

## **Decision Memo**

### **Jenny Creek Restoration and Motorized Trail Reroute**

**USDA Forest Service  
Arapaho and Roosevelt National Forests and Pawnee National Grassland  
Boulder Ranger District  
Gilpin County, Colorado**

#### **Background**

The Jenny Creek Trail, National Forest trail 808.1, is an historic wagon road in subalpine forest, and is used by motorcycles, ATV's, and full-size 4X4 vehicles. Nonmotorized visitors also use the route, particularly in the winter. The project area, shown on the attached map, is located in Gilpin County, Colorado, west of the town of Rollinsville, and is near Rollins Pass and connects to the Rollins Pass/Moffat Road. Legal Description: T1S, R74W: S ½ of Sec. 25, S ½ of Sec. 26, and NE ½ of Sec. 36 , 6<sup>th</sup> P.M.

There is a need to restore portions of Jenny Creek and associated vegetation, which have been damaged by motorized vehicle use, while maintaining the motorized opportunity provided by the Jenny Creek Trail. The current route is parallel to Jenny Creek, has not been regularly maintained, and has become more degraded each year with off-highway vehicle (OHV) use and spring runoff. In places, the route follows the creek, and in some areas the trail is in the creek bed. This has resulted in detrimental impacts to the stream, stream banks, adjacent riparian vegetation, and subalpine forest vegetation, including habitat for a variety of plants, birds, mammals, fish, and amphibians. In places, sediment running off from the motorized trail has completely buried vegetation. Large chunks of the stream banks continue to break off, depositing sediment into Jenny Creek and further destabilizing the banks.

Objectives of this project are to restore and protect sensitive stream, riparian (streamside), wetland, and subalpine forest habitat along Jenny Creek, while continuing to provide an OHV opportunity that forms part of a loop. The loop includes portions of the Jenny Creek Trail, Rollins Pass/Moffat Road, and Forest Road 502.1. The restoration and reroute will create a more sustainable route for OHV use along a three-quarter-mile section of the Jenny Creek trail (National Forest System Trail 808.1).

#### **Decision**

I have decided to implement the Jenny Creek Restoration and Motorized Trail Reroute project, to address the ongoing resource damage and continue to provide the OHV opportunity described above. The project will restore approximately three-quarter miles of the Jenny Creek trail, along with associated user-created routes off the main route, and realign it to a more sustainable location north of the current location. Some of the work will occur within a Forest Service easement on private land along the reroute, and work may occur on other private lands in the area if authorized by a Participating Agreement.

## General Project Description

- Reroute/realign approximately  $\frac{3}{4}$  mile of the Jenny Creek motorized trail to address resource damage occurring along the current route, while keeping the motorized loop opportunity.
- Blade the new reroute with equipment; fall and clear (move) trees as needed.
- Limb and fall individual trees along Forest Road 502.1 as necessary for vehicle and equipment access to the project area.
- Fall hazard trees along both sides of the reroute. Fall and limb individual hazard trees along Forest Road 502.1 to remove them as a falling hazard. This work is covered under the August 2010 Decision Notice and Finding of No Significant Impact for the Forest-Wide Hazard Tree Removal and Fuels Reduction Project for the Arapaho and Roosevelt National Forests and Pawnee National Grassland.
- Fall hazard trees along the current route as needed to provide for safe project implementation.
- Restore the current route and associated user-created routes, including riparian, upland, and stream habitats. The total length of the restoration area is greater than  $\frac{3}{4}$  mile due to user-created routes which are increasing each year.
- Restore two short hill climbs connecting Forest Road 502.1 with Rollins Pass Road
- Access for project implementation will be via Rollins Pass Road and Forest Road 502.1. Alternate access would be via the Jenny Creek trail from Yankee Doodle Lake.
- Implement temporary closures during project implementation, for public safety and efficiency.

