



United States  
Department of  
Agriculture

Forest  
Service

South Park Ranger District

PO Box 219  
320 US Highway 285  
Fairplay, CO 80440  
719-836-2031  
Fax: 719-836-3875

**File Code:** 2810  
**Date:** January 22, 2021

James and Yvette Downing  
Claimants/Operators  
1067 E. U.S. Highway 24, #243  
Woodland Park, CO 80863

Dear Mr. & Mrs. Downing,

I am writing regarding the D Family Jewels Plan of Operations (MPO) (**2810-021210-MPO-2020-004**) for lode exploration and mining related activities on the South Park Ranger District of the Pike National Forest. In my December 18, 2020 letter to you, I informed you that I had signed the D Family Jewels Decision Memorandum (DM) on December 18, 2020 and instructed you on the final two steps necessary for MPO approval.

On January 14, 2021, I received your signed Design Criteria that incorporated into Section IV-A the changes and additions that were identified in the DM. Based on your activities and minimal level of disturbance, the Forest Service is the lead bond authority and will be responsible for calculating your reclamation bond. This bond will need to be submitted to and approved by DRMS and the Forest Service in accordance with 36 CFR 228.13, prior to the authorization of your MPO. This bond will be used as a guarantee of faithful performance with the terms and conditions listed in the MPO. As a reminder, the bond can be adjusted during the term of the MPO in response to changes in the operations or to changes in the economy. Also, you may request a partial bond release following completion of the ground disturbing activities (i.e. all but monitoring).

These last two steps conclude the stipulations listed in the DM. Therefore, I have conditionally approved your D Family Jewels MPO with my signature in Section IX (attached). Operations are authorized to begin on January 21, 2021, and are authorized for 5 years, with completion of all activities including reclamation by December 31, 2026.

Please be aware, this approval does not constitute permission to conduct activities that require other agency permits. You are responsible for obtaining all other necessary permits prior to operation. Furthermore, approval of this operating plan in no way authorizes, or in any way permits, a release or threat of a release of hazardous substances or pollutants into the environment that will require a response action or result in the incurrence of response costs.

All designs, monitoring plans, and analyses required by the MPO are subject to the requirement of 36 CFR 228.8 that mining operations be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources. The operator's compliance with this requirement in no way insulates or releases them from any liability or obligations that may arise with respect to its operations under any applicable environmental law, including but not limited to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),



42 U.S.C. 9601 et seq. The United States reserves its rights and claims under CERCLA to seek performance of response actions and/or reimbursement of response costs that may be incurred as a result of any release or threat of a release of a hazardous substance from the project, or any ancillary operation for the mining activity.

Prior to groundbreaking activities, please contact Geologist Amy Titterington to arrange a field meeting to review the final MPO on site. If you have any questions and/or need clarification regarding the above information, please contact Geologist Amy Titterington at the South Park Ranger District office, by phone at 719-836-2031, and/or by email at amy.j.titterington@usda.gov.

