

**LAND USE PERMIT Notification**  
San Juan County, Colorado

|  |                                   |
|--|-----------------------------------|
| <b>Applicant:</b><br>BLM Gunnison Field Office | <b>Permit No.</b>                 |
| <b>Address:</b><br>210 W Spencer Ave, Suite A  |                                   |
| <b>City and State:</b><br>Gunnison, CO 81230   | <b>Telephone:</b><br>970-642-4940 |

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**Description of Use:**

Provided for informational purposes only.

The action has three components: 1) Constructing a 0.5 mile buck and rail fence, 2) Seeding reclaimed road braids, 3) Constructing two worm fences

1) A 0.5 mile buck and rail fence would be constructed along the western edge of BLM road 83. Construction would be minimally ground disturbing as all bucks will rest on the soil surface. The fence will enclose road braids that were abandoned in conformance with the Silverton Area Travel management Plan. The top of the fence will be marked with snow poles and "restoration area" and "no camping" signs will be placed on the fence. The fence is intended to protect a sensitive fen and wetland complex from degradation.

2) All abandoned road braids and dispersed campsites will be seeded with a native seed mix to aid revegetation and prevent invasive species from establishing.

3) One 110 foot worm fence would be constructed at an existing campsite to prevent further encroachment into a wetland. One 150-foot worm fence would close off an existing campsite that is less than 20 feet from a fen. Both worm fences will sit on the soil surface to avoid soil disturbance and "no camping beyond this point" signs will be placed on or near the worm fences.

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**Dates and Times of Use:**

Summer 2022, possibly continuing into summer 2023. Exact dates to be determined.

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**Location of Use:**

BLM road 38 near Molas Pass

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**Areas of Concern:** Applicant should provide attachments for each relevant area  
Land Use Administrator will initial approval if appropriate

|                          |                                     |
|--------------------------|-------------------------------------|
| Property Ownership _____ | Permission of Property Owner _____  |
| Vicinity Map _____       | Plans and Drawings _____            |
| Natural Hazards _____    | Zoning Compatibility _____          |
| Sanitation _____         | Environmental Impacts _____         |
| Building Permit _____    | Federal and /or State Permits _____ |
| Security _____           | Emergency Services _____            |
| Parking _____            | insurance Coverage _____            |
| Clean Up _____           | County Road Impact _____            |
| Other _____              | Other _____                         |

|  |  |
|--|--|
| <b>Date Application Submitted:</b><br>RECEIVED 6/30/22 Lma | <b>By (signature):</b><br>RACHEL MILLER <small>Digitally signed by RACHEL MILLER<br/>Date: 2021.11.16 10:32:09 -0700</small> |
| <b>Date Permit Issued:</b>                                 | <b>By (signature):</b>   |
| <b>Conditions</b>  |  |
| <b>Acceptance of Conditions:</b>                           | <b>By (signature):</b>   |



U.S. Department of the Interior  
Bureau of Land Management

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**Megan Mast**

*Outdoor Recreation Planner  
Lands and Realty Specialist*  
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**U.S. Department of the Interior  
Bureau of Land Management  
Gunnison Field Office  
DOI-BLM-CO-S060-2022-0009- CX**

## **CATEGORICAL EXCLUSION**

**NUMBER:** DOI-BLM-CO-S060-2022-0009-CX

**PROJECT NAME:** Molas Pass Wetland Protection Fence

**PLANNING UNIT:** Tres Rios Field Office RMP Silverton Management Area

**LEGAL DESCRIPTION:** T41N R7W Sec. 31

**APPLICANT:** USDI, Bureau of Land Management

**BACKGROUND/INTRODUCTION:**

The Molas Pass area is popular among recreationists for camping, firewood collecting, and snowmobiling. Increasing use of this area led to an expansion of dispersed campsites and road braiding as users tried to avoid rocky or wet parts of the road. Road braids and expanded dispersed campsites compacted soils adjacent to a 12-acre fen and wetland complex, altering groundwater infiltration and surface flows. The road is currently being maintained to address these issues.

Fens are peat-accumulating wetlands fed by groundwater that take thousands of years to form and are highly sensitive to sedimentation and ground or surface water alterations. Occasional users drove into the wetland creating tire ruts and risking localized lowering of the water table. As a result, the fens and wetland complex are at risk. The intent is to prevent further damage and avoid the high cost of extensive restoration or fen and wetland loss in the future. With this goal in mind, the BLM Gunnison Field Office proposes to build 0.5 miles of buck and rail fence along BLM road 83, construct two worm fence barriers, and seed newly protected areas to promote revegetation. These actions would help ensure that the public use the designated road and only camp in areas that will not negatively impact fens.

**DESCRIPTION OF PROPOSED ACTION:**

The proposed action has three components:

1) Constructing a 0.5 mile fence, 2) Seeding reclaimed road braids, 3) Constructing two worm fences. All actions will take place after July 15<sup>th</sup> to avoid potential impacts to nesting migratory birds.

- 1) A 0.5-mile fence would be constructed along the western edge of BLM road 83. Buck and rail or buck and pole fencing will be the preferred material, with the option to use wire fencing if necessary for short sections as needed. Any wire fencing would be smooth wire with wildlife-friendly specifications. Construction would be minimally ground

disturbing, and all fence bucks would rest on top of the soil surface. The fence would enclose road braids that were abandoned in conformance with the Silverton Area Travel Management Plan (2020). The tops of the fence would be marked with snow poles at a regular interval to ensure they do not pose a safety hazard to winter users. “Restoration” and “No Camping Beyond This Point” signs would be placed on or behind the fence to improve compliance. The fence would be inspected on an annual basis and repaired as needed.