## Design Features Incorporated into the Realigned Trail Section

- Align and design the reroute to minimize erosion; provide appropriate drainage for long-term sustainability; reduce impacts to riparian zones, stream channels, wildlife and fish habitat, and water quality; and minimize tree cutting. The reroute will be constructed using appropriate equipment.
- Align the motorized trail on gentle slopes and slightly off contour to allow for sustainable road drainage and to minimize the need for large cuts and/or fills
- Avoid “fall line” trail alignment as much as possible
- Avoid stream channels, riparian zones, wetlands, other seasonally wet areas and completely flat areas to minimize potential for road entrenchment, with the exception of unavoidable narrow crossings of small intermittent or ephemeral drainages
- Use grade reversals, out-sloping and rolling dips to provide trail drainage
- Maintain optimal trail gradient of 5% with a maximum of 15%
- Rock/armor and delineate stream crossings and approaches
- Install boulder and/or log barricades where necessary to delineate the route
- Provide a connection at the east end of the reroute that will encourage cross-country skiers to use the reroute
- Install and maintain appropriate signage to keep motorized and nonmotorized visitors on the reroute

## Restoration Activities

- Install barricades and signs at both ends of the current route, and at other locations as necessary to prevent future use. The old route will be obstructed and/or decommissioned.
- Repair severely impacted areas using appropriate equipment to recontour, decompact, create surface roughness and prepare areas to be revegetated
- Re-establish floodplain function on entrenched roads and other disturbed areas directly adjacent to stream channels
- Revegetate with appropriate seed mixes; plant willow cuttings and transplant sedge plugs and tree seedlings as available and feasible
- Apply erosion control measures such as matting and/or mulch
- In wet areas and wetlands, re-establish drainage/hydrology to allow for natural recovery, and transplant sedge plugs where feasible
- Use available large down woody debris, or trees that need to be cut for project implementation, to add material to the stream channel. As needed, additional standing live or dead trees may be used for instream habitat restoration

## Stream Channel Treatments

Depending on site-specific refinement of restoration prescriptions and the availability of funds, a combination of active treatments and passive recovery would be used to restore physical habitat and biological function in the stream channel. Following are active treatments that may be used:

- Avulsion Repair: Portions of the motorized route have been downcut so deeply that streamflow has been captured by the road. Additionally, there are several sections of stream where vehicular disturbance has converted areas that would naturally have been floodplain/riparian zones into areas that experience active stream flow throughout most or all of the year. Avulsion repair will redirect stream flow back into the historic, natural channel, using excavation methods including heavy equipment.
- Streambank Stabilization: Stabilize actively eroding stream banks with woody and herbaceous vegetation and/or armoring with rocks.
- Stream Habitat Construction: Restore the channel in impacted areas that would continue to function as the active channel. Construct pools in sections where they have been lost, by excavating channel materials and placing large rocks and logs. Construct engineered log jams along streambanks where flow deflection is needed and where channel complexity is lacking. These techniques would use rocks, logs, and rootwads as needed/available and would be keyed into streambanks by excavating, placing structures, backfilling, and revegetating. Stream sections unaffected by the current OHV route would provide a reference for desired geomorphological features and large wood placement.
- Soil Borrowing Areas: Depending on the extent of instream work, a borrow area or areas may be used for the materials needed to stabilize streambanks and repair avulsions. The amount and location(s) of borrowed material will be limited by availability of material in the project area and the small size of equipment capable of accessing the project area.

## Resource-specific Design Features

### *Archaeology*

- Two historic properties located at the west end of the project area are to be buffered from construction activities by at least 50 feet from the site boundaries. No ground disturbance, road construction or grading, or tree felling would occur within this buffer.
- If additional prehistoric or historical materials are found during the course of this project, work in that area would cease until the District Ranger has been notified. Work in the area of the cultural resource may not resume until a professional archaeologist has evaluated the potential effects. Final notification to proceed will be given by the District Ranger.

### *Hydrology, Fisheries, and Soils*

- Adhere to the Watershed Conservation Practices handbook.
- Limit upland activities to times when the ground is not wet.
- Limit in-stream activities to low-flow times of the year.
- Streamflow will be partially diverted around each stream channel and streambank construction area using coffer dams, berms, and other diversion structures to reduce water quality impacts.
- Erosion control practices, such as staked straw bales, sediment fences, erosion control matting, seeding, and woody revegetation will be used and maintained to minimize delivery of additional sediment from the channel. The only sediment in the channel within the construction site will be the naturally occurring streambed sediments that would be moved and reworked to form a natural, yet stable streambed.
- Excess fill material will be disposed of outside of the floodplain and streamside management zone.
- New stream habitat structures will be installed at the appropriate elevation, grade, and configuration as not to disrupt fluvial mechanics of the stream and to maintain a naturally appearing streambed within and underneath the new structure.
- The areas disturbed during the project will rehabilitated and revegetated.
- All work being performed within the stream channel will be monitored by a fisheries biologist or hydrologist, who will be present on-site daily.

