

## DECISION MEMO

Devil's Nose Designated Shooting Area

USDA Forest Service, Rocky Mountain Region  
Arapaho National Forest  
Clear Creek Ranger District  
Clear Creek County, Colorado

January 2015

### I. DECISION

#### A. Description of Decision

I have decided to approve the Devil's Nose Designated Shooting Area ("Shooting Area") project. Safety enhancements will be added to the Shooting Area which will include infrastructure such as benches, lanes and backstop (defined by earthen berms), overhead sound deflecting structures, parking for at least 10 vehicles, an information kiosk, and a toilet facility. My decision provides an opportunity for a safe shooting environment that can easily be monitored and maintained. All roads and user created ways will be closed in the area with the exception of a portion of National Forest System Road (NFSR) 794.1 which will be improved as the main access road where it intersects Colorado State Highway 103 at mile marker 15 to the Shooting Area. The site is approximately three acres in size, although it may be expanded by up to an additional two acres depending on final layout and design. Hours of operation will be seven days a week from sunrise to sunset with no proposed lighting. Camping, overnight use and activities other than recreational sport shooting at the site will be prohibited.

My decision also includes closing the National Forest System lands around the Shooting Area to recreational sport shooting and camping for a 1/2 mile circumference. If safety issues arise, other activities will be restricted. The shooting and closure area is located at T 4 S, R 73 W, Sections 28, 29, 32 and 33, in Clear Creek County, Colorado. Other areas in the vicinity along Highway 103 will remain open for dispersed recreational sport shooting as long as current requirements and regulations are followed. The project maps (A and B) are attached and display the location of my decision.

#### Design Criteria

To operate an outdoor shooting range that is environmentally protective requires implementing an integrated lead management program, which incorporates a variety of best management practices as described in *Best Management Practices for Lead at Outdoor Shooting Ranges* (EPA-902-B-01-001 Revised June 2005, <http://www.epa.gov/region2/waste/leadshot>). In addition, this project will reference and include all relevant guidance outlined in *Corrective Action at Outdoor Shooting Ranges* (by Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division, Jan 2005).

The following design criteria will be incorporated into final design, construction and management of the Shooting Area, which will include a soil amendment, erosion control (drainage and grading), and re-vegetation plan(s). During design and construction of this project, a Forest Service soil scientist, landscape architect, wildlife biologist, botanist, and/or hydrologist may provide additional site specific recommendations.

1. Utilize wildlife resistant trash containers and vault toilet vent stack covers;
2. Avoid seeding/planting vegetation that will be an attractant for wildlife or serve as a potential source of ingesting lead;
3. Design site drainage to minimize pooling water that may be an attractant for wildlife or serve as a potential source of ingesting lead. If unavoidable, incorporate design features, as practical, to limit wildlife access to collection basins;
4. Encourage use of non-lead ammunition through educational measures at site kiosk;
5. To lower risk of on-site erosion and promote re-vegetation, cut and/or fill areas should ideally be graded to slopes of 3:1 (run: rise) or gentler. With the exception of small steep areas at backstops or road/parking lot cut slopes, do not exceed gradients of 2:1 (run: rise);
6. Depending on site layout, drainage features to minimize run-on, run-off and/or ponding basins may need to be incorporated into final design;
7. Drainage features may include ditches, swales or sediment basins;
8. Mechanical preparation of hill-slopes will involve de-compaction and creation of surface roughness (cross-hatching) to promote infiltration of water, lower runoff and prepare the soil for re-vegetation. Preferred equipment for this task is an excavator or backhoe but a dozer with rippers may be acceptable if careful attention is paid to keeping ripper furrows on contour (this is difficult or impossible on steep side slopes);
9. Lime and organic material (Class 1 compost) are recommended as soil amendments to promote re-vegetation and also to chemically bind lead and other heavy metals in the soil; and
10. All non-system roads and/or disturbed areas (during implementation) will be decommissioned and restored to a natural state.

Following implementation of the project, and to evaluate effectiveness of the design criteria, monitoring will be completed by district recreation staff in conjunction with resource specialists.