Sincerely,

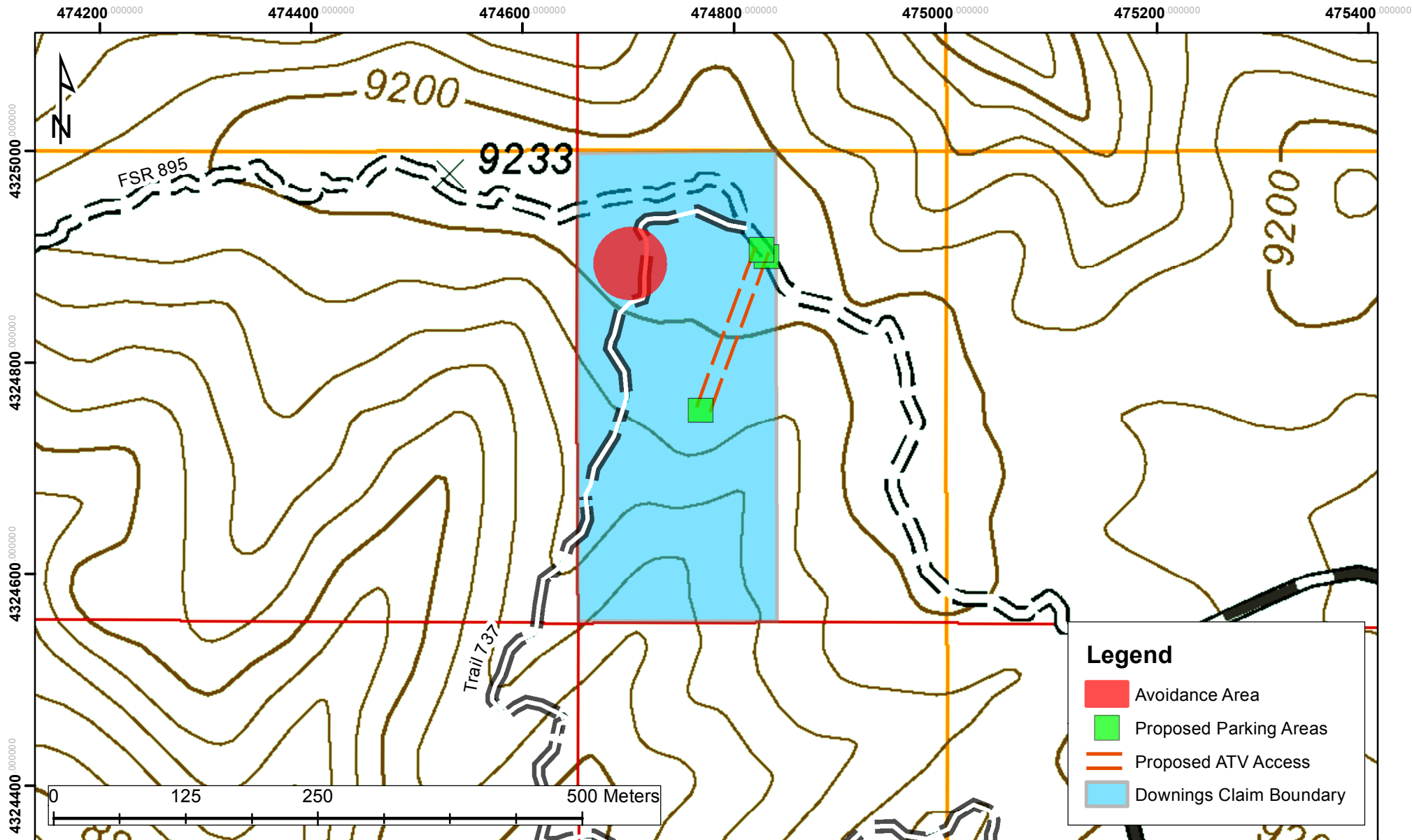


JOSH VOORHIS  
District Ranger

Enclosures:

- 1) Approved D Family Jewels Mine Plan of Operations, signed January 19, 2021
- 2) Decision Memo for D Family Jewels, signed December 18, 2020
- 3) Design Criteria for D Family Jewels, signed January 20, 2021

cc: Elliott Russell; Sheila Cross



## Project Map: Downing Mine Plan of Operations

Report Title: Resource Inventory for the Downing Mine Plan of Operations, Teller County

USFS #2020-0212-10014

Date: 8/12/2020

Created by: USFS

T 11S, R 71W Sec. 24  
Hackett Mountain Quad  
NAD 1983 UTM Zone 13N  
Projection: Transverse Mercator  
Reference Scale: 1:5,000

For Official Use Only: Forest Service resource information is confidential and cannot be physically or digitally reproduced without permission from a Forest Service Heritage Staff Officer

This map is intended to depict physical features as they generally appear on the ground and may not be used to determine title, ownership, legal boundaries, legal jurisdiction, including jurisdiction over roads or trails, or access restrictions that may be in place on either public or private land. Obtain permission before entering private lands, and check with appropriate government offices for restrictions that may apply to public lands. Lands, roads and trails within the boundaries of the National Forest may be subject to restrictions on motor vehicle use. Obtain a Motor Vehicle Use Map, or inquire at the local Forest Service Office for motor vehicle access information. Natural hazards may or may not be depicted on the map, and land users should exercise due caution. This map may not be suitable for navigation. The USDA uses the most current and complete data available. GIS data and product accuracy may vary. Using GIS products for any other purpose other than those for which they were intended may yield inaccurate or misleading results. The USDA Forest Service reserves the right to correct, update, modify, or replace GIS products with notification.