### *Botany*

- Prior to implementation, conduct botany surveys of any areas not previously surveyed, including borrow areas.
- Forest Service botanical staff will provide both the native seed mixes and preferred suppliers for reseeding disturbed areas. Seed mix and mulch material will be government-furnished during any contracts and will conform to the Forest Revegetation Policy.

### *Invasive Species*

- To minimize risk of noxious weed introduction and spread, require all equipment to be used for ground-disturbing activities (not including service trucks or other vehicles that remain on roadways) to be clean, i.e. free of mud, dirt, and plant parts, or other debris that could contain or hold seeds, prior to entering the project area. Equipment

will be considered free of soil and other debris when a visual inspection does not disclose such material.

- All equipment, construction vehicles, and tools to be used for instream work will be cleaned and decontaminated in order to eliminate or minimize the risk of introducing weeds and aquatic nuisance species into the project area. Equipment will be available for inspection by Forest Service staff prior to entering NFS Land.
- If straw is used for revegetation or erosion control, it must be certified weed-free per the Forest Service Weed Free Forage Products Order Number: R2-2005-01.

#### *Wildlife*

- Leave cut trees (that are not being used for instream structures, barriers or other project activities) on site, to provide for lynx habitat and also to provide habitat for Forest Service sensitive species American marten and pygmy shrew.
- Strategically place some cut trees to help keep motorized visitors on the designated reroute.
- Prior to tree cutting, conduct surveys for goshawks and Cooper's hawks, and if nests are found in the project area, implement appropriate timing restrictions.

#### *Recreation*

- Ensure that construction/restoration activities do not interfere with recreational high use periods (such as holidays and weekends) at the project site as much as possible.
- Construct the re-route first, to retain the motorized recreation opportunity while restoration and the associated closures are in place.
- Follow all Level 2 trail standards as outlined in the Recreation Specialist Report, making sure to keep the current level and width of any access roads for the project.

### **Categorical Exclusion**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one or more of the categories identified by the U.S. Department of Agriculture in 36 CFR 220.6 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. This decision falls under 36 CFR 220.6 (e) (6): "Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction."

Use of a categorical exclusion is appropriate for this project because the analysis conducted by Forest Service resource specialists determined there would be no potential effects to extraordinary circumstances (36 CFR 220.6). Resource conditions considered in determining whether effects to extraordinary circumstances may occur from this project are disclosed below.

*Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species –*

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in

adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, all federally listed Threatened, Endangered, and Proposed (TEP) wildlife and plant species were considered as well as all Forest Service R2 Sensitive wildlife and plant species and Management Indicator Species. Forest Service botany staff completed surveys and determined that no suitable habitat occurs for any TEP plants, and that no Forest Service sensitive plant species occur and therefore none will be impacted. Based on an evaluation by the District Wildlife Biologist, a determination of "may affect, not likely to adversely affect" was made for Canada lynx, a determination of "no effect" for the federally proposed North American wolverine, and no effects are expected for any other TEP wildlife species. There is no designated critical habitat for any federally listed species in the project area. For sensitive wildlife species, a determination of "may impact individuals, but is not likely to result in a loss of viability on the Planning area, nor cause a trend toward federal listing" was made for hoary bat, pygmy shrew, boreal owl, flammulated owl, northern goshawk, olive-sided flycatcher, boreal toad, and northern leopard frog. No impacts will occur to any other Forest Service sensitive wildlife species. The proposed action is not expected to influence population trends locally or on the Planning Area for the six wildlife and two fish Management Indicator Species analyzed for this project.

*Floodplains, wetlands, or municipal watersheds*

Floodplains: Executive Order 11988 describes regulations to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "the lowland and relatively flat areas adjoining inland and coastal waters include flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

Wetlands: Executive Order 11990 describes regulations to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in forest plans. While most of the Arapaho and Roosevelt National Forests serve as a source for public drinking water, there are no officially designated municipal watersheds on the Forests.

The project hydrologist has determined that this project is located in or near floodplains and that the project will temporarily disturb the creek and associated floodplain and riparian areas, but will have long term benefits. No extraordinary circumstances for wetlands, flood plains, or municipal watersheds are expected if the design criteria listed above are implemented. The Forest Service will obtain a 404 permit from the Army Corps of Engineers for project implementation.

*Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas*

The project is not located in any Wilderness, Wilderness Study Areas or National Recreation Areas. The project occurs adjacent to the James Peak Wilderness Area; however, project activities will not transfer to or otherwise affect the Wilderness Area.

*Inventoried roadless areas or potential wilderness area*

The project area is not located within or adjacent to any inventoried roadless areas or potential wilderness areas.

*Research natural areas*

The project is not located within or adjacent to any research natural areas as designated in the Forest Plan.

*American Indians and Alaska Native religious or cultural sites; Archaeological sites, or historic properties or areas*

The project includes impacts to a segment of the historic Rollinsville and Middle Park Wagon Road (5BL2048) and rehabilitation to the edge of the Moffat Road Historic District (5BL370). The wagon road is *eligible* for the National Register of Historic Places (NRHP); however, the segment planned for rehabilitation does not contribute to the eligibility of the entire historic property. Consequently, it was determined in consultation with the State Historic Preservation Office (SHPO) and Gilpin County that the rehabilitation of this segment would have no adverse effect to the historic property and thus it does not create an extraordinary circumstance, provided that the connectivity of the loop is maintained by construction of the alternate route. The Moffat Road is listed on the NRHP. The rehabilitation of the damage to the embankment (two hill climbs between the Moffat Road and Forest Service Road 502.1) has not been included in consultation. Work on this portion of the project will only proceed once consultation with SHPO and Gilpin County is complete and the Boulder Ranger District has received concurrence that this activity would have no adverse effect to the historic property.

A cultural resource inventory of the planned reroute was also completed. No significant archaeological sites were identified.

Tribal consultation was completed on April 29, 2011. There were no extraordinary circumstances identified regarding the effect to Native American religious or cultural sites.

## **Public Involvement**

This proposal was listed in the Schedule of Proposed Actions for the Arapaho and Roosevelt National Forests beginning on April 1, 2010. This list is updated quarterly and is made available to over 500 individuals and agencies who have expressed an interest in activities on the Forests and Grassland. It is also available nationally on the Forest Service website. Specific public scoping for the project began on January 17, 2012 with a letter and map describing the proposed action sent to 37 individuals and groups potentially interested in or affected by the project. A total of 15 responses were received from this outreach effort. Due to changes in U.S. Forest Service regulations under 36 CFR 215 after the scoping period, an additional comment period was provided beginning April 23, 2012. Two responses received during scoping were resubmitted during the additional comment period. All comments were considered for this project; however, only those two respondents have the eligibility to appeal according to the revised regulations for Categorical Exclusions.

The comments received during the scoping and comment periods provided support, asked for clarification, and provided personal points of view regarding the overall project. Some commenters also provided recommendations that were already covered within project design, did not meet the project objectives, or were outside the scope of the project. Three concerns were expressed during the initial scoping period that related to motorized use and experience along the trail. Several commenters were concerned about losing the ledge at the creek crossing for its challenge, losing the ability to ride within the creek, and losing scenic value by moving the new route such a distance from the existing route. Keeping these activities and not rerouting the trail do not meet the project objectives of protecting sensitive stream, riparian wetland, and subalpine forest habitat along Jenny Creek. Therefore, these concerns are outside the scope of this project.

Two comments noted a mapping error on the map included with the scoping letter. This error has since been corrected and revised maps are available.

It was raised during the scoping and comment periods that there is a Forest Plan inconsistency issue with allowing motorized use and making improvements for motorized use within the Forest Plan designation of 1.3 Backcountry Recreation and the Semi-Primitive Non-Motorized Recreation Opportunity designation.

While the reroute portion of the trail is in Management Area 1.3 Backcountry Recreation, which emphasizes non-motorized recreation, both the east and west ends of this route are in 4.3 Dispersed Recreation which does allow motorized use. This puts the section of trail to be rerouted between two portions of the trail which allow for motorized use. This is an oversight in the Forest Plan to be corrected in the next revision based on final analysis, as the entire portion of this trail has historically been managed as a motorized trail.

