

**Colorado Division of Wildlife Petition Content Worksheet**

The contents requested in this form constitute an information collection requirement as defined by 5 CFR Part §1320. It has been assigned Office of Management and Budget control number 0596-0178. (The information requested is pursuant to 36 CFR Part § 294.14 Subpart B State Petitions - Petition Contents)

§ 294.10 Purpose: The purpose of these administrative procedures is to set forth the process for state specific rulemaking to address the management of inventoried roadless areas in areas where the Secretary determines the regulatory direction is appropriate based on the petition from the affected Governor.

§ 294.11 Definition: *inventoried roadless areas* - areas identified in the set of inventoried roadless area maps, contained in the Forest Service Roadless Area Conservation Final Informal Impact Statement, Volume Two, Dated November 2000, and any subsequent update or revision of those maps to the land management planning process.

§294.12 State petitions: Governor of any State or territory that contains National Forest System lands may petition the Secretary of Agriculture to promulgate regulations establishing management requirements for all or any portion of National Forest System *inventoried roadless areas* within that State or territory. Any such petition must be submitted to the Secretary of Agriculture not later than November 13, 2006.

§294.13 Petition process: reviewing consideration of petitions made pursuant to §294.12, shall be accomplished as follows:

(1) Review: the Secretary shall review petitions and may request additional information from a petitioner before deciding whether to accept the petition. If the Secretary request additional information from a petitioner, the petition will be considered complete with a petitioner provides the additional information.

(2) Disposition -- the Secretary or the Secretary's designee shall respond to the petition within 180 days of receipt of a completed petition. Respond shall accept or decline the petition to initiate a state specific rulemaking.

**§294.14 Petition Contents**

**Note: USDA propagated a new rule at 36 CFR part 294 subpart B. title State petitions for inventoried roadless area management. This rule was effective on May 13, 2005, and establishes a petitioning process that provides governors an opportunity to seek establishment of or adjustment to management requirements for national Forest System inventoried roadless areas within their State. This opportunity for submitting State petitions is available until November 13, 2006. If the Secretary accepts a petition, the state specific rulemaking will be initiated that addresses the proposed changes to the management requirements for inventoried roadless areas put forth in the petition. Section 294.14 of the regulation describes the required components to be included in a petition. Each petition is expected to be unique and address circumstances, issues, perspectives specific to the situation. Listed below are the individual petition required elements from the regulation and specific thoughts on what might be included in the petition.**