## Design Criteria for Downing Mine Plan of Operations

December 2020

### **DESIGN CRITERIA**

Forest Service wildlife biologist, aquatic biologist, botanist, hydrologist, archaeologist, fuels and fire specialist, and geologist have reviewed the proposed project. Measures necessary to protect threatened or endangered species, Region 2 sensitive species, their habitat, or potential habitat from the effects of the proposed management actions are addressed through the development of project design criteria. Design criteria are intended to minimize the project's effects to the environment. The FS has created the following design criteria that will be required of the Operator to be incorporated into the final MPO prior to MPO approval. Specific design criteria include:

### **ADMINISTRATIVE**

- The operator will establish a reclamation bond or acceptable surety as a guarantee of faithful performance with the terms and conditions identified in the reclamation requirements (36 CFR 228.13). Bond calculations will be based on local and Davis-Bacon wage and equipment rates. Bonds will be updated as necessary throughout the life of the project to reflect the actual cost of reclamation.
- Upon completion of the project, a partial bond can be refunded withholding funds for re-vegetation, monitoring, and portions of indirect costs for a minimum of three (3) years pending attainment of acceptable ground cover as determined by the Authorized Officer.
- If the design or location of this project changes in ways that differ from the approved MPO, the project work will stop, and the PSICC Geologist will be notified immediately. The new information will be evaluated prior to the recommencement of work, which may require additional analyses under the National Environmental Policy Act (NEPA).
- The operator will contact the FS prior to the start of operations, during operations if operating conditions or requirements deviate from those analyzed, and once operations have been completed, to schedule a visit to the site as a final inspection of the operations.
- All project-related materials and trash, including flagging, fencing, stakes, sample bags, and other items, must be removed from the site after project completion.
- This plan has been approved for a period of 5 years, or until December 31, 2025.

### **FIRE PREVENTION**

- All internal combustion engines including but not limited to generators, mechanized mining equipment and power tools, must be fitted with an approved spark arresting device.
- Operator has tools, fire extinguisher on site and readily available during fire season.
- Operator notifies South Park Ranger District or Pueblo Dispatch (719) 553-1600 promptly, in the event of a fire.

## **CAMPING**

- Overnight stays and leaving vehicles on the Forest are limited to a maximum of 14 consecutive days and no more than 28 days in a 60-day continuous period.
- Forest Service Motor Vehicle Use Map (MVUM) related regulations require vehicles to park only in areas immediately adjacent to National Forest System roads.
- All foodstuffs will be properly contained and located to minimize conflicts with wildlife, especially bears. Food items should be stored in a bear proof container away from any tenting or camping sites.
- All trash and garbage will be removed from National Forest Lands.
- Human waste shall be removed from National Forest Lands.

## **OPERATIONS**

- Equipment and tools must be in good working order and not leak fluids onto ground.
- Inoperable or broken equipment/ tools must be immediately removed from Forest Service lands.
- Operator must have all applicable Federal, local, and State permits in place prior to operating.

## **ROADS**

- Motorized off-road travel is prohibited except for prospecting, mining and reclamation equipment.
- The operator does have permission or authority to perform maintenance or re-construction on National Forest System Roads.
- Water bars on roads will be cleaned out on an as-needed basis to minimize erosion.
- The non-system access road will be permanently raked, graded, seeded, and closed with boulders or other appropriate materials upon the completion of final site reclamation.

## **WEED PREVENTION**

- Ensure all equipment and tools moved onto National Forest System lands are free of soil, seeds, vegetative matter, or other debris that could contain or hold noxious weed seed.
- The operator will coordinate with FS personnel to ensure that inspections are performed.

## **VEGETATION**

- Minimal vegetation clearing will occur. When clearing vegetation, straight clearing limits are voided; a natural appearance is maintained. Natural features such as large boulders, rock outcrops, and significant vegetation will remain intact, unless otherwise approved by the South Park District Ranger.
- Topsoil will be removed and stockpiled on site for use in reclamation.

## **HAZARDOUS MATERIALS**

- The operator will ensure that all employees involved in the use, storage, transportation, and disposal of hazardous materials receive proper training to reduce the risk of an incident on NFS lands.

- The operator will manage the use, storage, discharge, or disposal of pollutants and hazardous or toxic substances generated in compliance with applicable regulations and requirements.

