



File Code: 1950; 2600
Date: June 17, 2016

FINAL DECISION NOTICE
FINDING OF NO SIGNIFICANT IMPACT
BEAR CREEK WATERSHED RESTORATION PROJECT
USDA FOREST SERVICE
PIKES PEAK RANGER DISTRICT, PIKE AND SAN ISABEL NATIONAL FORESTS CIMARRON AND
COMANCHE NATIONAL GRASSLANDS
EL PASO AND TELLER COUNTY, COLORADO

The legal description of this project area includes all or parts of T14S, R67W Sections 20-22, 27, 29, 30-33; T14S, 68W Sections 23-26 and 34-36; T15S, R67W Sections 5 and 6; T15S R68W Sections 1-3 and 10-12 of the 6th P.M.

Decision and Reasons for the Decision

BACKGROUND

The greenback cutthroat trout (*Oncorhynchus clarkii stomias*) is Colorado's state fish. Historically, it was thought to have occupied the Arkansas and South Platte River watersheds; however, recent genetic analysis indicates it naturally occurred only in the South Platte River watershed (Metcalf et al. 2012). The greenback cutthroat trout is a Federally-listed threatened species under the Endangered Species Act. Extensive surveys failed to identify any surviving greenback cutthroat trout populations in the South Platte River watershed. At present, the sole known remaining naturally reproducing population of genetically pure greenback cutthroat trout inhabits Bear Creek, a tributary of Fountain Creek, itself a tributary of the Arkansas River (Metcalf et al. 2012).

In order to better manage the Bear Creek watershed, the Forest Service initiated the Bear Creek Watershed Restoration Project. The analysis area for the Bear Creek Watershed Restoration Project environmental assessment (EA) is located four to eight miles west-southwest of downtown Colorado Springs, Colorado, on the east flank of Pikes Peak. Analysis area land ownership is divided between the Forest Service (8,152 acres), El Paso County (1,148 acres), City of Colorado Springs (805 acres), Colorado Springs Utilities (173), and private landowners (72 acres). At the beginning of this environmental assessment, all land owners agreed that to meet the project's purpose and need, the solution (proposed action) needed to consider effects on all land ownerships. While the EA looks at the analysis area as a whole, regardless of land ownership, this Decision Notice only makes management decisions on National Forest System lands.





DECISION

After a review of the environmental impacts disclosed in the environmental assessment, comments received from the public, tribes and other agencies, a review of the forest plans, and a review of the project record documenting the best available scientific information, I have decided to select Alternative B, the Proposed Action for implementation. Figure 1 illustrates the selected alternative. This decision authorizes the following activities on National Forest System Lands:

Aquatic Species / Riparian Habitat / Watershed Health

Design and implement stream, riparian, and hill slope improvement projects. Alternative B objectives will be achieved by implementing proven instream and upland restoration techniques. Existing on-site rock and logs will be utilized where available. Up to 600 trees per mile will be cut on site or nearby to use for stream and trail rehabilitation work. Trees to be cut will generally be between 10 to 14 inches diameter at breast height. Stream habitat improvements will occur within 2.11 miles of stream on National Forest System lands.

The main objectives will be to:

- Improve spawning habitat, overwintering pool habitat, and velocity shelters (i.e. places of slower velocity, where fish will often rest) for greenback cutthroat trout
- Re-establish a stable stream dimension, pattern and profile that transports sediment
- Improve water quality (sediment and temperature)
- Reduce sedimentation from tributaries
- Reduce contributing sediment from hillslope/rill/gully erosion
- Reduce road/trail stream hydrologic connectivity
- Decommission and rehabilitate unauthorized campsites and mining activities

Instream - Restoration techniques include:

- *Construction of habitat structure and improvements will mostly be completed by manual methods. Where accessible, small mechanized equipment, such as mini excavators, or similar type of equipment may be used to move rock and log material.*
- *Creating a riparian buffer and bankfull bench to reduce hillslope and trail sediment delivery into Bear Creek.*
- *Deepening existing pool habitats, remove excess sediment, and reconstruct pool habitat to maintain pool depth comparable to reference stream conditions.*



- *Increasing the number of pools to provide overwintering habitat for trout.*
- *Realigning existing rocks and logs or place rock or logs to aid in the formation of plunge pool habitat.*
- *Stabilizing eroding stream banks and reducing lateral stream migration with nearby trees, rocks, sod mats and other native riparian vegetation.*
- *Utilizing rocks and trees to mimic reference stream features, including a series of small vanes, J-hooks and cross vanes.*
- *Reducing the width to depth ratios to align with reference stream conditions.*
- *Providing floodplain access for flood flows.*
- *Reestablishing vegetated bankfull benches and toe slope stabilization.*

Upland - Restoration techniques include:

- *Stabilizing hill slopes with erosion control matting, re-vegetation, sills, log erosion barriers or similar techniques.*
- *Stabilizing ephemeral drainages with emphasis on the treatment of head cuts with revegetation, sediment catchments, and boulder and tree placement.*

Existing System Trails

- For existing system trails that remain open, perform maintenance, reconstruction, storm water drainage improvements or re-alignment as needed to minimize erosion risk and sediment production.
- For existing trails that will be closed, physically block access and decommission¹ the trail surface, cut, and fill slopes to minimize erosion risk and sediment production.
- Install bridges on trails at stream crossings that span bankfull flows
- Improve ground based trail signage.
- Trail 622 (Seven Bridges)
 - *Maintain entire length for non-motorized use (1.6 miles on National Forest System lands).*

¹ Management actions may include reestablishing natural drainage patterns and stream channels, out-sloping and filling down cut trail surfaces, cutting nearby trees to block access and serve as sediment barriers, scattering debris on the trail, ripping the soil and planting vegetation on the trail bed, blocking the entrance to a trail, and posting closure signs. Complete decommissioning may require several efforts over multiple years.



- Trail 665 (Penrose)
 - *Maintain entire length of 1.1 miles for multiple-use between High Drive and the National Forest System boundary*

- Trail 666 (Bear Creek)
 - *Maintain 1.2 miles for non-motorized use from the boundary of Bear Creek Cañon Park to the waterfall viewing point. Moving the trail out of the Water Influence Zone to the extent practical.*
 - *Decommission 0.55 miles of trail on National Forest System lands from the waterfall viewing point to Trail 667 (Jones Park).*

- Trail 667 (Jones Park)
 - *Maintain 2.5 miles for multiple-use from High Drive to Trail 667 (Jones Park) re-route near Kineo Mountain and from the re-route of Trail 667 (west portion) to the Colorado Springs Utilities South Slope property.*
 - *Maintain 0.1 miles for non-motorized use on the western end of the trail.*
 - *Decommission 1.2 miles from the Trail 667 re-route (near Kineo Mountain) to the re-route of Trail 667 (west portion) on National Forest System Lands.*

- Trail 668 (Pipeline)
 - *Maintain 2.5 miles for multiple-use just north of the Frosty Park trailhead (at the intersection with Trail 701) to the intersection with the Trail 667 (Jones Park) reroute (middle portion), moving the trail out of the Water Influence Zone to the extent practical.*
 - *Decommission 0.2 miles on El Paso County land from the new re-route of Trail 667 (middle portion) to the Jones Park property boundary.*