## **B. Purpose and Need for the Decision**

The Shooting Area is located at an old gravel pit and at present is used as an undeveloped shooting range. Currently, people shoot in various directions. Some of these directions are unsafe as private land and other roads and trails are located to the west and north of the ad hoc shooting area. Shooting to the east and south is not posing a safety problem. Other unsafe practices currently occurring are lack of proper backstops, shooting at trees, and using hazardous materials as targets. The purpose and need for this project is: to address safety issues for both recreational sport shooters using the site as well as Forest visitors or private landowners

in areas near the site; to prevent resource damage; and to reduce potential user conflicts that are currently occurring at this old gravel pit. The Shooting Area could also provide opportunities for hunter and recreation sport shooting education. By constructing a well-designed, attractive shooting area, the Forest Service will provide a safe and enjoyable shooting experience.

## **II. PUBLIC INVOLVEMENT**

External scoping was begun by letter/e-mail dated July 15, 2014. Nine comment letters were received. Many of the commenters were supportive of the development of the Shooting Area, but also wanted other areas in Clear Creek County closed to recreational sport shooting such as along Colorado Highway 103, near residential areas, and by roads and trails. Commenters expressed their concern about: noise; safety including the danger of bullets travelling to private lands and other lands surrounding where people shoot; damage to trees, powerline poles, and other facilities and natural features; lead risks from spent cartridges; increased risk of wildfire; littering and trash dumping due to shooting.

Many of these concerns expressed by the public are also my concerns and described in the preceding *Section I B. Purpose and Need for the Decision*. I believe that providing a developed shooting area that is managed and monitored will alleviate many of these concerns. The design of the facility will direct shooting to the north/northeast away from private lands. The design will also include backstops and earthen walls between shooting lanes minimizing escaped bullets from the range, which will improve safety. The design of the Shooting Area will also direct the shooting to the north/northeast, which will help to alleviate some of the noise issues. However, I do recognize there will be some sound coming from the Shooting Area, but this is already occurring from the ad hoc shooting occurring there currently.

This decision does not include closure of other recreational sport shooting areas on my district as it would be beyond the scope for this particular project. The Forest Service will continue to work with its partners to identify and analyze areas either for development of shooting areas and/or prohibit shooting due to safety concerns.

## **III. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in the 36 Code of Federal Regulations (CFR) 220.6 (d) or (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

## **A. Category of Exclusion**

The project is within the category of exclusion 36 CFR 220.6(d): Category 4 – Repair and maintenance of roads, trails, and landline boundaries; and Category 5 – Repair and maintenance of recreation sites and facilities.

## **B. Relationship to Extraordinary Circumstances**

There are no conditions that would constitute an extraordinary circumstance related to the proposed authorization. This conclusion is based on specialist's review of the proposal as well as knowledge of similar past projects and professional judgment.

### **1. *Federally listed Threatened and 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, the Rocky Mountain TEPS Species List dated August 14, 2014 was used to determine the potential for effects to listed and proposed species. The wildlife biologist reviewed the proposed action and determined that as long as the Design Criteria listed above are followed: 1) the action will have a *may affect but not likely to adversely affect* Canada lynx (*Lynx Canadensis*) and a *no effect* to all other Federally Listed Threatened, Endangered or Proposed Species. Therefore, there are no extraordinary circumstances for any TEP species. 2) The action will not contribute to a loss of viability of native or desired non-native plant or animal species, or cause a trend towards listing under the Endangered Species Act for any Forest Service Sensitive species.

### **2. *Floodplains, Wetlands, or Municipal Watersheds* –**

***Floodplains:*** The proposed shooting area is located near a ridge line. There are no streams with floodplains within the area. Therefore, the proposed projects would be in compliance with EO 11988, and would not invoke an extraordinary circumstance for floodplains.

***Wetlands:*** No wetlands were found within or directly adjacent to the site during a site visit on October 8, 2014. Therefore, the proposed project would be in compliance with EO 11990, and would not invoke an extraordinary circumstance for wetlands.

***Municipal Watersheds:*** The Bear Creek watershed serves as a public water supply for numerous small mountain communities southwest of the Denver metropolitan area, including Evergreen, Kittredge, and Morrison. However, because the proposed shooting area is located on a ridge near the watershed boundary, and because design criteria would be applied to limit offsite transport of sediment and lead, there should be no measurable effect to the public water supply, and the project would not invoke an extraordinary circumstance for municipal watersheds.

3. ***Congressionally Designated Areas –***

***Wilderness and Wilderness Study Areas:*** The Shooting Area is located within one-quarter mile of the Mount Evans Wilderness Area. The site is located at an old gravel pit that is currently used as an undeveloped shooting range. The existing condition of ad hoc shooting will not differ dramatically from the managed shooting due to the planned design features to minimize sound and improve the safety of recreational sport shooters and visitors to the surrounding area, therefore no extraordinary circumstances will be triggered.