## **WATER QUALITY**

- If excessive gullying or rilling occurs downhill from excavations, erosion control measures such as silt fencing or contour berms may be necessary to protect water quality.
- Water bars will be cleaned out on an as-needed basis to minimize erosion on roads.
- Operator will comply with applicable Federal and State water quality standards, including regulations pursuant to the Federal Water Pollution Control Act, as amended (33 USC 1151 et seq.).
- Operator will comply with National Best Management Practices for Water Quality Management on National Forest System Lands. This includes providing silt fences, wattles, and straw bales as necessary.

*[http://www.fs.fed.us/biology/resources/pubs/watershed/FS\\_National\\_Core\\_BMPs\\_April2012.pdf](http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf)*

## **CULTURAL**

- If a previously unknown archaeological site is discovered by either the operator or the Forest Service, mining operations will stop immediately until the site is evaluated by the Forest Archaeologist, and any needed mitigation measures are developed.
- One avoidance area was identified within your claim boundary. You will maintain a 50-foot buffer from this area.

## **WILDLIFE**

- If any new nesting/denning sites for threatened, endangered, or Forest Service sensitive species are observed during implementation, it will be reported immediately to the wildlife biologist and appropriate protection measures will be implemented.
- Design criteria mentioned above for weed prevention, vegetation and water quality all coincide with protection of wildlife habitat.

## **RECLAMATION**

The operator(s) agree to complete the following reclamation measures:

- Within the one-year expiration of this authorization, the operator will commence final reclamation.
- Remove all materials and return the mining area to the original natural contours. This includes all excavation cuts.
- Silt fences or other erosion control will be utilized to prevent off-site sediment transport.
- Reclamation will be monitored by the operator, USFS personnel, and State of Colorado (DRMS) inspectors on an as needed basis.
- The road and site will be seeded with USFS-approved seed mixtures, as needed.
- Re-vegetation will not be complete until at least 50% plant re-growth has been established; when compared to adjacent undisturbed areas.
- Topsoil must be saved and used to cover all disturbed areas.
- Return large rocks, boulders, and logs to their original position.

- The U.S. Forest Service may require additional reclamation measures if needed.
- Earth work- which includes re-contouring and smoothing all disturbed areas. Earth work will not be considered complete if the surface is rough, no rough piles higher than 12 inches may be left.
- Remove all trash off Forest Service Lands.
- Remove all structures (fences, signs) from Forest Service Lands except for pre-existing structures.
- Complete all reclamation within one year of the end of the operating plan.
- Refund of any reclamation bond is contingent upon the success of reclamation.


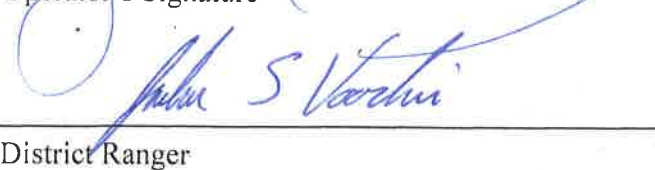
#### MONITORING

- The Forest Service will monitor and assess the progress of reclamation activities, including re-vegetation and erosion control, for a minimum of three years. Dependent on the success of the second phase of reclamation, additional seeding, weed treatment, or installation of erosion control structures may occur.

**THE FOLLOWING STANDARD TERMS AND CONDITIONS ARE TAKEN FROM FOREST SERVICE FORM FS -2800-5 AND ARE REQUIRED FOR THIS PLAN OF OPERATIONS:**

- Information provided within this plan that is marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- Approval of this plan does not constitute recognition or certification of ownership to any person named as owner herein.
- Approval of this operating plan does not constitute, now or in the future, recognition or certification of the validity of any mining claim to which it may relate or to the mineral character of the land on which it lies.

I acknowledge and understand these modifications and mitigation measures and agree to adopt them into my mining Plan of Operations.

