



Decision Record

DOI-BLM-CO-S010-2016-0045-RMP-EA January 2020

Areas of Critical Environmental Concern Resource Management Plan Amendment *for the Tres Rios Field Office*

Applicant: *Bureau of Land Management*
Preparing Office: *Tres Rios Field Office*
29211 Hwy 184
Dolores, CO 81323
Phone: 970-882-1120

Background: The Bureau of Land Management (BLM) Tres Rios Field Office (TRFO) prepared a Resource Management Plan (RMP) Amendment and associated Environmental Assessment (EA) to evaluate and consider management prescriptions for Areas of Critical Environmental Concern (ACECs) nominated during development of the TRFO RMP.

Decision: It is my decision to authorize the BLM Proposed RMP Amendment (Alternative C – Proposed Plan Amendment Alternative) as described in the September 2019 Final EA (formerly DOI-BLM-CO-S010-2016-0018-EA) – Areas of Critical Environmental Concern Proposed Resource Management Plan Amendment for the Tres Rios Field Office (including analysis of two areas now managed by the Gunnison Field Office). Based on my review of the EA and project record, I have concluded that the Proposed Plan Amendment Alternative was analyzed in sufficient detail to allow me to make an informed decision. I have selected this alternative because the proposed designation of ACECs and associated management prescriptions provide an appropriate balance between the allowable use and protection of relevant and important resource values within the TRFO planning area identified as requiring special management attention.

Designated ACEC Management Prescriptions: Table 1 summarizes the management prescriptions for the three designated ACECs (all within and managed by the TRFO):

Table 1 – Management Prescriptions for Designated ACECs (Tres Rios Field Office)

Management Activities and Uses	Ancestral Puebloan (792 acres)	Gypsum Valley (6,170 acres)	Mesa Verde Escarpment (7,373 acres)
	Relevant and Important Values of Area		
	Cultural Resources; Rare Plants	Rare Plants	Cultural Resources; Rare Plants
Fire Managed for Resource Benefit	Restricted to protect archaeological resources	Restricted (may be used to meet desired conditions)	Restricted to protect archaeological resources
Prescribed Burning	Restricted to protect archaeological resources	Restricted (may be used to meet desired conditions)	Restricted to protect archaeological resources
Mechanical Fuels Treatment	Restricted to protect archaeological resources	Restricted	Restricted to protect archaeological resources
Timber Production	Prohibited	Not Applicable	Not Applicable
Timber Harvesting as a Tool	Restricted to protect archaeological resources	Not Applicable	Restricted to protect archaeological resources
Commercial Use of Special Forest Products and Firewood	Prohibited	Restricted (commercial seed collection may be allowed in some circumstances)	Prohibited
Land Use ROWs and Utility Corridors	Restricted to avoid cultural resource sites by a minimum of 300 feet	Restricted to avoid gypsum soils	Prohibited to protect both archaeological resources and sensitive plants. This would apply to utility ROWs. Recreation ROWs would be restricted to trail(s) needed to manage use and protect archaeological resources and must avoid these resources by a minimum of 300 feet
Livestock Grazing	Restricted to protect archaeological resources	Allowable	Restricted to protect archaeological resources
Facilities	Restricted to protect archaeological resources	Restricted to avoid gypsum soils Bighorn sheep: Timing Limitations for production areas and severe winter range	Restricted to protect archaeological resources
Motorized (summer)*	Restricted to designated roads, trails and areas to protect significant archaeological resources	Restricted to designated roads and trails to avoid gypsum soils	Restricted to designated roads and trails to protect archaeological resources