- Trail 701 (Forester's)
 - *Maintain 2.9 miles for multiple-use on National Forest System lands from the Frosty Park trailhead to the re-route of Trail 667 (near Trail 720.A).*
 - *Maintain 0.3 miles from re-route of Trail 667 (near Trail 720 heading SE) to new reroute of 667 (Jones Park) heading NW. Re-number this section as Trail 667 (Jones Park).*
 - *Decommission 0.2 miles from the re-route of Trail 667 (Jones Park) to existing Trail 667 (west portion).*

- Trail 720 (Forester's Cutoff)
 - *Decommission 0.3 miles of Trail 720 on NFS lands*



New Trails and Reroutes²

- Install new trail signs where needed.
- New Trail 667 (Jones Park)
 - *Construct 0.9 miles of trail reroute on National Forest System lands for multiple-use from Trail 667 (Jones Park) to the Jones Park property boundary.*
 - *Construct 0.7 miles of trail reroute on National Forest System lands for multiple-use near Trail 720 (to be decommissioned) from the western Jones Park property boundary to Trail 701.*
 - *Construct 0.4 miles of trail reroute for multiple-use from Trail 701 (Forester's) to original existing western portion of Trail 667.*
- New Mount Buckhorn Trail
 - *Construct 0.5 miles of trail on National Forest System lands for non-motorized use from Trail 666 (Bear Creek) to Trail 667 (Jones Park).*

Non-system Trails to be Converted to National Forest System Trails

- Convert Buckhorn and Palmer non-system trails to National Forest System Trails.
 - *Mount Buckhorn Trail (from Trail 667 to Trail 622): Include 1.2 miles of existing trail on National Forest System lands in official trail system for non-motorized use.*
 - *Palmer Trail: Include 0.7 miles of existing trail on National Forest System lands in official trail system for non-motorized use between the authorized sections of the Palmer trail on City of Colorado Springs lands.*

Non-system Trails to be Decommissioned

- Close, decommission, and physically block access to all non-system routes within the Bear Creek basin and those that lead into the basin.
 - *5.3 miles of non-system GPS recorded trails are located on National Forest System lands in the Bear Creek basin. Any additional non-inventoried non-system trails found during project implementation will also be decommissioned. The decommissioning of additional non-inventoried trails is within the scope of this decision, but depending on*

² Although new trail and reroute locations have been ground-truthed, it may be determined during implementation that site-specific modifications are warranted to meet the main objectives of the project. These site-specific modifications fall within the effects considered and covered under this decision and may require further consultation by project specialists.



decommissioning locations, it may require additional surveys and coordination with the project engineer, hydrologist, wildlife biologist, or archeologist.

High Drive

- Stabilize erosive upland areas on National Forest System lands via use of erosion control features and seeding using local native plants from approved seed mixes or from future plantings. Non-native plant mixes may be necessary for short term stabilization, but must be approved by weed and botany specialists prior to use.
- Stabilize erosive gullies on National Forest System lands where needed to coincide with the improved drainage system and corresponding flows.

Education/Information

- Install four interpretive and regulation signs on National Forest System lands.

Regulations

- Institute a Forest Order prohibiting public access off system routes in the Bear Creek Basin on National Forest System lands, with the exception of small areas surrounding the summit of peaks on the northern and southern boundary of the basin (Figure 1).
- Institute a Forest Order prohibiting over-snow vehicle use on National Forest System lands in the Bear Creek Basin.
- Institute a Forest Order prohibiting camping on National Forest System lands in the Bear Creek Basin.
- Institute a Forest Order prohibiting open fires on National Forest System lands in the project area.
- Institute a Forest Order prohibiting recreational shooting on National Forest System lands to extend to the entire project area.
- Institute a Forest Order banning people and domestic animals (i.e. dogs, horses, pack animals, etc.) from entering or being in Bear Creek and its tributaries on National Forest System lands.
- Institute a Forest Order requiring domestic animals be leashed or harnessed on Trail 666 (Bear Creek) and the proposed new Mount Buckhorn Trail within the Bear Creek Basin on National Forest System lands.

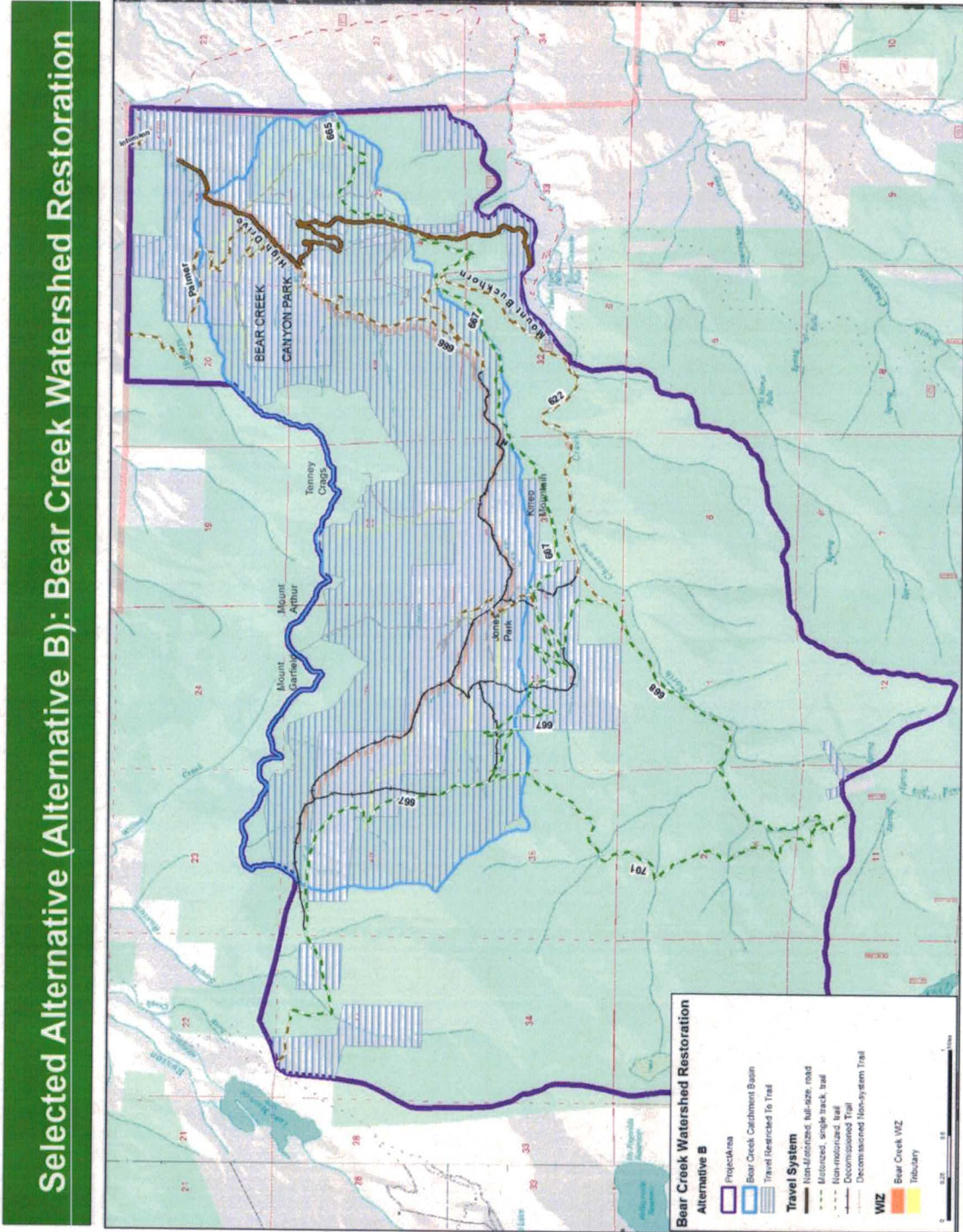


Special Uses

- Eliminate the four military helicopter landing zones in the Bear Creek Watershed.