4. ***Inventoried Roadless Areas and Research Natural Areas –*** The proposed project does not occur within a Roadless Area or Research Natural Areas, therefore, no extraordinary circumstances are triggered.

5. ***Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas –***The construction of the Shooting Area has the potential to displace surface materials, and damage or destroy buried features and artifacts. However, the Shooting Area construction is limited to what was once a gravel pit/borrow area for road construction. This location has been completely disturbed leaving essentially no natural ground surface. There is no potential for significant sites within the shooting area location, therefore there are no extraordinary circumstances posed by the proposed range construction.

The access road to the shooting area (794.1) is a segment of the original Highway 103 built in 1919. The road was later rerouted to the current course after 1951. The existing Highway 103 (5CC1905) is eligible for the National Register of Historic Places (NRHP); however, this segment has not yet been recorded. Sites that have not been evaluated for the NRHP are to be treated as significant until determined otherwise. It is recommended that improvement to the existing road segment would not have an adverse effect to historic properties; however, no consultation with Clear Creek County or the State Historic Preservation Office (SHPO) has been conducted. Although the construction of the shooting area is considered to have no potential for effects to historic properties, improvements or alterations to this road segment would require SHPO and local government consultation prior to implementation. If SHPO or Clear Creek County determine that construction on the road would be an adverse effect, mitigation measures or design criteria would be incorporated to the road decision to alleviate adverse effects prior to implementation of the project.

#### **IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS**

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

**Forest Plan Consistency (National Forest Management Act)** - This project is consistent with the standards and guidelines contained in the Forest Plan.

**National Environmental Policy Act** - This Act requires public involvement and consideration of potential environmental effects. The entirety of the documentation for this decision supports compliance with this Act.

**Endangered Species Act** - See *Section III, Item B1* of this document.

**Clean Water Act** - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices which are land management methods, measures, or practices intended to minimize or reduce water pollution and soil impacts. These practices are found in Forest Service Handbook (FSH) Watershed Conservation Practices 2509.25, Region 2 Supplement, May 5, 2006.

**Wetlands (Executive Order 11990)** - See *Section III, Item B2* of this document.

**Floodplains (Executive Order 11988)** - See *Section III, Item B2* of this document.

**Clean Air Act** - Under this Act areas of the country were designated as Class I, II, or III air sheds for Prevention of Significant Deterioration purposes. The Forest Service complies with this Act through the use of Best Management Practices which are land management methods, measures, or practices intended to minimize or reduce water pollution and soil impacts. These practices are found in Forest Service Handbook (FSH) Watershed Conservation Practices 2509.25, Region 2 Supplement, May 5, 2006.

**Invasive Species** - The decision presented with its Design Criteria will not cause or promote the introduction or spread of invasive species. (Executive Order 13112)

**National Historic Preservation Act** - See *Section III, Item B5* of this document.

**Archaeological Resources Protection Act** - See *Section II, Item B5* of this document.

**Environmental Justice (Executive Order 12898)** - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

**Energy Requirements and Conservation Potential of Alternatives** - The energy required to implement the proposal in terms of petroleum products will be insignificant when viewed in light of the production costs and effects of the national and worldwide petroleum reserves.

## V. ADMINISTRATIVE REVIEW

This decision is not subject to a higher level of administrative review per the Agricultural Act of 2014.

**VI. IMPLEMENTATION DATE**

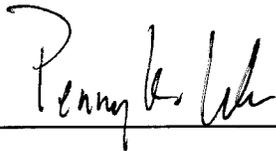
This decision may be implemented immediately.

**VII. CONTACT PERSON**

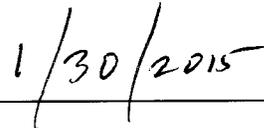
Further information about this decision can be obtained from Karen Roth, (970) 295-6621, kroth@fs.fed.us.

**VIII. SIGNATURE AND DATE**

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in the 36 Code of Federal Regulations (CFR) 220.6 (d) or (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the Planning Record.



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PENNY K. WU  
District Ranger  
Clear Creek Ranger District  
Arapaho and Roosevelt National Forests  
and Pawnee National Grassland



\_\_\_\_\_  
DATE

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