§ 294.14 (a) (1) Any petition made pursuant to § 294.12 shall provide the following: the location and description of the particular land for which the petition is being made, including maps and other appropriate resources in sufficient detail to enable consideration of the petition.	Location: General (Name of Forest):	Name: <b>White River National Forest</b>
	Location: Specific (Name of IRA)	Name: <b>#23- Deep Creek Roadless Area</b>
	Map and other appropriate resources in sufficient detail to enable consideration of the petition:	Map attached? ( <input type="checkbox"/> Yes / <input checked="" type="checkbox"/> No)  Detail concerning specific area: <b>Note: Petitions may include proposed changes to management requirements for all or any portion of the IRA's in the state. Formal legal descriptions of land (e.g. township/range) is not necessary. Appendix C. of existing land management plan EIS's usually include a separate map and write-up for each inventoried roadless area and would be a likely sample or reference point. Petitions can certainly rely on existing Forest Service maps or data sets; or the state may elect to provide its own maps or other descriptive materials.</b>  <i>Deep Creek IRA has areas of rolling hills to very steep slopes and high cliff bands and scree fields, high ridges and open meadows with stands containing spruce-fir, mountain shrub, aspen, Douglas-fir, grassland meadows, and riparian areas.</i>  <i>The above listed Roadless Area provides essential habitat needs for mammals, birds, herptiles, fish, etc.; including, but not limited to:</i> <ul style="list-style-type: none"> <li>• <i>Bighorn sheep: overall concentration; summer range, production areas, and winter range.</i></li> <li>• <i>Forest Carnivores: there have been historical records of sightings of both lynx and wolverine. Recent sightings of pine martens.</i></li> <li>• <i>Potential habitat for wolverine.</i></li> <li>• <i>Potential habitat for lynx.</i></li> <li>• <i>Boreal toad breeding and use.</i></li> <li>• <i>Native Colorado River Cutthroat populations in Deep Creek.</i></li> <li>• <i>Elk: overall range; summer concentration; production area; movement corridor, and winter range</i></li> <li>• <i>Deer: overall range; summer concentration; production area; movement corridor, and winter range</i></li> <li>• <i>Black bear – habitat that serves overall range.</i></li> <li>• <i>Bald Eagle; winter ranges</i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Peregrine Falcons: nesting area</i></li> <li>• <i>Mountain lion: overall range</i></li> <li>• <i>Wild turkey</i></li> <li>• <i>Fringed Myotis; Myotis humanesis and a variety of other bats</i></li> <li>• <i>Potential: Boreal Owl; Northern Goshawk; Mexican Spotted Owl</i></li> </ul>
<p>§294.14 (a) (2) The particular management requirements recommended for the land and any exceptions:</p>		<p>Define Recommended Management Requirements/ Explain Specific Relevance Important Details:  <small>Note: This petition element may be very detailed or more generic in form, depending on what changes are being proposed. It may include blanket management requirements that apply to all affected areas, or unique management requirements for specific areas. It may adjust the existing management requirements by adding removing some requirements, or may completely replace existing management requirements with entirely new ones. The management requirements sought may be procedural in nature (coordination, notice, etc.) or substantive land management direction (prohibitions or other limitations).</small></p> <p><i>The Deep Creek IRA within Garfield County, north of Dotsero, is managed by the Eagle Ranger District. It contains Deep Creek Canyon which is primarily a steep and rocky canyon, 2,000 feet deep and 1 mile across. The IRA encompasses between 9,876 and 10,812 acres of prime wildlife habitat for use by bighorn sheep, deer, and elk, peregrine falcons, a variety of bat species, as well as other wildlife. It provides bighorn sheep habitat, including lambing areas on the north side of the canyon (hunnable S59 population). Bighorn sheep that use this IRA often provide wildlife viewing opportunities from the Deep Creek Overlook on both sides of the canyon, as well as from lower elevations on the BLM, not within the IRA.</i></p> <p><i>Large canyoned area, with no authorized motorized activity currently in the area designated by the WRNF Forest Plan with prescription 1.5 – Wild Rivers (designated and eligible). One short system road in the IRA allows access to Johnson Pasture (FS road/trail 1852), however, this road has become a user created extension past the original road onto the trail pushing further into the canyon. There is a significant amount of motorized and trail system activity adjacent to the IRA. This IRA, largely unbroken, has a lot of value as roadless area and has been proposed as a Research Natural Area (RNA)..</i></p> <p><i>Peregrine falcon (state species of concern), have an active nest in this IRA. Under the WRNF Forest plan there is specific direction to discourage land use practices and development that adversely alter the character of peregrine falcon hunting habitat or prey base within ten (10) miles of the nest site and the immediate habitats within one (1) mile of the nesting cliff. Nor are human activities restricted within one-half (1/2) mile of occupied peregrine falcon areas between March 15 and July 31 for nest sites, or July 1 to September 15 for hack sites. However, current roaded access on the northside of the canyon allows for access above the cliff band within 1 mile of the nest site. Protection is sometimes afforded during these critical dates due to access issues because of heavy snowfall. The National Guard contacts the DOW regarding training flights in this area.</i></p> <p><i>The area collectively serves as a migration corridor for big game ungulates from higher elevations to lower elevations during seasonal changes, as well as escape terrain from the heavy motorized use of the area adjacent to the IRAs. The integrity of this IRA is extremely important due to the heavy motorized recreational use in the adjacent areas year round. No roads are needed to maintain this area. Reduced access and impacts from roads are should be maintained in the Deep Creek area to reduce the impact deer, elk, and bighorn sheep, as wells as Colorado River cutthroat trout populations.</i></p>
<p>§294.14 (a) (3) Identify the circumstances and needs intended to be addressed by the petition, including conserving roadless area values and characteristics; reducing</p>	<p><b>XX</b></p>	<p>Conservation of roadless area values and characteristics- (describe need):  <i>This IRA has significant wildlife value for terrestrial, avian, and aquatic species. It is a fairly large area, comprised of between 9,876 and 10,812 acres. Large, unbroken roadless areas are essential for maintaining the ecological health of the habitat used by these species. It would be beneficial to allow for habitat manipulation through the use of mechanical, chemical, and/or other means of manipulation to increase habitat</i></p>