Figure 1: Selected Alternative (Alternative B)



DESIGN CRITERIA, MITIGATION MEASURES AND BEST MANAGEMENT PRACTICES

Design criteria and mitigation measures are site-specific management activities designed to avoid and reduce the potential adverse impacts of project activities. These measures will be applied to the project design and implementation. The design criteria I am choosing to implement are listed in Appendix A to this decision. I am confident the selected measures will minimize adverse effects for the following reasons: these measures are practices we have used successfully in the past, many are recognized best management practices for protecting water quality, or they are based on best available science. A full list of design criteria, mitigation measures and best management practices are included in Appendix A.

MONITORING

Implementation, effectiveness, and user compliance monitoring is an integral part of my decision. Project monitoring is designed to accomplish the following: 1) to assure that all aspects of the project are implemented as intended; 2) to determine activity effects are consistent with project intent; and 3) to allow for adaptable implementation if the proposed activities are not being implemented correctly or are not having the desired effects. The following monitoring items are part of my decision and are required.

- Utilize a variety of monitoring methods, (e.g. V* protocol, photo points, visual inspection) to determine the effectiveness of trail and in-stream restoration. Conduct monitoring after year one of implementation, and intermittently as needed (e.g. after major rain events or other catastrophic events).
- Monitor adherence to project design standards and conservation measures during implementation of the proposed management actions.
- Utilize a variety of monitoring methods at various scales (e.g. inspections, basin-wide assessments and V* protocol) to determine the need for maintenance, re-treatment or additional management actions (adaptive management).
 - Maintenance of these projects would consist of an inspection, followed by the repair of any deficiencies found. Inspection is expected annually for the first couple of years and will become less often as the watershed stabilizes. This work includes reinforcing trail closures, vegetation of eroded areas, debris removal (from weirs), reshaping or reinforcement of existing structures and the addition of rock or other woody material to stabilize existing structures, especially on stream bank stabilization structures.





- Utilize a variety of monitoring methods (e.g., visual inspection, photo points, patrol, trail cameras) to determine effectiveness of trail closures and rehabilitation, and user compliance with requirement to remain on the system trails, particularly within Jones Park.
 - If monitoring demonstrates a lack of compliance or ongoing resource damage, agencies shall coordinate further with the FWS regarding measures to address these issues.
- Agencies shall conduct a basin-wide assessment in Bear Creek no later than 2 years following the completion of the in-stream work in order to evaluate in-stream conditions in Bear Creek. In the event that water flows in Bear Creek during that year are too high to adequately conduct a basin-wide assessment, the USFS and FWS shall coordinate and agree upon a suitable timeframe for completion of the basin-wide assessment.
- Additional basin-wide assessments shall continue into the future at a schedule mutually agreed upon by the USFS and the FWS.
- Agencies shall meet jointly with the FWS annually for the first 5 years of the implementation of this proposed project to discuss the year's previous activities and the upcoming activities, project monitoring results, and to document compliance with this biological opinion. Following these first 5 years, the agencies will continue to meet annually as determined by the Service.
- Agencies shall meet with the FWS prior to project implementation to coordinate final project plans, including monitoring, for the first year of project activities. CPW and relevant contractors shall also be invited to attend this meeting.
- Monitoring reports will be provided annually to the FWS by each agency by December 1 during each year of project implementation and for 3 years following project completion, or until areas disturbed by project activities have stabilized. Monitoring reports will include a description of the activities that were implemented during the year, results of the monitoring activities, and project plans for the upcoming year. Monitoring reports will include the area and amount of upland and in-stream treatment areas for the year as well as a full description of sediment control measures that were used in areas of surface disturbances. In addition, the report shall contain a discussion of 1) any problems encountered in implementing the terms and conditions; 2) recommendations for modifying the stipulations to enhance the conservation of the greenbacks; and 3) any other pertinent information.



- Monitor cultural site protection measures during project implementation and produce site protection and monitoring report
- Perform monitoring in accordance with Forest Service Handbook 2509.25 – applicable Watershed Conservation Practices Handbook standards, available at: http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?2509.25!r2

CONSULTATION

In accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.) consultation on impacts to threatened and endangered (T&E) species was entered into with the U.S. Fish and Wildlife Service (FWS). A Biological Opinion was issued on February 17, 2016. The FWS found *“that the proposed action may affect the greenback cutthroat trout (*Oncorhynchus clarkii stomias*) (greenback) and that these actions carried out pursuant to the proposed Bear Creek Watershed Restoration Project are not likely to jeopardize the continuing existence of the species. Critical habitat has not been designated for the greenback; therefore, none will be affected. The proposed action may affect some areas of MSO foraging habitat but is not expected to adversely affect the MSO.”* The FWS concurred with the determination that the proposed action may affect but is not likely to adversely affect the MSO and its critical habitat.

Terms and conditions from the Biological Opinion have been integrated into this decision within the monitoring and design criteria sections to ensure compliance with the BO and protection of T&E species.

In accordance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. part 800, consultation on cultural resources eligible for listing in the National Register of Historic Places was entered into with the Colorado State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP). A Memorandum of Agreement (MOA) was agreed upon. It was determined that the undertaking may have an adverse effect on Bear Creek and Pikes Peak Trail (5EP7319.1, 5EP7319.2/5TL4010.1), Loud’s Cabin Trail (5EP7550.1, 5EP7550.2/5TL4107.1) and High Drive Road (5EP6996.2, 5EP6996.4 and 5EP6996.5), which are eligible for listing in the National Register of Historic Places.

Stipulations from the MOA have been integrated into this decision within the design criteria section (Appendix A) to ensure compliance with the MOA and protection of cultural resources.

DECISION RATIONALE

I have carefully considered the alternatives presented in the environmental assessment and the



potential effects of the alternatives. Both individuals and groups raised issues and concerns during the development of this project and I considered them to help make my decision.

Four main issues were raised during scoping and considered throughout the analysis. Those included: impacts to the federally threatened greenback cutthroat trout and its habitat, impacts to recreation, impacts to cultural resources and social and economic impacts including compliance with the Americans with Disabilities Act and Environmental Justice. Specific information on each issue is listed below and more detail can be found in section 1.7 of the EA.

Greenback Cutthroat Trout: The purpose and need of the project is to protect the greenback cutthroat trout while allowing for appropriate and sustainable recreation. Concerns raised by the public during scoping include: the fish population may not thrive under changed conditions when the trails are removed, fish may be harmed by machinery during instream habitat work, allowing any trails to remain in the watershed would continue to negatively impact the fish.

Recreation: The proposed action includes the closure of some trails, building new trails, incorporating some existing non-system trails into the official Forest Service trail system and new regulations limiting some forms of recreation within the project area. The concerns raised include: adverse impacts to recreational opportunities and the potential for increased conflicts between users.