The project area falls into two Recreation-Opportunity Spectrum (ROS) Classes. The western portion of the project area is found within Roaded Natural (RN) and the eastern part is within Semi-Primitive Non-Motorized (SPNM). The project proposal would move the western portion of the project area into the SPNM classification, making the entire trail Semi-Primitive Non-Motorized. The trail however will remain a motorized trail as designated within the official road and trail system for the Boulder Ranger District. Like the Forest Plan designation, the project area is surrounded by Roaded Natural which allows motorized use in a natural setting. The SPNM portion of this trail falls in between these two Roaded Natural trail segments allowing motorized use. This is an oversight in the classification system and will be corrected at the next Forest Plan revision making the entire trail Roaded Natural, depending on final analysis.

### **Findings Required by Other Laws**

The activities of this project will not violate applicable federal, state, or local laws enacted for the protection of the environment. The decision is consistent with the goals and objectives as stated in the 1997 Revision of the Land and Resource Management Plan for the Arapaho and Roosevelt National Forests and Pawnee National Grassland (Forest Plan). In addition, this decision meets the requirements of the Clean Air Act (1990), the Clean Water Act (1972), the Endangered Species Act (1973, 1978, 1982), the National Forest Management Act (1976), the Multiple Use-Sustained Yield Act of 1960, the National Environmental Policy Act (1969), and the National Historic Preservation Act of 1966, as amended.

*Energy Requirements and Conservation Potential of Proposed Action:*

The energy required to implement the proposed action, in terms of petroleum products, would be insignificant when viewed in light of the production costs and effects of the national and worldwide petroleum reserves.

*Environmental Justice (Executive Order 12898):*

This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. Public outreach did not identify any adversely impacted local minority or low-income populations. Therefore, this decision is not expected to adversely impact minority or low-income populations and is in compliance with this Order.

*Invasive Species Executive Order 13112 of February 3, 1999:*

Land actions that disturb the ground have the potential to contribute to the spread of non-native invasive species, particularly noxious weeds. No noxious weed occurrences are known in the project area, based on multiple field visits over several years and at different times during the growing season. Relatively high elevation and dense forest cover have helped to prevent noxious weed invasion in the area thus far.

The purpose and need of this project includes restoring disturbed areas to a condition as near natural as possible and confining motorized use to a single route, which in the long term will help to prevent noxious weed invasion and spread. In the short term, ground-disturbing project activities have the potential to introduce weeds. This potential will be minimized through equipment inspections and use of certified weed-free seed and revegetation materials.

If new populations of invasive species are found in the area after the project is completed, the populations will be mapped and added to the database of known occurrences on the BRD. Treatment strategies will be determined according to methods approved in the Arapaho and Roosevelt National Forests and Pawnee National Grassland Noxious Weed Management Plan.

*Irreversible Resource Commitments and Irretrievable Losses:*

The physical and biological effects are limited to the project area and/or immediate adjacent areas. There are no known significant irreversible resource commitments or any significant irretrievable losses of vegetation resources, wildlife habitats, soil productivity, water quality, or other renewable resources.

**Administrative Review or Appeal Opportunities**

Since comments were received during the 30-day comment period, this Decision is subject to a 45 day appeal period pursuant to 36 CFR 215.12(f). An appeal can be filed with the Appeal Deciding Officer within 45 days following the publication date of the legal notice of the decision in the *Boulder Daily Camera*. Individuals or organizations who submitted comments during the comment period specified at Section 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. It is the responsibility of the appellants to ensure that their appeal is received in a timely manner.

To file an appeal, send it to the Appeal Reviewing Officer, Glenn Casamassa at:  
USDA Forest Service, Rocky Mountain Region, 740 Simms, Golden, CO 80401; FAX: (303) 275-5154.

The office business hours for submitting hand-delivered appeals are: Monday through Friday 7:30 a.m. to 4:00 p.m., excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us). The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

### Implementation Date

Implementation of this decision may begin on, but not before, the fifth business day following the 45<sup>th</sup> day of the appeal period if no appeals are received (CFR215.15).

### Contact Person

For additional information concerning this decision or the appeal process, please contact:

Bev Baker, Wildlife Biologist  
Boulder Ranger District  
2140 Yarmouth Ave, Boulder, CO, 80301  
(303)541-2517 or [bbaker@fs.fed.us](mailto:bbaker@fs.fed.us).