<p>hazardous fuels and restoring essential wildlife habitat; maintaining existing facilities such as dams, or providing reasonable access to public and private property or public and private the owned facilities; and technical corrections to existing maps such as boundary adjustments to remove existing roaded areas;</p> <p><i>(check all that apply and describe in sufficient detail):</i>  <b>Note: This petition element is essentially a discussion of the reasons and rationale behind the proposed changes in management requirements. Again this may be very detailed or a more general discussion, depending on the level of detail of the proposed changes.</b></p>	<p><i>availability and forage and cover suitability for all wildlife species, including bighorn sheep that utilize this IRA.</i></p> <p><i>Elk, bighorn sheep, and other wildlife have demonstrated use patterns on forest lands that are inversely proportional to the intensity of motorized activity. In other words, the more motorized activity, the less wildlife utilize the area. Elk and bighorn sheep generally seek out more secluded habitat. If seclusion areas are impacted by new roads, elk may move into inaccessible lands that either physically or legally prevent (private lands) hunters from pursuing game species.</i></p> <p><b>NA</b> Protect human health and safety- (describe need):</p> <p><b>XX</b> Reduce hazardous fuels and restore essential wildlife habitats- (describe need):</p> <p><b>XX</b> Maintain existing facilities such as dams, or provide reasonable access to public and private property or public and privately owned facilities- (describe need):  <i>Allow for the maintenance of the existing Deep Creek overlook to provide viewing opportunities.</i></p> <p><b>NA</b> Provide reasonable access to public and private property or public and privately owned facilities- (describe need):</p> <p><b>NA</b> Technical corrections to existing maps such as boundary adjustments to remove existing roaded areas- (describe need):</p> <p><b>NA</b> Other - (please list &amp; describe need):  <i>Allow for continued use by HAATS – National Guard High Altitude Aviatational training program.</i></p>
<p>§294.14 (a) (4)  A description of how the recommended management requirements identified in paragraph § 294.14 (a) (2) of this section differ from existing applicable land management plan(s) or policies related to IRA management, and how they would comply with applicable laws and regulations:</p>	<p>Describe how the recommended management requirement(s) differ from existing plans and how they will comply with applicable law:  <b>Note: The existing management requirements for inventory roadless areas should already be disclosed and discussed in the existing land management plan and EIS. All current plans and plan revisions were developed following the 1982 planning regulations and applicable Forest Service planning directives. Chapters #4 and #7 of the planning handbook (FSH 1909.12 in effect prior to March 23, 2005) specify the discussion and disclosure requirements for inventoried roadless area. This petition element is a description of how the proposed management requirements differ from this existing information. This discussion may be very detailed or not, depending on the proposed changes to the existing management requirements.</b></p> <p><i>The existing WRNF Forest Plan designates the majority of this area be managed as 1.5 – Wild Rivers, and a portion as 5.4 Forested Flora and Fauna Habitats. These prescriptions are suitable for much of the area. However, no new roads should be constructed in this IRA, and existing roads or user created routes should be decommissioned.</i></p> <p><i>In addition, recommended management differs from USFS WRNF Plan as follows:</i>  <i>(1) IRA’s Deep Creek (#23) and Sweetwater B (#15B) should be combined into one roadless area. The current delineation of the two separate IRA’s allows for a narrow section of the area between the Deep Creek canyon (IRA #23) and Ballixsburg Spring and Short Creek Springs (IRA #15B) to remain roaded. This connection fragments this potentially larger more appropriate roadless area. Combining these two roadless areas: Deep Creek IRA #23- the northeast portion of the IRA, and Sweetwater B IRA #15B - the southeast corner of the IRA will maintain connectivity on a larger scale. Further fragmentation could have a negative impact on the landscape scale movements and health of all wildlife species in the areat. Roadless areas that are adjacent to each other play a vital role in providing connected ecosystems and habitat for wildlife in Colorado.</i></p>
<p>§294.14 (a) (5)  A description of how the recommended management requirements identified in paragraph (a) (2) of this</p>	<p><b>XX</b> 33-1-101: Legislative Declaration: . . . wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors. . .</p> <p><i>Bighorn sheep, black bear, elk, deer, mountain lion and other game and non-game wildlife found now, or in the future in this IRA will be protected, preserved, enhanced,</i></p>