Cultural Resources: The proposed action includes decommissioning of some historic trails and a restriction to cross country travel. Concerns raised include adverse impacts and access to culturally significant sites

Social and Economic: The proposed action includes the closure of some trails, building new trails, incorporating some existing non-system trails into the official Forest Service trail system and new regulations limiting some forms of recreation within the project area. The concerns raised include: loss of revenue in the local community due to changes in recreational opportunities, impacts to low income populations and impacts to disabled persons.

The action alternatives were modified and design criteria were added to address issues identified.

This decision will allow the existing diverse array of recreational experiences to continue, while also protecting the federally threatened greenback cutthroat trout. I believe my decision to implement the Proposed Action addresses and fulfills the purpose and need for action. The decision is a balance between protecting and improving habitat for a threatened species, balancing public concerns and issues around environmental protection and recreational access, and reducing environmental impacts from unsustainable system and non-system trails and other constructed features. The design criteria, mitigation measures, and monitoring activities provided in the decision ensure that the Proposed Action will achieve the project's multiple use objectives in a conservative and environmentally sensitive manner. Key design criteria include: a decontamination protocol, riparian protections, timing restrictions during spawning and early rearing periods, trail building standards, and limitations on activities to minimize soil and water impacts. The Bear Creek Watershed Restoration EA documents the environmental analysis and conclusions upon which this decision is based.



OTHER ALTERNATIVES CONSIDERED

In 2008 the U.S. Forest Service and the U.S. Department of the Interior updated their existing National Environmental Policy Act procedures (36 CFR 220; 43 CFR 46) to permit a more open, transparent and collaborative approach to carrying out the NEPA mandate. Dubbed “iterative NEPA,” this approach reflects the incremental stages in which proposed actions and alternatives are improved throughout the NEPA process with stakeholders in order to meet diverse interests. Iterative NEPA was utilized for this EA and allowed for a better proposed action to be developed. Comments received that met the purpose and need of the project were incorporated into the proposed action instead of developing many new alternatives. For more information on changes made during the process see Section 1.6 of the EA.

In addition to the selected alternative, I considered two other alternatives, the No Action Alternative and Alternative C. A comparison of these alternatives can be found in Chapter 2 of the EA. Refer to Chapter 3 of the EA for information on the effects of these alternatives.

No Action Alternative

Under the No Action Alternative, management of the project area would remain the same and the following conditions would continue to exist:

- Stream habitat conditions would not be improved for the greenback cutthroat trout.
- Existing system trails would continue to be utilized with routine maintenance being performed.
- New trails or trail reroutes would not be constructed.
- Non-system trails, Palmer and Buckhorn, would not be integrated into the official trail system.
- Existing non-system routes would continue to be utilized.
- Educational and interpretive signs would not be installed.
- Off-trail travel on National Forest System lands would continue in the Bear Creek basin.
- Over-snow vehicle use would continue on National Forest System lands in the Bear Creek Basin.
- Camping on National Forest System lands would continue in the Bear Creek Basin.
- Open fires would be allowed on National Forest System lands in the project area.
- Recreational shooting on National Forest System lands in the project area would continue.
- People and domestic animals (e.g., dogs, horses, pack animals, etc.) would continue to enter Bear Creek on National Forest System lands.



- Domestic animals will continue to be off leash/unharnessed on Trail 666 on National Forest System land.
- Military helicopter landing zones would remain within the Bear Creek basin.

I considered, but did not select the No Action Alternative, since this alternative does not address the purpose and need to protect the greenback cutthroat trout or address the environmental impacts of the current transportation system.

Alternative C

In addition to all actions proposed in Alternative B, Alternative C proposes:

- On National Forest System lands, limit public access in the Bear Creek Basin to designated routes.
- Decommission the entire length of Trail 666 (Bear Creek) (1.7 miles on National Forest System lands).
- Do not build the new Mount Buckhorn Trail.

Alternative C does meet the purpose and need for the project and I considered this alternative, but did not select it for the following reasons. Under Alternative C, nearly all access to the Bear Creek watershed is excluded. The analysis shows that limited recreational use can be supported while still protecting the greenback cutthroat trout. As I mentioned in my Decision Rationale, the Forest Service was searching for a balance between fish protection and public access. Alternative C does not provide that balance.

PUBLIC INVOLVEMENT AND TRIBAL CONSULTATION

The scoping process was initiated with the publication of an opportunity to comment in the newspaper of record, the Colorado Springs Gazette, on March 29, 2013. A public open house was held the evening of April 4, 2013 and 160 people signed in at the open house. The scoping period ended April 30, 2013. Additional scoping was initiated by notice published in the Colorado Springs Gazette on February 23, 2014. This scoping was initiated to provide the public an opportunity to comment on changes to the proposed action based on comments from the previous 2013 scoping. In support of the second announced scoping period, a second public open house was held the evening of February 25, 2014 and 167 people signed in at the open house. This scoping period ended March 27, 2014. Concurrent with the publication of the notice in area newspapers, the scoping letters and invitations to the open house were mailed to approximately 354 interested publics, including private citizens, non-government organizations, and government agencies (a list of all parties that were contacted during scoping is available as part of the project record.) Scoping letters were mailed on March 29, 2013 and February 22, 2014.

During the scoping process, 969 letters, emails, faxes, or comment forms (collectively referred to as comment letters) were submitted to the Pike National Forest, Pikes Peak Ranger District. All comment letters were reviewed and individual comments within each letter were identified



and categorized for analysis. Any public or agency proposed issues were reviewed by the Interdisciplinary Team. Any new issues relevant to successful proposed action implementation were considered in project analysis. Any new alternatives were evaluated to determine if they met purpose and need. If they failed to meet purpose and need they are listed in the alternatives considered but dismissed section of the EA (Section 2.4). A summary of all comments received and response from the team is included in the EA (Appendix C).

The Forest Service contacted the following tribes during the development of this EA: Cheyenne and Arapaho Tribes of Oklahoma, Comanche Nation of Oklahoma, Jicarilla Apache Nation, Jicarilla Apache Tribe, Kiowa Tribe of Oklahoma, Northern Arapaho Tribe, Northern Cheyenne Tribe, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Ute Indian Tribe (Uintah & Ouray Reservation).

Local agencies contacted include the City of Colorado Springs, Colorado Springs Utilities, and Colorado Parks and Wildlife.

FINDING OF NO SIGNIFICANT IMPACT

Based on the interdisciplinary environmental analysis, review of the NEPA criteria for significant effects, and my knowledge of the expected impacts, I have determined this decision will not have a significant effect on the human environment; therefore an environmental impact statement will not be prepared. This determination is based on the context and intensity of effects.

CONTEXT

The physical and biological effects of the proposed actions and alternatives described in the environmental assessment are site-specific actions limited to this analysis area. The significance of the proposed action is evaluated within the context of the Pikes Peak Ranger District and El Paso and Teller Counties.

INTENSITY

The severity of environmental effects of the proposed project were considered in evaluating intensity (40 CFR 1508.27).

1. Impacts may be both beneficial and adverse.

Both beneficial and adverse effects and their significance were discussed for the action alternatives. Effects were lessened or eliminated through design criteria and mitigation measures. None of the adverse effects were determined to be significant, singularly or in combination. The beneficial effects of the action do not bias my findings of no significant environmental effects. The anticipated environmental effects and their intensity have been disclosed for each alternative in Chapter 3 of the environmental assessment. Beneficial effects were not used to minimize the severity of any adverse effects. The proposed uses on National Forest System lands will not result in any known, significant, irreversible resource commitments or a significant irreversible loss of soil productivity, water quality, wildlife habitats, heritage resources or recreational

opportunities. In reaching my conclusion of no significant impacts, I recognize that this project is likely to have impacts, which are perceived as negative, as well as positive.