- 2) All abandoned braids and dispersed campsites would be seeded with an appropriate weed-free native seed mix to aid revegetation and prevent establishment of invasive species. Willows may also be planted in degraded meadows on road margins behind the fence. Two former road braids have been ripped and the remaining braids may be ripped as well during road maintenance. Ideally, any ripping will run perpendicular to the direction of water flow to avoid concentrating flow paths down-slope. Where water tables are higher on the northern end of the road, abandoned road braids may not be ripped in favor of passive restoration. Where feasible, mulch may be placed in restoration areas to reduce risk of erosion and aid seed germination.
- 3) An approximately 110-foot worm fence would be constructed along a parallel road to prevent an existing impacted campsite from further encroaching into an isolated wetland. An approximately 150-foot worm fence would close a dispersed campsite that is less than 20 feet from an isolated fen. Both worm fences would sit on top of the soil surface to avoid ground disturbing activity. Signs reading “No Camping Beyond This Point” would be posted to improve compliance.

**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5-3, 516 DM 11.5):

The plan conformance review included consideration of Resource Direction (pgs. II-7 to II-125) and Area Direction (pgs. II-126 to II-157).

Name of Plan: Tres Rios Field Office Resource Management Plan

Date Approved: February 2015

Resource Management Direction:

Desired Conditions: (pg. II-40)

Objectives: (pg. II-40)

Standards: (pg. II-40 – II-41)

Guidelines: (pg. II-41)

Silverton Area Management Direction:

Desired Conditions: (pg. II-155 to II-156)

Allowable Uses: (pg. II-156 to II-157)

**CATEGORICAL EXCLUSION REVIEW:** The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number: K.9 Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas. This categorical exclusion is appropriate in this situation because the proposed action has been reviewed and none of the following extraordinary circumstances described in 516 DM 2, Appendix 2, apply:

| <b>Does the proposed action:</b>  | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| 1. Have significant adverse effects on public health and safety?  |            | X         |
| 2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990), floodplains (EO 11988); national monuments; migratory birds (EO 13186); and other ecologically significant or critical areas? |            | X         |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA §102(2)(E))?  |            | X         |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?  |            | X         |
| 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?  |            | X         |
| 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?  |            | X         |
| 7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau or office?  |            | X         |
| 8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?   |            | X         |
| 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment?   |            | X         |
| 10. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?   |            | X         |
| 11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)?  |            | X         |
| 12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)?  |            | X         |

**REMARKS:**

Cultural Resources: Almost all of the area of potential effects has been recently inventoried, with negative results. The remaining area (~.02 acres) is very unlikely to contain historic properties, given the negative findings of the adjacent inventories. Therefore, the proposed undertaking will result in a finding of no historic properties affected.

Native American Religious Concerns: The proposed limited surface disturbance is unlikely to concern Tribes, who would be supportive of the environmental protection the structures will offer.

Threatened and Endangered Species: The proposed project is within overall range of Canada lynx (*Lynx canadensis*), a species listed as Threatened under the Endangered Species Act and is located within the Silverton Lynx Analysis Unit (LAU). The proposed project and construction of buck and rail fence would have No Effect on Canada lynx or its habitat. There are no other wildlife species of conservation concern that would be negatively impacted by the proposed project.

Migratory Birds: The work would be conducted outside the migratory bird nesting season. The proposed action is not expected to result in the “take” of any native birds or their nests.

**INTERDISCIPLINARY REVIEW:**

| <b>Name</b>        | <b>Title</b>                | <b>Area of Responsibility</b>                                   |
|--------------------|-----------------------------|---|
| Kathy Brodhead     | Wildlife Biologist          | Threatened, Endangered and Sensitive Species<br>Migratory Birds |
| Megan Mast         | Outdoor Recreation Planner  | Recreation  |
| Rachel Miller      | Natural Resource Specialist | Wetlands and Riparian Areas<br>Vegetation                       |
| Monica Weimer      | Archaeologist               | Cultural Resources<br>Native American Religious Concerns        |
| Danielle Schneider | Archaeologist               | Cultural Resources<br>Native American Religious Concerns        |
| Jim Lovelace       | NEPA Coordinator            | Cultural Resources<br>Native American Religious Concerns        |

**SIGNATURE OF PREPARER:** RACHEL MILLER Digitally signed by RACHEL MILLER  
Date: 2022.03.23 14:44:34 -06 00'

**DATE:**

**U.S. Department of the Interior  
Bureau of Land Management  
Gunnison Field Office  
DOI-BLM-CO-S060-2022-0009-CX**

**DECISION RECORD**

**DECISION:** I have reviewed this Categorical Exclusion and have decided to implement the proposed action.

**RATIONALE:** This project will benefit wetlands and fens within the project area while having no effect on wildlife or cultural resources. Constructing the fence will allow for proactive resource protection and reduce the likelihood of costly wetland restoration needed in the future.

**COMPLIANCE WITH NEPA:**

This action is listed in the Department Manual (516 DM 2, Appendix 1 and/or 516 DM 11, as amended) as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

**COMPLIANCE/MONITORING:** All project work will be monitored to ensure it complies with the specifications of this CX.

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Digitally signed by JON KAMINSKY  
Date: 2022.03.23 13:34:06 -06'00'

Gunnison Field Manager

**DATE SIGNED:**

## Molas Pass Proposed Fence and Barriers