<p>section compare to existing State and local land conservation policies and direction set forth in any applicable State or local land and resource management plan(s):</p> <p><i>(Check all that apply and describe in sufficient detail)</i></p> <p>Note: This petition element simply provides a discussion of how the proposed management requirement(s) change(s) for inventoried roadless areas compare with how State and local public lands are managed.</p>		<p><i>and managed for the use, benefit, and enjoyment of this state and its visitors.</i></p>
	<p><b>XX</b></p>	<p>33-2-102 Legislative Declaration: . . . that this state should assist in the protection of species or subspecies of wildlife which are deemed to be endangered or threatened elsewhere. . .</p> <p><i>Current and future species of concern either by the WRNF or the state, and threatened and endangered species by either state or federal listings will be protected and managed to ensure their preservation and survival for future generations. Current examples: The Peregrine falcon and the Colorado River Cutthroat.</i></p>
	<p><b>XX</b></p>	<p>CDOW Strategic Plan Goal:</p> <p><i>H-1.3 Protect, enhance, and acquire high priority habitats for deer and elk, (migration corridors, transition range, winter range). – HIGH PRIORITY</i></p> <p><i>Adjacent private land provide opportunity for conservation.</i></p> <p><i>H-2.1 Evaluate current and provide new quality hunting opportunities.</i></p> <p><i>H-2.2 Maintain or increase hunting opportunities for Rocky Mountain bighorn sheep.</i></p> <p><i>F-1.1 Protect and enhance existing quantity and quality of habitats available to support fish populations.</i></p> <p><i>F-3.2 The Division will protect the health of native aquatic species and free ranging recreational fisheries.</i></p> <p><i>F-5.1 Maintain and enhance native sport fish populations in number and range for each of Colorado’s cutthroat subspecies.</i></p> <p><i>S-1.1 The Division will strive to maintain, create, and manage habitat to support the broadest sustainable wildlife populations in Colorado. HIGH PRIORITY</i></p> <p><b>ACHIEVEMENT</b></p> <p><i>S-2.1 The Division will continue its efforts to preserve, protect, and enhance wildlife species that may be at risk of becoming threatened or endangered. – HIGH PRIORITY</i></p> <p><b>ACHIEVEMENT.</b></p> <p><b>**Maintain healthy and viable big game populations of:</b></p> <p><i>Bighorn Sheep (north of canyon, huntable unit S59)</i></p> <p><i>Elk</i></p> <p><i>Deer</i></p> <p><i>Black Bear</i></p> <p><i>Mountain lion</i></p> <p><i>Supplement wild turkey population to maintain a healthy population and allow for future hunting opportunities.</i></p> <p><i>Provide habitat protection for native species: Peregrine Falcon and bighorn sheep, as well as fisheries habitat quantity and quality.</i></p>
<p><b>XX</b></p>	<p>Other CDOW Management Principle, Vision Statement, etc.</p> <p><i>Management principles #2, #3, and #4 (as outlined in CDOW Strategic Plan) apply.</i></p> <p><i>Through the application of sound wildlife management principles, we will maintain healthy, viable wildlife populations of game species living in balance with their habitats and with public and private interests.</i></p>	