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

Long term beneficial impacts would result from improved trail sustainability with fewer incised trails and less rutting. Impacts to human health and safety do not meet the level of "significance" per the CEQ definition, and would not require a higher classification of NEPA documentation or study.

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 effects to prime farmlands, wetlands, floodplains, or ecologically critical areas. There are no effects to designated wilderness areas, wilderness study areas, Colorado Roadless areas, or wild and scenic rivers. See significant factor #8 for discussion related to historical and cultural resources.

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

The activities associated with this decision will not significantly affect the quality of the human environment. The actions proposed will protect the greenback cutthroat trout while continuing to allow both motorized and non-motorized recreation in the area. I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information.

The effects on the human environment are not likely to be highly controversial based on the involvement of forest resource specialists, other agencies, and the public. Through collaboration the original proposed action was modified with the intent of minimizing impacts to the public and resources. During the scoping process, 969 letters, emails, faxes, or comment forms were submitted. After reviewing the project record and environmental assessment, I am confident the interdisciplinary team reviewed the comments and incorporated them into the proposed action or addressed them in the appropriate resource section. It is my judgment, that while a portion of the public disagrees with various components of the project, and has raised concerns there are no unusual or high degree of controversy related to this project.

The proposed actions are not new management activities on the Pike National Forests or other National Forests. I believe I have considered the most recent science.

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

This decision has no known effects on the human environment that are highly uncertain or involve unique or unknown risks. The proposed actions are not new management activities on the Pike National Forests or other National Forests.

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.**

The selected alternative does not represent a precedent for future action with significant effects or represent a decision in principle about a future consideration. The environmental assessment is site specific and its action incorporates practices envisioned in the Pike National Forest, forest plan and is within the forest plan standards and guidelines.

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

The environmental assessment describes the anticipated cumulative effects for each effected resource (EA, Chapter 3). Past, present, or reasonable foreseeable actions implemented or planned in the area were analyzed. After reviewing the environmental assessment, I am satisfied that my decision will not result in significant cumulative effects.

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

Most adverse effects to historic properties can be avoided through implementation of design criteria and mitigation measures. However, project implementation under the proposed action alternative would permanently alter segments of the Bear Creek trail (5EP7319.1/5TL4010.1) and a segment of the Loud's Cabin trail system (5EP7550.1/5TL4107.1), historically significant properties that are eligible for listing on the National Register of Historic Places (NRHP). In accordance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. part 800, consultation on cultural resources eligible for listing in the National Register of Historic Places was entered into with the Colorado State Historic Preservation Officer (SHPO) and The Advisory Council on Historic Preservation (ACHP). A Memorandum of Agreement (MOA) was agreed upon. It was determined that the undertaking may have an adverse effect on Bear Creek and Pikes Peak Trail (5EP7319.1, 5EP7319.2/5TL4010.1), Loud's Cabin Trail (5EP7550.1, 5EP7550.2/5TL4107.1) and High Drive Road (5EP6996.2, 5EP6996.4 and 5EP6996.5), which are eligible for listing in the National Register of Historic Places.

Stipulations from the MOA have been integrated into this decision within the design criteria section (Appendix A) to ensure compliance with the MOA and protection of cultural resources.

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

The project area is occupied by the federally listed greenback cutthroat trout and contains habitat for the Mexican spotted owl. The project “*may affect but is not likely to adversely affect*” Mexican spotted owls. The management actions in the selected alternative are not expected to result in the direct injury or mortality of individual Mexican spotted owls. However, this species may be indirectly affected through the manipulation of potential habitat and by the noise disturbance generated during implementation.

In the long run management actions under the selected alternative will increase Bear Creek riparian system ecological resiliency and ultimately benefit the fish by reducing sediment delivery to stream systems, enhancing riparian vegetation, stabilizing stream banks, and improving in-stream habitat features. System resiliency is achieved when trails and roads are improved, and when trail drainage, and system and non-system trail rehabilitation occurs. Bear Creek system resiliency is further enhanced by decreasing the number of stream crossings, the length of trails, and the extent of ground disturbance in the Bear Creek Water Influence Zone. When implemented these management actions are expected to result in a substantial reduction in the amount of surface erosion and sediment delivery to Bear Creek. The proposed in-stream restoration would deepen existing pool habitats and reconstruct habitat features that would encourage further pool development from natural hydrology. Under the selected alternative, sources of erosion and sediment delivery to habitat occupied by the greenback cutthroat trout would be reduced, but implementation would result in soil disturbance that may temporarily increase sediment transport. The application of project design standards would reduce the likelihood of individual greenback being affected, and minimize the potential for short-term impacts to the habitat features important for this species. In stream habitat would also improve about 1.7 miles of habitat, increasing the resiliency of this population during environmental events, such as increased water temperatures as a result of drought. However, because the proposed management actions may directly harm individual greenback cutthroat trout, Alternatives B and C *may affect*, and are *likely to adversely affect* this species.

Formal consultation was conducted with U.S. Fish and Wildlife Service for Mexican spotted owl and greenback cutthroat trout. This project was sent to FWS in April 2015. A Biological Opinion was issued on February 17, 2016. The FWS found “*that the proposed action may affect the greenback cutthroat trout (Oncorhynchus clarkii stomias) (greenback) and that these actions carried out pursuant to the proposed Bear Creek Watershed Restoration Project are not likely to jeopardize the continuing existence of the species. Critical habitat has not been designated for the greenback; therefore, none will be affected. The proposed action may affect some areas of MSO foraging habitat but is not expected to adversely affect the MSO.*” The FWS concurred with the determination that the proposed action may affect but is not likely to adversely affect the MSO and its critical habitat.



Terms and conditions from the Biological Opinion have been integrated into this decision within the monitoring (page 9) and design criteria (Appendix A) sections to ensure compliance with the Biological Opinion and protection of T&E species.

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

Implementation of the selected alternative will not violate any Federal, State, or local law or requirements imposed for the protection of the environment. Including:

- Clean Water Act
- Clean Air Act, as Amended in 1977
- Endangered Species Act of 1973, as amended
- Executive Order 11990 of May, 1977 [Wetlands]
- Executive Order 11988 of May, 1977 [Floodplains]
- Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act]

This action is consistent with the Pike, San Isabel National Forests and Comanche and Cimarron National Grasslands (PSICC) Land and Resource Management Plans.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human or natural environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS (SEE SIGNIFICANCE FACTOR 10)

This decision is consistent with the PSICC Land Management Plans and was designed in conformance with the plans' standards and guidelines. This decision is also in compliance with the National Environmental Policy Act (NEPA), Americans with Disabilities Act and Environmental Justice

IMPLEMENTATION DATE

Implementation can begin immediately after this decision is signed.