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	Relevant and Important Values of Area		
	Cultural Resources; Rare Plants	Rare Plants	Cultural Resources; Rare Plants
Motorized (winter)*	Restricted to designated roads, trails and areas to protect significant archaeological resources	Restricted to designated roads and trails to avoid gypsum soils	Restricted to designated roads and trails to protect archaeological resources
Non-Motorized (summer and winter)*	Restricted to designated roads and trails to protect significant archaeological resources	Restricted, with seasonal recreational closure at wildlife program discretion	Restricted to designated roads and trails to protect archaeological resources
Mechanized*	Restricted to designated roads and trails to protect significant archaeological resources	Restricted to designated roads and trails to protect gypsum soils and sensitive status plant species	Restricted to designated roads and trails to protect archaeological resources
Road Construction (permanent or temporary)*	Restricted – Avoid cultural resource sites by a minimum of 300 feet	Restricted to avoid gypsum soils	Prohibited for new road construction to protect archaeological resources
Minerals - Leasable (oil and gas and other)	Restricted - No Surface Occupancy (NSO) within the ACEC	Restricted - (NSO, Controlled Surface Use [CSU] and TL stipulations may apply to protect special status plant species, wildlife, soils and water resources)	Restricted - NSO
Minerals - Locatable	Allowable - Open to locatable mineral entry, but impacts to archaeological resources must be minimized	Allowable (open to mineral entry, but impacts to gypsum soils, special status plant species, wildlife, and water resources must be minimized)	Allowable (open to mineral entry, but impacts to archaeological resources must be minimized) with an approved Plan of Development
Minerals - Saleable (materials)	Prohibited	Restricted (to avoid gypsum soils, special status plant species, wildlife, and water resources)	Prohibited

* The TRFO is currently undergoing Travel Management Planning to develop a designated road and trail system, as prioritized in the 2015 TRFO RMP.

Alternatives Considered: The following four alternatives were considered in the Final EA:

- **Alternative A – No Action:** The No Action Alternative would continue current management direction; resource-specific standards and guidelines provided in the TRFO RMP (BLM 2015) would apply for project planning and permitting. Both existing ACECs (Anasazi Culture and Gypsum Valley) would continue to be managed as designated, with prescribed allowable uses.
- **Alternative B – No ACECs Designated:** Under Alternative B, the two existing ACECs (Anasazi Culture and Gypsum Valley) would be removed from designation and no new ACECs would be designated. The identified relevance and importance resources and values for each proposed ACEC would be protected through existing standards, guidelines, and allowable uses identified in the TRFO RMP.
- **Alternative C – Proposed Plan Amendment Alternative:** Under Alternative C, three of the areas would be designated as ACECs: Ancestral Puebloan, Gypsum Valley, and Mesa Verde Escarpment. In addition, the alternative would adjust boundaries for the three designated areas to provide for better management of each area. The remaining nominated ACECs would be managed in accordance with the resource-specific goals, objectives, and standards identified in the TRFO RMP.
- **Alternative D – Designate All Proposed ACECs:** Under Alternative D, all proposed ACECs would be designated, for a total of 87,846 acres. Alternative D would designate the greatest number of ACECs, with special management attention designed to provide additional protections or enhance identified resource values for each proposed ACEC.

Rationale for Decision: The decision to approve the Proposed Plan Amendment Alternative will provide special management attention to areas necessary to protect important cultural values and natural resources. Designation of the three ACECs will provide additional protections for important cultural resources in the Ancestral Puebloan and Mesa Verde Escarpment areas. Designation will also focus additional management attention on rare plant species within the Gypsum Valley area through more precise identification of those soils that provide suitable habitat for the rare plants found there. The Proposed Plan Amendment Alternative best meets the purpose and need for these actions.

Considerations: The BLM considered 17 nominated ACECs within the planning area for the TRFO RMP. Table 2 summarizes the rationale for not designating ACECs nominated for consideration. Environmental analysis determined that special area designations and standards and guidelines specified in the TRFO RMP provide adequate protection for the relevance and importance values in the remaining nominated areas.

Cement Creek and Lake Como and Cinnamon Creek Pass areas (as indicated in Table 2 below) considered in the planning effort will not be designated as ACECs. Though Cement Creek and Lake Como and Cinnamon Creek Pass areas are within the TRFO RMP planning area, the BLM Gunnison Field Office manages these areas.

No decision is being made in the TRFO ACEC Proposed RMP Amendment for two potential ACECs (Dry Creek Basin and Northdale/Northdale Expansion) that are being considered as part of the Gunnison Sage-Grouse Rangewide Draft Resource Management Plan Amendment process. These ACECs were deferred from consideration to provide for consistent analysis and better communication with cooperating agencies. The Gunnison Sage-Grouse Rangewide Draft RMP Amendment is on hold pending release of the final Recovery Plan for the Gunnison Sage-Grouse by the U.S. Fish and Wildlife Service. The BLM will continue managing these areas to protect relevant and important values until consideration in a future land use plan or amendment.