	<p><i>The Division will stress the expansion of management approaches encompassing multi-species communities across the environment. The Division defines species conservation as conserving, protecting and enhancing Colorado's native wildlife by taking the actions necessary to assure the continued existence of each species, and thereby precluding or eliminating the need for state and/or federal listing.</i></p> <p><i>The Division will manage the state's aquatic resources to provide a diversity of opportunities for anglers that produce a high level of satisfaction while protecting the fisheries and their habitat.</i></p>
<b>XX</b>	<p>Other State law (e.g., 35-45-106). . . policy of this state to preserve the grasses and vegetation on the public domain and protect the wild game of this state in their natural ranges, and especially on the winter ranges, and to prevent erosion of the soil and thereby conserve the waters . . .</p> <p><i>C.R.S. 35-45-106. . . policy of this state to preserve the grasses and vegetation on the public domain and protect the wild game of this state in their natural ranges, and especially on the winter ranges, and to prevent erosion of the soil and thereby conserve the waters . . .</i></p> <p><i>C.R.S. 33-5-101. Legislative declaration - . . . fishing waters within the state, are to be protected and preserved from the actions of any state agency to the end that they be available for all time and without change in their natural existing state. . .</i></p>
<b>NA</b>	<p>Other local law/regulation- (please list):</p>
<b>NA</b>	<p>Other - (please list):</p> <ol style="list-style-type: none"> <li>1. <i>Establishment of forest-wide multiple -use goals and objectives [36 CFR 219.11(b)].</i></li> <li>2. <i>Establishment of forest-wide management requirements (standards and guidelines) to fulfill the requirements of the NFMA relating to future activities [36 CFR 219.13 to 219.16].</i></li> <li>3. <i>Establishment of management area direction (management area prescriptions) applying to future management activities in that management area [36 CFR 219.11].</i></li> <li>4. <i>Designation of land suitable for timber production and the establishment of allowable timber sale quantity (ASQ). Designation of lands suitable for grazing and browsing. Identification of lands suitable and available for oil and gas leasing. Provision for a broad spectrum of forest and outdoor recreation opportunities [36 CFR 219.14 to 219.16, 219.20 and 219.21].</i></li> <li>5. <i>Establishment of monitoring and evaluation requirements [36 CFR 219.11(d)].</i></li> <li>6. <i>Congressional Recommendations for additions to the National Wilderness Preservation System [36 CFR 219.17] and additions to the Wild, Scenic and Recreational River System once suitability studies are complete.</i></li> </ol> <p><i>NFMA requires that forest plans provide for a “diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple -use objectives.” In accordance with this provision, the regulations require in part that “fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area” (36 CFR 219.19). The WRNF conducted species-level viability assessments to identify the species of plants and animals for which there is a viability concern on the White River National Forest. Of approximately 350 species of plants and animals that were analyzed through their viability process, 11 plant species, 4 bird species, 4 mammal species, 6 fish species, and 2 amphibian</i></p>