CONTACT

For additional information concerning this decision, contact: Oscar Martinez, District Ranger, Pikes Peak Ranger District, 601 South Weber Street, Colorado Springs, CO 80903, (719) 636-1602, omartinez@fs.fed.us

Sincerely,

OSCAR MARTINEZ
District Ranger

cc: Janelle Valladares, Carin Vadala, Connie Griffiths

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APPENDIX A: DESIGN CRITERIA, MITIGATION MEASURES AND BEST MANAGEMENT PRACTICES

Design criteria, mitigation measures, and Best Management Practices (BMP's) are an integral part of the action alternatives and serve to minimize the impacts of activities on natural resources. **The content and effects analyses for each resource are dependent upon adherence to the design criteria and referenced BMP's during project implementation and thus they are required and not optional.**

Each agency (USFS, City of Colorado Springs, and El Paso County) shall ensure that the proposed action including design criteria are formally adopted and implemented on its respective land.

The Forest Service Trail Construction and Maintenance Notebook provides standards for trail construction and trail closure. Trail design, construction and closures will comply with the design criteria and best management practices of all resources.

Forest Service Handbook 2509.25 Watershed Conservation Practices Handbook, USDA National Best Management Practices for Water Quality Management on National Forest System lands (USDA 2012), and Colorado State Forest Service Forestry Best Management Practices to Protect Water Quality in Colorado (CSFS 2010) provide guidance and BMP's concerning impacts to streams.

In addition to the BMP's referenced above the following site specific design criteria will be employed.

Enforcement

- The Forest Service, City of Colorado Springs, and El Paso County will cooperatively develop an enforcement plan to identify a variety of methods to implement Forest Supervisor Orders on National Forest lands and rules and regulations on City of Colorado Springs and El Paso County lands.
- The Forest Service, City of Colorado Springs, and El Paso County will cooperatively develop a sign plan to ensure consistency across multiple jurisdictions.
- The Forest Service, City of Colorado Springs, and El Paso County will cooperatively develop a monitoring plan to determine the effectiveness of trail and in-stream restoration and compliance with rules, regulations, and Forest Supervisor Orders.

Preconstruction

- Forest Service, City of Colorado Springs and El Paso County will meet with Fish and Wildlife Service (FWS) prior to project implementation to coordinate final project plans, including monitoring, for the first year of project activities. CPW and relevant contractors shall also be invited to attend this meeting.



- Ensure that all Forest Service, City of Colorado Springs, El Paso County and contracted personnel understand and adhere to the Proposed Management Actions, the Project Design Standards, and Conservation Measures.
- Inform personnel of the ecological concerns associated with federally listed species.
- Inspect all heavy equipment before entering the project area.
- Prevent the introduction or spread of noxious weeds. Equipment must be clean and free of all mud and debris prior to entering the project area.
- Prevent the introduction or spread of aquatic nuisance species. Clean, disinfect, and rinse all equipment (e.g. personal protective equipment, heavy equipment, waders, hand tools, etc.) prior to use within Bear Creek.
 - Disinfect with one, or a combination of these procedures:
 - Live stream, boiling, or hot water >140°F with power-washer for 3 minutes on each area or for 10 minutes for any clusters of mussels.
 - Quaternary ammonium compound (QAC) disinfectant solution BATH of a product (e.g. Quat4, GS 256, or Super HDQ) that has a minimum active ingredient concentration of 0.4% QAC for a minimum of 10 minutes or 0.8% QAC as a SPRAY fully covering equipment in disinfectant solution for a minimum of 10 minutes.
- Fuel storage areas will be identified by an agency representative and bermed or appropriately designed to contain spills.
- Refuel and store fuel and equipment outside of the floodplain within previously disturbed areas, such as roadway or pullouts.
- Have a spill response plan in place addressing chemical leaks or spills into Bear Creek. Provide spill response plan to FWS prior to implementation. In the event of a spill, immediately notify the Colorado Department of Public Health and Environment (CDPHE) through the Colorado Environmental Release and Incident Reporting Line at (877) 518-5608.
- Site-specific surveys for rare plants should occur prior to implementation of the project. If necessary, alignment of the trails and other work should be adjusted to minimize damage to rare plants and their habitats.
- Continue to treat for noxious weeds and other invasive plants in advance of project implementation. During activities, vehicles should be washed to prevent transport into the area of noxious weed seeds. Any weeds found after project completion should also be treated to prevent their spread in the area.



Transportation System

(Trail realignment, new trail construction, improved road and trail drainage, and system and non-system trail rehabilitation)

- The Forest Service, City of Colorado Springs, and El Paso County will cooperatively design and construct all implementation and management methods to ensure consistency across multiple jurisdictions.
- Special attention must be focused on trail drainage near Bear Creek for those trails that will remain open. Where possible, the movement of water on trails will be directed from water bars and rolling dips off trails into vegetation or filter strips, where sediment can be filtered prior to entering the creek.
- Special attention must be focused on road drainage and maintenance of High Drive. Prohibit the side-casting of soils directly into stream channels from High Drive.
- Complete repairs to the High Drive drainage system prior to or concurrent with the proposed in-stream improvements at locations in which these activities may have negative effects to greenback habitat.
- Minimize trail lengths parallel to the stream near bridge crossings.
- Minimize trail length perpendicular to the stream at crossings which may direct sediment toward streams.
- Design and construct all stream crossings to provide for passage of flow and sediment, to withstand expected flood flows, and allow free movement of resident aquatic life. Design and construct stream crossings minimizing constrictions from potential flood flows while keeping streambeds and banks resilient
- Construct short inclines leading to bridges to inhibit sediment movement onto the structure or into the stream, where feasible. Where inclines are not feasible implement other measures to inhibit sediment movement onto the structure.
- Apply erosion control measures to disturbed areas with only certified weed-free products.
- Placement of mechanized equipment in the stream channel or stream bank will be avoided, when possible.
- Utilize most appropriate methods to minimize sediment entry into streams (e.g. silt fencing, waddles, and weed-free straw).



- Avoid soil-disturbing actions during periods of heavy rain or wet soils. Apply travel restrictions to protect soil and water.
- During project implementation, stream access points will be clearly delineated by an agency representative with natural resource knowledge to minimize streambank disturbance.
- During trail rehabilitation and watershed restoration, restore organic ground cover to minimize long-term maintenance needs.
- Remove all temporary stream crossings (including all fill material in the active channel), restore the channel geometry, and re-vegetate the channel banks.
- For existing trails that will be closed, access will be physically blocked, the trail surface will be decommissioned, and cut and fill slopes will be adjusted to minimize erosion risk and sediment production

In-Stream Restoration

- Prior to project implementation, the detailed In-stream Implementation Plan and the full stream survey shall be provided to the FWS.
- Prior to entering the stream channel in Bear Creek for the first time, the onsite USFS fisheries biologist shall inspect the heavy equipment (i.e., mini excavator or tracked skid-steer) to confirm that this equipment is clear of mud and other potential contaminant sources.
- Protect greenback redds (i.e. spawning sites) and alevins (i.e. young fish with a yolk-sac) by prohibiting all management actions that cause direct sediment delivery to the stream during the spawning, egg development and hatching, and early rearing period of May through August.
- Placement of mechanized equipment in the stream channel or stream bank will be avoided, when possible.
- Equipment will be inspected for leaks before entering the project area and daily before and after construction activity. Equipment will be immediately removed from the WIZ if a problem is detected, and will not return to use until in good working condition. The contractor will be required to have spill containment equipment available on site during the course of construction.