Table 2 – Rationale for Not Designating Nominated ACECs

Nominated ACEC Name and Field Office	Rationale for Not Designating Nominated Area
Cement Creek and Lake Como – Gunnison Field Office	The rare plant communities present within the nominated area are effectively protected and managed through existing TRFO RMP standards and guidelines.
Cinnamon Pass – Gunnison Field Office	The rare plant communities present within the nominated area are effectively protected and managed through existing TRFO RMP standards and guidelines, and the area is effectively limited from management actions due to remote location, steep slopes, and rugged topography.
Coyote Wash – Tres Rios Field Office	The nominated area is located within the Dolores River Canyon Wilderness Study Area (WSA), and therefore does not need additional special management attention to protect relevance and importance values.
Disappointment Valley – Tres Rios Field Office	The rare plants present in the nominated area are effectively protected and managed through existing TRFO RMP standards and guidelines.
Dolores River Canyon North – Tres Rios Field Office	The nominated area is located within the Dolores River Canyon WSA and is remote and inaccessible, and therefore does not require special management attention to protect relevance and importance values.
Dolores River Canyon South – Tres Rios Field Office	The nominated area is within the Dolores River Canyon Special Area, and therefore does not require special management attention to protect relevance and importance values.
McIntyre Canyon – Tres Rios Field Office	The nominated area is within the Dolores River Canyon Special Area, and therefore does not require special management attention to protect relevance and importance values.
Mesa Verde Entrance – Tres Rios Field Office	The rare plant potential habitat present in the nominated area is effectively protected and managed through existing TRFO RMP standards and guidelines.

Nominated ACEC Name and Field Office	Rationale for Not Designating Nominated Area
Muleshoe Bench – Tres Rios Field Office	The nominated area is located within the Dolores River Canyon WSA and is remote and inaccessible, and therefore does not require special management attention to protect relevance and importance values.
Silvey’s Pocket – Tres Rios Field Office	The rare plants present in the nominated area are effectively protected and managed through existing TRFO RMP standards and guidelines.
Slickrock – Tres Rios Field Office	The nominated area is within the Dolores River Canyon Special Area, and therefore does not require special management attention to protect relevance and importance values.
Snaggleteeth – Tres Rios Field Office	The nominated area is within the Dolores River Canyon Special Area and includes lands with wilderness characteristics that the BLM is managing to protect per the decisions in the TRFO RMP, and therefore does not require special management attention to protect relevance and importance values.
Spring Creek Basin – Tres Rios Field Office	The rare plants present in the nominated area are effectively protected and managed through existing TRFO RMP standards and guidelines, and Special Area Designation as the Spring Creek Wild Horse Herd Management Area.

Plan Conformance and Consistency: The Proposed Plan Amendment Alternative is in conformance with the TRFO RMP and Record of Decision (approved on February 27, 2015), which guides the management of all resources and resource uses on public lands within the planning area. This RMP Amendment adds management decisions to the newly designated boundaries of the Ancestral Puebloan ACEC, Gypsum Valley ACEC, and Mesa Verde Escarpment ACEC. All other decisions in the TRFO RMP remain in force.

The BLM’s land use planning regulations require that RMPs be consistent with local land use plans consistent with “the purposes, policies and programs of Federal laws and regulations applicable to public lands” (43 CFR 1610.3-2(a)). These regulations also require that local governments notify the BLM in writing of apparent inconsistencies (43 CFR 1610.3-2(c)). No inconsistencies with local land use plans were identified through this planning process.

Authorities: The RMP Amendment is being approved in accordance with the Federal Land Policy and Management Act (FLPMA) Section 202 (42 U.S.C 1712). The BLM, as an authorized agency under the Department of the Interior, administers provisions of the FLPMA under Resource Management Planning at 43 CFR 1610.

Governor’s Consistency Review: The BLM initiated the 60-day Governor’s consistency review in accordance with BLM planning regulations, 43 CFR 1610.3-2(e) on September 16, 2019. The

Governor of Colorado did not identify any inconsistencies with State and local plans, programs, or policies during the review period, and no letter was received.