 Operator's Signature	1-13-2021 Date
 District Ranger	1/20/2021 Date

**DECISION MEMO  
DOWNING MINE PLAN OF OPERATIONS  
D FAMILY JEWELS  
UNPATENTED MINING CLAIM  
U.S. FOREST SERVICE  
PIKE NATIONAL FOREST  
SOUTH PARK RANGER DISTRICT  
TELLER COUNTY, COLORADO  
T12S, R71W, SECTION 9; 6<sup>TH</sup> PRINCIPAL MERIDIAN**

**BACKGROUND**

James and Yvette Downing, operators and claimants, have submitted a proposal to explore for and mine in the Crystal Creek Mining Area on the D Family Jewels unpatented mining claim. The unpatented mining claims are found in portions of Section 9, T12S, R71W, 6th Principal Meridian, approximately 4.5 miles north of Florissant, Colorado, in Teller County. The mining operations may be accessed from Teller County Road 51 to FSR 360 to FSR 875 to one non-system access route, approximately 5ft x 215ft. No new roads will be constructed. Total disturbance for access will be approximately 0.02 acres. The access route is temporary and will be raked and seeded at the end of the project.

The operator proposes to use hand tools to excavate one pit (10'D x 15'L x 10'W) per season, with a total disturbance of 1.0 acres near Florissant, Colorado over a period of 5 years. The operator will use hand tools to remove overburden and expose pegmatite zones. Once a pocket is located, the operator will then extract and dry screen the gems and minerals. All pockets will be removed from the mountain daily and each zone will be fully reclaimed before moving to the next zone of interest. The general workforce will consist of 1 to 3 people for up to (6) six months per season (April to October). All trash and sanitation are removed daily and disposed of off the National Forest. All backfill/ reclamation of the excavations will occur before the end of each mining season – October 1.

All backfill/ reclamation of the excavations will occur by the end of each mining season. Any excavations requiring additional exploration will remain open at the end of the mining season but will be fenced for safety. All access routes are temporary and will be fully reclaimed at the end of the project. Mining activities will be compliant with all other State and Federal regulations. If the operator requires more working days, the Forest Service will be notified prior to the continuation of operations.

Mr. and Mrs. Downing's proposed activities fall under purview of the Mining Law of 1872, as amended. The operator is entitled to conduct operations that are reasonably incidental to exploration of mineral deposits on their mining claim pursuant to applicable U.S. laws and regulations and is asserting their rights under the General Mining Law to

explore for locatable minerals.

The Forest Service (FS) is required by regulation to respond to an MPO to conduct operations pursuant to the Mining Law of 1872, as amended. Under 36 CFR 228.5, the FS must determine whether to approve the MPO as proposed, or to require changes or additions deemed necessary to meet the requirements of the regulations for environmental protection set forth in 36 CFR 228.8. The FS conducts a thorough review of the environmental effects and determines if any changes or design criteria are needed to minimize resource impacts. Approval of a MPO is not a discretionary action for the FS, and the FS has authority over the surface resources only. Subsurface mineral resources are under the authority of the Bureau of Land Management (BLM).

## DECISION

After a review of the project record, I have decided to authorize James and Yvette Downing a Plan of Operations to conduct mining operations for amazonite, smoky quartz, and other pegmatite minerals on the D Family Jewels unpatented mining claims in the Crystal Creek Mining Area in Teller County, Colorado. It is my decision to approve the Downing MPO for exploration and mining activities as described above pending (1) the operator incorporates the design features into the final MPO, and (2) the operator posts an appropriate reclamation bond as approved by the FS. Operations approved by this decision will be in compliance with the rules and regulations for operations on NFS lands (36 CFR 228, Subpart A). All operations will be conducted in accordance with the design features to minimize and/or eliminate environmental impacts on NFS surface resources (36 CFR 228.8). Approval of this MPO is consistent with 36 CFR 228.5. Activities are authorized for *up to five years from the date of signature* on the MPO.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(3): *"Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land."*

This category of action(s) is applicable because there are no cause-effect relationships between the proposed action and the potential effect on resource conditions that could lead to effects on any extraordinary circumstance that would warrant analysis beyond a categorical exclusion (36 CFR 220.6(b)) (FSH 1909.15, Sec. 31.2). I have considered the resource conditions listed in the Forest Service NEPA regulations at 36 CFR 220.6(b) as outlined below.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- a. **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species** – Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species. There are 10 Forest Service Sensitive species (Fringed myotis, Hoary bat, Townsend's bit-eared bat, Peregrine falcon, Bald eagle, Flammulated owl, Northern

goshawk, Olive-sided flycatcher, Northern leopard frog, and Boreal toad) and 1 Federally – threatened species (Mexican spotted owl) that have the potential to occur within the Analysis area which is defined as one mile from the footprint of the proposed action. No observations of any of these species have been recorded within one mile of the project area. There is no critical or proposed critical habitat for any species in the project area.