	<p><i>species were identified as having viability concerns. The USFS WRNF has since reduced the number of management indicator species.</i></p>		
<p>§294.14 (a) (6) A description of how the recommended management requirements identified in §294.14 (a) (2) would affect the fish and wildlife that utilize the particular land in question and their habitat;</p>	<p>When present, describe desirable and undesirable consequences: (e.g., (1) access related benefits [harvest], (2) improved or adverse effects on hydrology and geomorphic features e.g., debris slides and sedimentation, (3) habitat fragmentation, (4) displacement and dispersal barriers, (5) reduced reproductive success, (6) exotic/pest species invasion or control of, (7) dispersal or control of pathogens, (8) altered aquatic wildlife habitats and water quality, (9) use conflicts, destructive human actions, predation and altered harvest, (10) decline in biodiversity, and (11) other such as lost solitude, revitalized or depressed local economies, enhanced or loss of soil productivity) [from USDA / U. S. F. S. General Technical Report PNW-GTR-509] Describe: <b>Note: There should be information for each inventoried roadless area in the existing land management plan and EIS concerning wildlife species, populations, and management needs. Existing planning documents should also discuss management alternatives considered for each inventoried roadless area and the effects of these alternatives on various resources and the wilderness attributes of the area. The discussion in this petition requirement should address the possible effects of the proposed changes in management requirements on the fish and wildlife resource. Much of this discussion should be able to come directly from information in existing planning documents that has already been estimated and disclosed.</b></p> <p><i>(1) Peregrine Falcon - Trail/road along north side of canyon not addressed and should be closed to protect nest site. Closure and removal of trail will protect the Peregrine nest.</i></p> <p><i>(2) Elk migration -Closing unclassified inconsistent USFS prescription/ theme user pioneered OHV trails/roads along the northern boundary of the Deep Creek IRA (#23) and between the Sweetwater B IRA (#15B) will maintain elk migration corridor habitat.</i></p> <p><i>(3) Lynx- NEPA - In agreement with USFS Plan except that lynx protection needs greater emphasis because . . . . habitat fragmentation, potential displacement, reproductive success may be impaired, other user conflicts are possible. The area provides a potentially valuable dispersal and movement corridor for lynx. The Deep Creek area connects the landscape lower elevational areas to the FlatTops and adjacent FlatTops Wilderness areas.</i></p> <p><i>(4) Native Cutthroat - Managing this area as roadless will also benefit both Colorado River cutthroat trout population in this drainage. Conservation populations can be enhanced, meta-populations may be created, and existing range can be expanded for Colorado River cutthroat trout with more effectiveness in areas managed as roadless.</i></p> <p><i>Additionally, the delineation of this area as limited in the amount of new roads/trails will benefit the areas of the grasslands, meadows, and unfragmented forest cover for elk calving and undisturbed summer range. By closing pioneered roads created by users will reduce erosion, sedimentation, habitat fragmentation, displacement of concentrated wildlife populations, and invasive species infestations.</i></p> <p><i>There also would be benefits to native fish habitats and populations by maintaining the area as roadless. Colorado Cutthroat trout populations occur both within this area. Opportunities to expand existing range and enhancing the existing conservation populations of these native trout occur within this area.</i></p>		
<p>§294.14 (a) (7) A description of any public involvement efforts undertaken by the petitioner during development of the petition, including efforts to engage Tribal and local governments, and persons with expertise in fish and wildlife biology, fish and wildlife management, forest management, outdoor recreation, and other important disciplines;</p>	<p>Describe pertinent CDOW public involvement efforts (those in addition to Colorado IRA TF meetings): <b>Note: This petition element documents the public involvement, collaboration, and expert consultation undertaken in the development of the proposed management requirement changes.</b></p> <p><i>Terrestrial DAU planning an public commenting through USFS NEPA process, Sportman's Advisory Group Meetings; review of local groups comments regarding Roadless Inventory process</i></p>		
<p>Internal CDOW Process These issues raised by and submitted on:</p>	<p>Name:</p>	<p>Area 8 DWM Sonia Marzec</p>	<p>Date:</p>
	<p>Comment:</p>		

Internal CDOW Process Regional Manager consideration by and forwarded on:		Name:	Date:
		Comment:	(1)
§294.14 (a) (8) A commitment by the petitioner to participate as a cooperating agency in any environmental analysis for a rulemaking process.	Director's Office consideration and commitment to participate as cooperating agency in any environmental analysis for a rulemaking process:	Name:	Date:
		Comment:	<p>Note: This petition element refers to the Council on Environmental Quality (CE Q.) regulations at 40 CFR sections 1501.6 and 1508.5 for designating nonfederal cooperating agencies in the preparation of analysis and documentation required by the National Environmental Policy Act (NEPA). State specific rulemaking will include publishing a proposed rule for public review and comment and preparing the appropriate NEPA analysis and documentation for the proposed changes to the management requirements put forth in the petition. The extent of the environmental analysis required will in part depend on the extent and effect of the proposed changes. The State and the Forest Service should meet as soon as possible after the Secretary directs a State-specific rulemaking to agree on the level of involvement by the State as a cooperating agency.</p> <p>(1) Director's Office supports this petition worksheet with the following notation's . . . .</p> <p>(2) Director's Office forwarded to Inventory Roadless Area Task Force with copy to DNR and to Wildlife Commission on _____, 2006.</p>
Internal CDOW Process: Date forwarded to Inventoried Roadless Area Task Force with copy to Department of Natural Resources and Wildlife Commission		Name:	Date:
		Comment:	.