SYLVIA CLARK  
District Ranger  
Boulder Ranger District

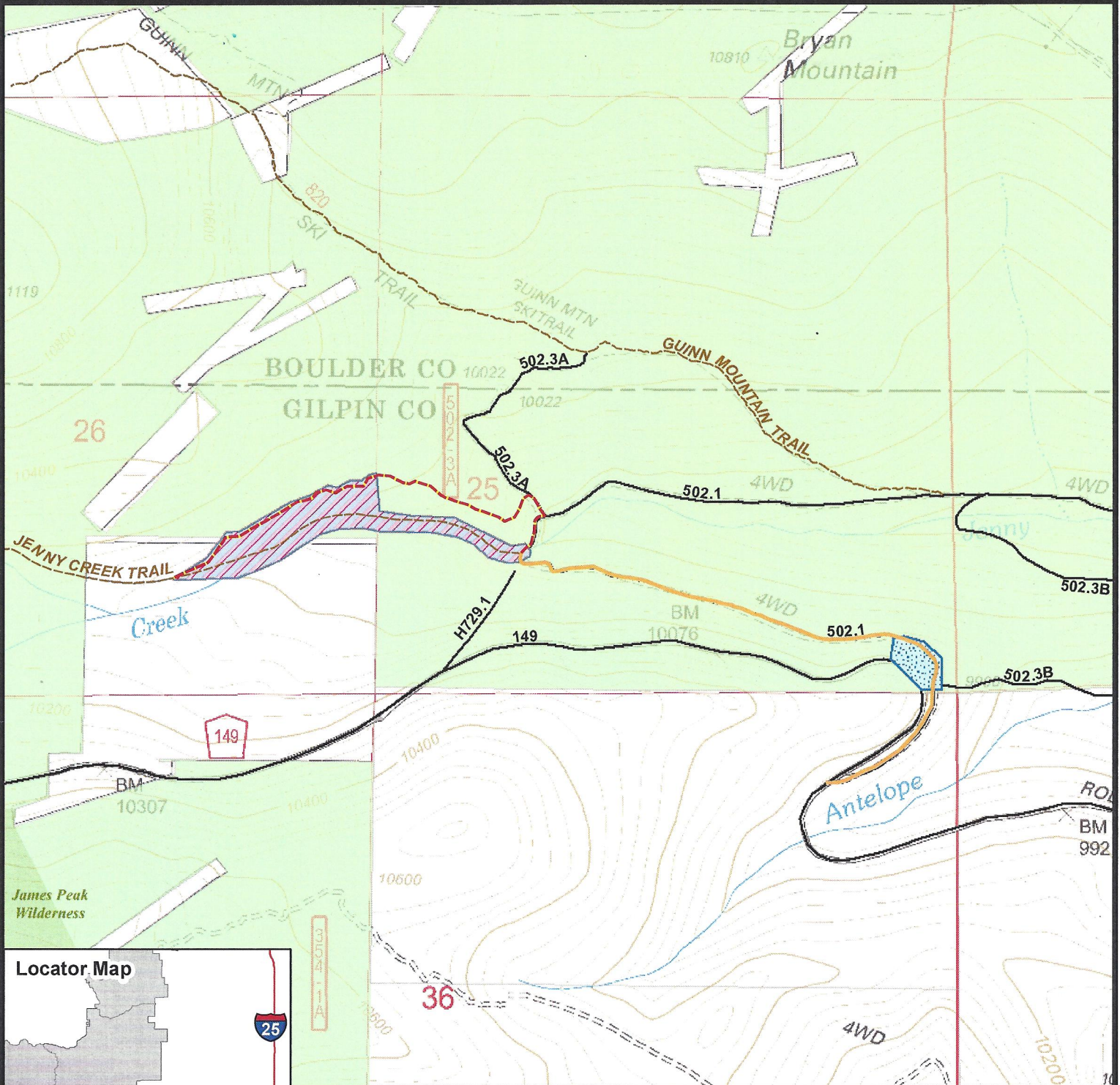


Date

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# Jenny Creek Restoration and Motorized Trail Reroute Project

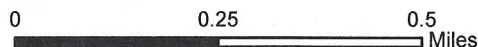
## Boulder Ranger District - Arapaho and Roosevelt National Forests



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For more information, contact:  
 Arapaho/Roosevelt National Forest Supervisors Office: 970-295-6600.



- Project Access
- Motorized Trail Reroute
- National Forest System Trail
- Hill Climb Restoration Area
- Upland & Instream Restoration Area
- National Forest System Road
- National Forest System Land
- Private Property



UTM NAD83 Zone 13N  
 Arapaho & Roosevelt NFs  
 Boulder Ranger District

