



File Code: 2730

Date: September 22, 2020

Dear Interested Party:

The White River National Forest – Eagle-Holy Cross Ranger District has released a Final Environmental Impact Statement (FEIS) and *draft* Record of Decision (ROD) for the Berlaimont Estates Access Route project.

Based on the analysis presented in the FEIS, the *draft* ROD identifies the Forest Supervisor's Selected Alternative as Alternative 2 – Proposed Action, with modifications of the FEIS. The Selected Alternative includes an improved road to Berlaimont Estates' private property that is fully surrounded by (an inholding within) the White River National Forest – Eagle-Holy Cross Ranger District, which requires the Forest Service to address the Alaska National Interest Lands Conservation Act (ANILCA). The Selected Alternative would result in the issuance of an authorization to improve, construct, maintain and use existing roads on National Forest System (NFS) lands, which would additionally result in development on private property.

The authorization would maintain existing public access to Forest Service Road (FSR) 774 and FSR 780, consistent with Forest Plan management direction (seasonal use). In addition, the authorization would provide year-round, motorized access to residents of Berlaimont Estates' private property, which would result in inconsistencies with Forest Plan standards due to the design and year-round operation of the road on NFS lands. As a result, the Selected Alternative will require project-specific Forest Plan amendments for the following forest-wide standards: *Wildlife (General) Standard #1* and *Wildlife (Sage Grouse and Brewer's Sparrow) Standard #4*. Although the decision will cause the Forest Plan to be amended, the Forest Supervisor believes the overall goals and objectives of the Selected Alternative to be consistent with the Forest Plan. Furthermore, the Selected Alternative and required mitigation measures will provide Berlaimont Estates adequate access for reasonable use and enjoyment of their private property inholding, per ANILCA, while minimizing social and environmental impacts to NFS lands.

The entire FEIS and *draft* ROD are available for review online at <https://www.fs.usda.gov/project/?project=50041>. Hard copies of the documents may be reviewed at the Forest Supervisor's Office in Glenwood Springs and the Eagle-Holy Cross Ranger District office in Minturn. Additional information regarding this action can be obtained from Marcia Gilles, Deputy District Ranger at (970) 827-5152 or marcia.gilles@usda.gov.

Filing an Objection

The *draft* ROD is subject to a Forest Service objection process pursuant to 36 CFR Part 218. Those wishing to object must follow the objection requirements and timing requirements articulated below.

The proposed projects included in the Selected Alternative (e.g., project-level components, such as the access route and trail) as well as the project-specific Forest Plan amendments required for forest-wide standards are subject to objection pursuant to Federal regulations at 36 CFR Part



218. The Forest Plan amendments will apply to this specific project only; therefore, the notification requirements and objection procedures of 36 CFR Part 218, subparts A and B, apply rather than the notification requirements of 36 CFR Part 219.

Individuals who submitted timely and specific written comments during the scoping period (September 23, 2016 through November 7, 2016) or *draft* Environmental Impact Statement (DEIS) comment period (January 26, 2018 through March 12, 2018) will have eligibility to file an objection to the *draft* ROD under 36 CFR § 218.8. Objections will also be accepted from individuals and organizations wishing to object on the access road and south parking lot modification that occurred between the DEIS and the FEIS, regardless of whether they have previously submitted timely and specific written comments during a designated opportunity for public comment.

Objections, including attachments, must be in writing and filed (regular mail, fax, e-mail, hand delivery, express delivery, or messenger service) with the Objection Reviewing Officer within **45 days** following the date of publication of a legal notice announcing the Opportunity to Object in the *Post Independent* (36 CFR § 218.8). The publication date of the legal notice in the *Post Independent* is the exclusive means for calculating the time to file an objection (36 CFR § 218.5(c)). Those wishing to object should not rely upon dates or timeframe information provided by any other source.

At a minimum, an objection must include the following: (1) Objector's name and address as defined in 36 CFR § 218.2, with telephone number, if available; (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection); (3) When multiple names are listed on an objection, identification of the lead objector as defined in 36 CFR § 218.2. Verification of the identity of the lead objector must be provided upon request or the reviewing officer will designate a lead objector as provided in 36 CFR § 218.5(d); (4) The name of the proposed project, the name and title of the responsible official, and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented; (5) A description of those aspects of proposed project addressed by the objection, including specific issues related to the project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and (6) A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the last designated opportunity for comment (i.e., since March 12, 2018). Incorporation of documents by reference is permitted only as provided for at 36 CFR § 218.8(b).

Evidence of timely filing is described in 36 CFR § 218.9. Objections may be made on the Selected Alternative, proposed plan amendment, or both. An objection form is included on the website, which allows the public to submit objections on the FEIS and *draft* ROD electronically. Objecting through the website will provide the public and agencies with an easy to use and efficient objecting process while aiding the Forest Service with categorizing, analyzing and responding to substantive feedback. All objections are available on the website for public

inspection during and after the objection process. Objections may be submitted online to: <https://cara.ecosystem-management.org/Public//CommentInput?Project=50041>. Electronic objections can also be submitted in a format such as an email message, plain text (.txt), rich text (.rtf), or Word (.doc) to: SM.FS.r02admin-rev@usda.gov.

Written objections may be submitted **via mail** to:
USDA Forest Service Rocky Mountain Region
Attn: Reviewing Officer
P.O. Box 18980
Golden, CO 80402

Fax:

Attn: Reviewing Officer
(303) 275-5134

Express or hand delivery:

USDA Forest Service Rocky Mountain Region
Attn: Reviewing Officer
1617 Cole Boulevard, Building 17
Lakewood, CO 80401

Note: Any in-person submittal **must** be coordinated prior to delivery by contacting:
Alice Lee, Planning & NEPA Specialist at (404) 347-7203.

Thank you for your interest and participation in this important project. For additional information concerning this decision or the Forest Service objection process please contact Marcia Gilles, Deputy District Ranger by email at marcia.gilles@usda.gov or phone at (970) 827-5152.

Sincerely,

SCOTT
FITZWILLIAMS

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FITZWILLIAMS
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SCOTT G. FITZWILLIAMS
Forest Supervisor