Resource Management Plan Amendment Protest Resolution: The Proposed RMP Amendment and Final EA was available for a 30-day protest period in accordance with 43 CFR 1610.5-2. The protest period began on September 16, 2019 and ended on October 16, 2019. One joint protest letter was received from the following organizations during this time period:

San Miguel County, Rocky Mountain Wild, Conservation Colorado, The Wilderness Society, San Juan Citizens Alliance, Sheep Mountain Alliance, and the National Audubon Society.

The BLM Director concluded that the BLM had followed all applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the Proposed RMP Amendment and EA. Each protesting party has been notified in writing of the Director's findings and the disposition of their protests. The Director's decisions on the protests are summarized in the Protest Resolution Report for this RMP Amendment, available on the project ePlanning site and at:

<https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the referenced EA and the associated RMP environmental impact statements (EIS) and considering the significance criteria in 40 CFR §1508.27, a Finding of No Significant Impact (FONSI) was prepared. The decision to designate the three ACECs identified in the Proposed Plan Amendment Alternative was determined not to have a significant effect on the human environment. Therefore, preparation of an EIS is not necessary. This finding is based on the context and intensity of the alternatives as detailed in the FONSI.

Consultation and Coordination:

Native American Tribal Consultation

The BLM initiated Native American tribal consultation for the ACEC RMP Amendment in March 2016. Consultation letters were sent to tribes identified as having interests or Traditional Cultural Properties within the planning area, along with a letter requesting comments during the scoping period for the project (March – May 2016). In addition, the BLM presented a summary of the ACEC RMP Amendment at annual tribal consultation meetings in September 2016 and September 2017. The BLM received responses from the Pueblo of San Felipe, Santa Clara Pueblo, and the Southern Ute Indian Tribe that were considered during alternatives development and the analysis of effects of the proposed action and each alternative.

Cooperating Agencies

The BLM sent cooperating agency invitations to a number of state, local, and tribal governments. The BLM also send letters to other federal agencies that had interest or eligibility to collaborate with the BLM on the ACEC Amendment. Four agencies accepted the invitation to participate as cooperators: U.S. Department of Energy, Colorado Parks and Wildlife, Dolores Water

Conservancy District, and San Miguel County. The BLM has been coordinating on the preparation of this amendment with each of the cooperating agencies.

Public Involvement: A Notice of Intent (NOI) to amend the TRFO RMP was published in the Federal Register on March 4, 2016. The NOI also served as notification of a 60-day scoping period for preparation of an EA for the project.

On March 8, 2016, a scoping notice announcing an opportunity to provide public input on the TRFO ACEC RMP Amendment/EA was sent to all interested parties on the BLM general interest mailing list. On March 14, 2016, a scoping notice was also sent to local, state, and federal agencies with jurisdiction in the vicinity of the potential ACECs.

Throughout the planning process, the BLM maintained an ePlanning website that hosted current information and opportunities for public involvement: (<https://go.usa.gov/xnnTC>).

The Tres Rios Field Manager provided updates regarding the TRFO ACEC RMP Amendment process to local boards of county commissioners during regular scheduled meetings. A summary of the ACEC Amendment and associated National Environmental Policy Act analysis was provided to the Southwest Resource Advisory Council in April 2016, with an update provided in March 2017 and December 2019.

The BLM held a 60-day public comment period for the Preliminary EA from February 22, 2019 to April 21, 2019. The BLM received comments by mail, via email, and through the ePlanning website. Comments covered a spectrum of thoughts, opinions, ideas, and concerns. Please see Appendix C of the Final EA for BLM responses to comments.

APPROVAL

The decision is hereby made to approve the attached Areas of Critical Environmental Concern Resource Management Plan Amendment for the Tres Rios Field Office. This Decision Record serves as the final decision for the decisions in the RMP Amendment and becomes effective on the date this Decision Record is signed.

Recommended by:

 1-28-2020

Connie Clementson
Tres Rios Field Manager Date

 1-28-2020

Suzanne Copping
Gunnison Field Manager Date

Concurrence by:

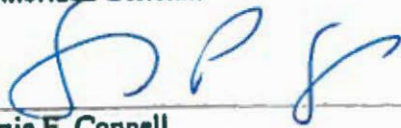
 1/28/2020

Stephanie Connolly
Southwest District Manager Date

 1/28/2020

Cathy Cook
Rocky Mountain District Manager Date

Authorized Official:

 ACTING JAN 29 2020

Jamie E. Connell
Colorado State Director Date