The Forest Service sensitive species Fringed myotis, Hoary bat, Townsend's bit-eared bat, Peregrine falcon, Bald eagle, Flammulated owl, Northern goshawk, Olive-sided flycatcher, Northern leopard frog, and Boreal toad were analyzed because 0.5 acre of habitat would be directly impacted. This is a minute amount of habitat and it is unlikely these species utilize this piece of land during the summer because of the ongoing activities. There is suitable habitat for all these species adjacent to the proposed action where they likely prefer to forage and rest. No habitat would be directly impacted. There are already noise disturbances in the area due to other mining operations in Crystal Creek, and without an acoustical study it is unknown as to how much disturbance the additional noise would cause. Once the project is completed, wildlife use of the area would likely return to pre-implementation levels. Because this proposed project will take place during the daylight hours of the summer months, it is determined that the project may adversely impact individuals but will not likely result in a loss of viability in the planning area for all sensitive addressed in this analysis.

A separate Biological Assessment and Biological Evaluation were completed for botanical and wildlife species. They are included in the project record.

- b. Flood plains, wetlands, or municipal watersheds** – The project will not occur within or affect floodplains, wetlands, or municipal watersheds. (Project file record: Downing MPO Map, 2020).
- c. Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – The project will not occur within or affect any congressionally designated areas (Project file record: Location of Downing MPO Map, 2020).
- d. Inventoried roadless areas or potential wilderness areas** – The project will not occur within or affect inventoried roadless areas (Project file record: Downing MPO Map, 2020).
- e. Research natural areas** – The project will not occur within or affect research natural areas (Project file record: Location of Downing MPO Map, 2020).
- f. American Indians and Alaska Native religious or cultural sites** – There are no known Native American or Alaska Native religious or cultural sites within the project boundary (Project file record: **Cultural Resources Investigation #R2020021210014**) for the Downing MPO Map, 2020).
- g. Archaeological sites, or historic properties or areas** – The Forest has completed compliance with Section 106 of the National Historical Preservation Act of 1966, as amended. The Forest has determined that no historic properties would be adversely affected by the Downing MPO 2020 (see also Cultural Resource Report, 2020).

Based upon these determinations, I conclude that the operations are limited in context and intensity (40 CFR 1508.27), and this action is expected to produce little or no individual or

cumulative environmental effects to either biological or physical components of the human environment (see Table 1). My conclusion is based on a review of the record that shows a thorough analysis using the best available science. Therefore, the proposed action with the addition of design features identified above is consistent with the management direction, standards, and guidelines.

**Table 1:** Summary of Resource Conditions.

<b>Extraordinary Circumstances</b>	<b>Present?</b>	<b>Effects to any Extraordinary Circumstance?</b>
a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal Listing or proposed critical habitat or Forest Service sensitive species	Yes. See BA & BE	No
b. Flood plains, wetlands, or municipal watersheds	No	No
c. Congressionally designated areas, such as wilderness, wilderness study area, or national recreation areas	No	No
d. Inventoried roadless areas or potential wilderness areas	No	No
e. Research natural areas	No	No
f. American Indians and Alaska Native religious or cultural sites	No.	No
g. Archaeological sites or historic properties or areas	Yes	No. Area will be avoided.

## DESIGN CRITERIA

Forest Service wildlife biologist, aquatic biologist, botanist, hydrologist, archaeologist, fuels and fire specialist, and geologist have reviewed the proposed project. Measures necessary to protect threatened or endangered species, Region 2 sensitive species, their habitat, or potential habitat from the effects of the proposed management actions are addressed through the development of project design criteria. Design criteria are intended to minimize the project's effects to the environment. The FS has created the following design criteria that will be required of the Operator to be incorporated into the final MPO prior to MPO approval. Specific design criteria include:

### ADMINISTRATIVE

- The operator will establish a reclamation bond or acceptable surety as a guarantee of faithful performance with the terms and conditions identified in the reclamation requirements (36 CFR 228.13). Bond calculations will be based on local and Davis-Bacon wage and equipment rates. Bonds will be updated as necessary throughout the life of the project to reflect the actual cost of reclamation.
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- The operator will contact the FS prior to the start of operations, during operations if operating conditions or requirements deviate from those analyzed, and once operations have been completed, to schedule a visit to the site as a final inspection of the operations.
- All project-related materials and trash, including flagging, fencing, stakes, sample bags, and other items, must be removed from the site after project completion.
- This plan has been approved for a period of 5 years, or until December 31, 2025.