- A fisheries biologist will inspect the onsite work on a daily basis during the in-stream work. When in-stream work is occurring, the stream will be visually inspected every 2 hours downstream for dead fish and the FWS will be contacted if dead or injured fish are found within the project area.
- In-stream work would be conducted in an upstream to downstream direction, when practicable, in order to avoid sedimentation impacts to pool areas already treated.
- Turbidity will be monitored during implementation and work will stop if turbidity is above 300 NTU until the water clears to an acceptable level below 250 NTU.
- Immediately prior to implementation of in-stream work, a worker will wade through the specific habitat improvement sites to encourage fish movement away from these sites in order to avoid or reduce direct injury to fish that may be present.
- While stream habitat work is being conducted, the area, including High Drive, will be closed to the public and enforced.
- Equipment will not move to the next pool or segment until all work in the active segment is complete. Exceptions can be made after onsite inspection by the fisheries biologist or hydrologist if it is found that working more than one section is most beneficial to habitat enhancement and does not add significant risk to the fish.
- Ingress and egress routes will be marked by the project lead after consultation with a fisheries biologist or hydrologist and will be perpendicular to the direction of flow. Ingress and egress routes will be rehabilitated to prevent sedimentation immediately following completion of work in the segment. Examples of rehabilitation include seeding, willow planting and placement of natural materials such as rock or wood.
- Tracking of equipment down the stream channel will be avoided as much as possible. Tracking may be used after approval by the fisheries biologist or hydrologist where multiple pools or eroding stream banks can only be accessed by one route. Where tracking is required, all efforts will be made to keep tracking to a single pass. Any disturbance due to tracking in the channel bed will be immediately repaired by moving native materials to replicate the surrounding stream bed.
- Limit in-stream restoration to 1 linear mile per year.



- Restore degraded streams as part of whole watershed restoration programs that permanently cure causes of damage.
- In the event that a dead greenback is encountered during project implementation, the fish shall be provided to the onsite fisheries biologist and ultimately provided to CPW (Fish Biologist Josh Nehring, 719-227-5224, or Front Desk, 719-227-5200, 4255 Sinton Road, Colorado Springs). The dead fish will be preserved on ice (not frozen) and provided to CPW within 48 hours, or preferably, preserve the whole fish in 80 percent alcohol and provide it to CPW within 1 week. For fish that are larger than ~6 inches, a small incision (0.4 inches) shall be made with a sterile knife on the right abdominal wall to allow for the alcohol to penetrate into the body cavity. The Colorado Field Office of the FWS (303-236-4773) shall also be notified within 24 hours if a dead greenback is encountered.

Fish Barrier Maintenance/Construction

- During construction, the stream would be piped around the barrier in such a way that water will not come into contact with uncured concrete.

Re-vegetation

- A re-vegetation plan will be developed for the project area with the objectives of stabilizing cut and fill slopes, and accelerating recovery of disturbed areas.
- Re-vegetate disturbed areas with only certified weed-free products. Locally sourced plant seed is desired, but may be modified as approved by an agency botanist.

Materials Utilized for Restoration

- Use existing fill, rock, or trees from within the project area as part of the restoration work, where feasible.
- Trees selected for felling should generally be less than 14 inches in diameter.
- Trees located within modeled Mexican spotted owl riparian and nest/roost recovery habitat will not exceed 18 inches in diameter at breast height.
- Damage to residual trees retained during implementation will be minimized, to the extent practicable.
- Tree felling will not commence until cleared by a biologist for the trees proposed for use.



- Live or standing dead trees containing cavities will be not be felled, with the exception of the following provision: Trees containing cavities may be felled if the tree is preventing the successful accomplishment of the proposed action AND the cavity is not an active nest, roost, or den site.
- Trees containing an active nest or nest cavity of any bird species will not be felled during the nesting season of April 1st - July 15th.
- Mammals actively nesting, denning, roosting, or hibernating within trees, downed logs, burrows, or any other feature will not be disturbed. Any bats discovered during implementation will be reported to a biologist from the representative land agency.

Raptors/Birds of Prey

(eagles, falcons, hawks, owls, etc.)

- Surveys for select nesting raptors will be conducted in the proposed management areas prior to implementation.
- If an active raptor nest site is discovered or suspected due to agitated behavior of a raptor, the feature or incident will be reported to a biologist from the representative land agency; appropriate protection measures may be implemented as determined by the biologist.
- Spatial and temporal restrictions will be established for active nest sites. Operating restrictions will be adapted from guidelines outlined in the most recent version of the Colorado Division of Wildlife recommended nest buffer zones and seasonal restrictions for raptors.
- Protect a peregrine falcon eyrie located in the Tenney Crag Area by prohibiting the use of mechanical equipment within ½ mile radius of the active nest during the period of March 15 through July 31.

Cultural Resources

The Forest Service management of cultural resources (archaeological, historic, and cultural properties) is in accordance with the provisions of the National Historic Preservation Act (NHPA) of 1966, as amended and other applicable legislation.

Site specific mitigations:

- Camp Vessey/Scout Camp (5EP7300). A non-system trail proposed for decommissioning traverses this property. Decommissioning activities have the potential to damage site components. To avoid adverse effects, the site boundary will be flagged for protection and the non-system trail will be decommissioned from the site boundary to the west.



- Jones Park Pipeline & Ditch (5EP7317.1/5TL4009.1). Continued motorized use of Trail 668 (Pipeline) and the new motorized segment of 622.A (Seven Bridges North Spur) could cause additional damage to the exposed or shallowly buried pipeline. To avoid adverse effects, the trail will be slightly realigned so as to avoid the site and the exposed pipeline will be buried.
- Bear Creek Inn (5EP7298/5TL4004). Decommissioning of the segment of Trail 668 (Pipeline) that goes from Trail 622.A (Seven Bridges North Spur) to Bear Creek, decommissioning of the non-system trails through Jones Park, and construction of the new Jones Park interpretive trail could damage site features or deposits. To avoid adverse effects, archaeological monitors will be present during ground disturbing activities and ensure cultural resources of significance are avoided and protected.
- Jones Homestead (5TL4003). Decommissioning of non-system trails through Jones Park and construction of the new Jones Park interpretive trail could damage site features or deposits. To avoid adverse effects, archaeological monitors will be present during ground disturbing activities and ensure cultural resources of significance are avoided and protected.
- Prior to trail work within the Jones Park area, such as system and non-system trail decommissioning and new trail construction, a heritage professional shall work with project leads to establish a trail alignment that avoids significant historic features and artifacts and provides good views of resources with interpretive potential. If trail work coincides with the location of an archaeological deposit, all efforts shall be made to avoid using that portion of the travel-way. Alternatively, geotextile fabric and a 6 inch deep layer of native soil and/or crushed rock shall be placed over the deposit for protection. Cultural features and deposits of significance located adjacent to, and potentially at risk from, project activities shall be flagged or fenced for protection by a heritage professional prior to implementation. A heritage professional shall monitor work undertaken within the boundary of historic properties located within the Jones Park area; Bear Creek Inn (5EP7298/5TL4004), Jones Homestead (5TL4003), and Loud Homestead (5EP7296/5TL4002). A monitoring report shall be developed and provided to the landowners and COSHPO.
- Loud Homestead (5EP7296/5TL4002). Decommissioning of non-system trails, decommissioning of historic trail 5EP7559.1/5TL41.1.1, and construction of the new Jones Park interpretive trail could damage site features or deposits. To avoid adverse effects, archaeological monitors will be present during ground disturbing activities and ensure cultural resources of significance are avoided and protected.
- Palmer Trail (5EP7551.1). Systematization and continued non-motorized use of this trail would help preserve its integrity. The trail should be preserved in its original alignment.



