized, non-mechanical use only, with camping and use of firearms prohibited.

Alternatives Considered but Eliminated from Detailed Study

An alternative was developed to provide a parallel route along Tiger Road from the Tiger Trailhead to FS Rte. 354 (NF Swan road) to allow ATV and snow-mobile traffic. This would have potentially decreased user conflicts on Tiger Road with full size vehicles. However the alternative was dropped from further analysis due to the following reasons: 1) scenic impacts from building a parallel route, 2) no way of determining if proper snow conditions for snow-mobile use would be maintained in the spring, 3) implementation of the route would include impacts to steep slopes and small gullies with potential unstable soils, and 4) tree removal would have led to adverse impacts to lynx habitat.

Rationale

I have selected Alternative 2 in this decision. When compared to the other alternatives, including those considered but eliminated from detailed study, Alternative 2 best meets the purpose and need of providing the broad restoration goals that are most beneficial to the aquatics resources within the Swan River watershed. The alternative also provides a substantial benefit to the public by creating two new miles of river that would be accessible for use such as hiking and fishing.

Public Involvement

Public involvement, collaboration with state and local governments and private entities, as well as partnership support, has all been vital to the success of this planning effort. Collaboration spanning over three years has been instrumental in completing this planning effort. Partners to date include: Rock Island Land Co., LLC, Good Times Adventures, LCC, Trout Unlimited, Blue River Watershed Group, Friends of the Dillon Ranger District, Colorado Watershed Conservation Board, Colorado Parks and Wildlife, Everest Materials, Town of Breckenridge, as well as Summit County government. Without the support and engaged from the above entities, this project would not be possible.

Based on interdisciplinary review of all information received from the scoping process, the project ID Team determined that all key issues for the project, including resource concerns and impacts, could be resolved or mitigated through project design and proper implementation of the Proposed Action.

The proposed action was published for a 30-day public comment period in January, 2014. Four letters were received, two of them were outside the scope of the project and other two were primarily letters of support with minor concerns listed.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions would not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

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).

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 Swan River Stream Restoration 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 minor 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.

Intensity
Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from Chapter 3 of the Swan River Stream Restoration EA and the project record. I have determined that the ID 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 Chapter 3 of the Swan River Stream Restoration EA and project record, there are primarily just beneficial effects. There is very little to no 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 are not directly, indirectly, or cumulatively significant. Consequently I find that the beneficial effects do not meet a threshold for significance either.

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

As mentioned in the EA, there would be no significant adverse effects to public health and safety because of the project design. Any detour of public traffic would be done to state guidelines and would not impact public health or safety.

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, wild and scenic rivers or wilderness areas 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. Ecologically critical areas such as wetlands have been avoided in the design of treatment units. No cultural resources on or eligible to the National Register of Historic Places were found within the project area. If unknown sites are discovered they will be documented and will be flagged and avoided during operations. As a result, the EA clearly demonstrates there will be no significant effects to any of these resources.

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, 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), 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 effects analysis (Swan River Stream Restoration EA, Chapter 3, project record) demonstrates that the effects of the stream restoration and subsequent use are not uncertain or significant and do not involve unique or unknown risks.

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. Stream restoration habitat projects have occurred for decades 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 similar actions. 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.

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

Chapter 3 of the Swan River Stream Restoration EA discloses 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 ID Team carefully considered 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 on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

As described in Chapter 3 of the EA it was determined that none of the cultural materials or properties encountered during the current project are eligible for inclusion in the National Register of Historic Places and that no specific protection is needed. The proposed project would result in no effect to historic properties because there are none documented within the affected project area. I find that this decision will not adversely affect any cultural or historical resources.

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

The proposed action will have no effect on any fish or wildlife Threatened or Endangered Species.

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

As described in the EA and in the project record, Alternative 2 fully complies with the requirements of the National Environmental Policy Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, and the National Forest Management Act. It is consistent with the Forest Plan for the White River National Forest and complies with Executive Order 12898 (Environmental Justice). 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 Swan River Stream Restoration 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.

Findings Required by Other Laws and Regulations

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act and all other laws, regulations and policies that govern Forest Service actions. The project was designed to conform to the Forest Plan and all other laws, regulations and policies. Forest Plan standards and guidelines will be applied as appropriate to meet Forest Plan goals and desired conditions.

Implementation Date

This project is subject to the objection process pursuant to 36 CFR 218. If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the objection filing period. When objections are filed, implementation may occur on, but not before, the 15th business day following the date of the last objection disposition.

Contact

For additional information concerning this decision, contact Cynthia Keller, US Forest Service, PO Box 620, Silverthorne, CO 80498, 970-468-5400, cpkeller@fs.fed.us. The EA can be found at the White River National Forest website at:
http://www.fs.usda.gov/projects/whiteriver/landmanagement/projects

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MAY 23, 2014
Date

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