Historic tent pads and hearth features are associated features. These features shall be recorded and the site record up-dated prior to systemization.

- High Drive (5EP6996.1, .2, .4, .5). New construction has the potential to affect the aesthetic visual quality of the road and its viewscape. Road maintenance activities and neglect have the potential to damage or degrade historic road features. To avoid adverse effects, design new construction along the High Drive in such a way that minimizes the visual effects, as seen by the public from the road.
- Protect contributing historic culverts from road maintenance activities.

General cultural mitigations

- Project implementation under the proposed alternatives shall comply with the stipulations of the MEMORANDUM OF AGREEMENT between the United States Forest Service, Pike & San Isabel National Forests, Cimarron & Comanche National Grasslands, the Colorado State Historic Preservation Office, and the Advisory Council on Historic Preservation, regarding adverse effects to the Bear Creek Trail (5EP7319.1/5TL4010.1), a segment of the Loud's Cabin Trail (5EP7550.1/5TL4107.1.2) and High Drive Road (5EP6996.2 5EP6996.4, and 5EP6996.5) segments resulting from the Bear Creek Watershed Environmental Assessment Projects, El Paso and Teller Counties, Colorado.

I. MOA STIPULATIONS

The PSICC, El Paso County, the City of Colorado Springs, DHSEM, and FEMA shall ensure that the following measures are carried out:

A. HISTORIC DISTRICT SURVEY

El Paso County shall ensure the following documentation measures are carried out before trail alignment, construction, and decommissioning activities occur within the Jones Park Historic District.

1. A qualified contractor (the Contractor) that meets the Secretary of Interior Standards shall prepare appropriate Colorado Office of Archaeology and Historic Preservation (OAHP) forms for the proposed Jones Park Historic District, identifying contributing and non-contributing elements.
2. The inventory will include the standard procedures for a National Historic Preservation Act Section 106 investigation including a files search, intensive



pedestrian coverage of historic district area, and the preparation of a Summary Report of Findings.

3. The documentation shall be reviewed and approved by the PSICC, whom shall forward a copy of the report to the SHPO for review and approval.

B. DESIGN CRITERIA

The City of Colorado Springs, DHSEM, and FEMA shall ensure the following documentation measures are carried out before implementation of activities with the potential to adversely affect the High Drive Road (5EP.6996).

1. All efforts should be taken to avoid damage to contributing features of the High Drive road and to restore and repair in-kind, with similar historic materials.
2. New construction, such as the proposed sediment basins, runoffs and sediment traps, shall be designed in such a way that minimizes the visual effects, as seen by the public from the road. It would be recommended that new structures be placed in inconspicuous places, away from the direct view of travelers. It would also be recommended that the new structures be constructed out of natural materials, similar to those found in the local environment.
3. In order to protect the integrity of the historic property, the new work shall be differentiated from the old, but shall be compatible with the historic materials, features, colors and scale. It is recommended to use materials that do not detract or overwhelm the existing historic character of the road and its natural viewshed. For example, tint the concrete to be the same color as the surrounding granite, hide basins and runoffs from view through the use of vegetation, and have new construction use materials that mimic but are differentiated from the historic rock walls.

C. LEVEL II DOCUMENTATION

The PSICC and El Paso County shall ensure the following documentation measures are carried out before Bear Creek Trail (5EP7319.1-.2/5TL4010.1) decommissioning activities occur.

1. A qualified contractor (the Contractor) that meets the Secretary of Interior Standards will prepare Colorado Office of Archaeology and Historic Preservation (OAHP) Level II documentation of the segment of Bear Creek trail (5EP7319.1-.2/5TL4010.1) to be decommissioned. With this documentation, the Contractor will include historical photographs, as available, and an expanded historical narrative that addresses the existing condition and its relationship to the larger historic trail. In addition, the Contractor shall prepare representative high



resolution digital photographs of the affected property and complete a measured profile drawing that captures three representative sections of the affected trail. All Level II documentation will be produced in an archival stable format.

2. The Level II documentation shall be reviewed and approved by the PSICC, whom shall forward a copy of the report to the SHPO for review and approval.

El Paso County shall ensure the following documentation measures are carried out before Loud's Cabin Trail (5EP7550.1-.2/5TL4107.1) decommissioning activities occur.

1. A qualified contractor (the Contractor) that meets the Secretary of Interior Standards will prepare Colorado Office of Archaeology and Historic Preservation (OAHP) Level II documentation of the segment of Loud's cabin trail (5EP7550.1-.2/5TL4107.1) to be decommissioned. With this documentation, the Contractor will include historical photographs, as available, and an expanded historical narrative that addresses the existing condition and its relationship to the larger historic trail. In addition, the Contractor shall prepare representative high resolution digital photographs of the affected property and complete a measured profile drawing that captures three representative sections of the affected trail. All Level II documentation will be produced in an archival stable format.
2. The Level II documentation shall be reviewed and approved by the PSICC, whom shall forward a copy of the report to the SHPO for review and approval.

The City of Colorado Springs, DHSEM, and FEMA shall ensure the following documentation measures are carried out before implementation of activities with the potential to adversely affect the High Drive Road (5EP.6996).

1. A qualified contractor (the Contractor) that meets the Secretary of Interior Standards will prepare Colorado Office of Archaeology and Historic Preservation (OAHP) Level II documentation of the road's features affected by project activities.
2. With this documentation, the Contractor will include historical photographs, as available, and an expanded historical narrative that addresses the existing condition and its relationship to the larger historic trail. In addition, the Contractor shall prepare representative high resolution digital photographs of the affected property and complete a measured profile drawing that captures three representative sections of the affected trail. All Level II documentation will be produced in an archival stable format.



3. The Level II documentation shall be reviewed and approved by the PSICC, whom shall forward a copy of the report to the SHPO for review and approval.

D. INTERPRETATION

The PSICC, El Paso County, City of Colorado Springs, DHSEM, and FEMA shall ensure the following measures are carried out on their respective lands:

1. A Heritage Professional shall work cooperatively with all landowners to develop an interpretive plan for the Jones Park Historic District, Loud's Cabin, High Drive, and Bear Creek Trail historic properties.
 2. Interpretive signs shall be installed at select locations in the Jones Park Historic District along the proposed Jones Park Interpretive Trail and the High Drive roadway.
 3. Each landowner shall be responsible with the costs associated with interpretive sign development and installation within their lands.
- A heritage professional shall oversee compliance conducted under the MOA and shall make recommendations to the agency official. The heritage professional is an individual who meets the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications for Archeologists and/or Historians (48 FR 190:44716-44742).
 - During project design development, areas not previously investigated for the presence of cultural resources may be encountered. Landowners shall ensure that heritage professionals are engaged in the project design process to ensure cultural resources potentially not considered during the planning process are accounted for prior to implementation.
 - In the event that a tree is inadvertently felled into an eligible site, the tree is to be left in place until a heritage professional is notified and provides recommendations to remedy.
 - In the event that new cultural resources are discovered during project implementation, all activities within 50 meters of the resource, will be stopped until a heritage professional can evaluate the resource and provide recommendations for mitigation of potential adverse effects.