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- All internal combustion engines including but not limited to generators, mechanized mining equipment and power tools, must be fitted with an approved spark arresting device.
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- Operator must have all applicable Federal, local, and State permits in place prior to operating.

## **ROADS**

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- The operator does have permission or authority to perform maintenance or re-construction on National Forest System Roads.
- Water bars on roads will be cleaned out on an as-needed basis to minimize erosion.
- The non-system access road will be permanently raked, graded, seeded, and closed with boulders or other appropriate materials upon the completion of final site reclamation.

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- The operator will coordinate with FS personnel to ensure that inspections are performed.

## **VEGETATION**

- Minimal vegetation clearing will occur. When clearing vegetation, straight clearing limits are voided; a natural appearance is maintained. Natural features such as large boulders, rock outcrops, and significant vegetation will remain intact, unless otherwise approved by the South Park District Ranger.
- Topsoil will be removed and stockpiled on site for use in reclamation.

## **HAZARDOUS MATERIALS**

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- The operator will manage the use, storage, discharge, or disposal of pollutants and hazardous or toxic substances generated in compliance with applicable regulations and requirements.

## **WATER QUALITY**

- If excessive gullying or rilling occurs downhill from excavations, erosion control measures such as silt fencing or contour berms may be necessary to protect water quality.
- Water bars will be cleaned out on an as-needed basis to minimize erosion on roads.
- Operator will comply with applicable Federal and State water quality standards, including regulations pursuant to the Federal Water Pollution Control Act, as amended (33 USC 1151 et seq.).
- Operator will comply with National Best Management Practices for Water Quality Management on National Forest System Lands. This includes providing silt fences, waddles, and straw bales as necessary.

[http://www.fs.fed.us/biology/resources/pubs/watershed/FS\\_National\\_Core\\_BMPs\\_April2012.pdf](http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf)

## **CULTURAL**

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- One avoidance area was identified within your claim boundary. You will maintain a 50-foot buffer from this area.

## **WILDLIFE**

- If any new nesting/denning sites for threatened, endangered, or Forest Service sensitive species are observed during implementation, it will be reported immediately to the wildlife biologist and appropriate protection measures will be implemented.
- Design criteria mentioned above for weed prevention, vegetation and water quality all coincide with protection of wildlife habitat.

## **RECLAMATION**

The operator'(s) agree to complete the following reclamation measures:

- Within the one-year expiration of this authorization, the operator will commence final reclamation.
- Remove all materials and return the mining area to the original natural contours. This includes all excavation cuts.
- Silt fences or other erosion control will be utilized to prevent off-site sediment transport.
- Reclamation will be monitored by the operator, USFS personnel, and State of Colorado (DRMS) inspectors on an as needed basis.
- The road and site will be seeded with USFS-approved seed mixtures, as needed.
- Re-vegetation will not be complete until at least 50% plant re-growth has been established; when compared to adjacent undisturbed areas.
- Topsoil must be saved and used to cover all disturbed areas.

- Return large rocks, boulders, and logs to their original position.
- The U.S. Forest Service may require additional reclamation measures if needed.
- Earth work- which includes re-contouring and smoothing all disturbed areas. Earth work will not be considered complete if the surface is rough, no rough piles higher than 12 inches may be left.
- Remove all trash off Forest Service Lands.
- Remove all structures (fences, signs) from Forest Service Lands except for pre-existing structures.
- Complete all reclamation within one year of the end of the operating plan.
- Refund of any reclamation bond is contingent upon the success of reclamation.

## MONITORING

- The Forest Service will monitor and assess the progress of reclamation activities, including re-vegetation and erosion control, for a minimum of three years. Dependent on the success of the second phase of reclamation, additional seeding, weed treatment, or installation of erosion control structures may occur.

## PUBLIC INVOLVEMENT

This action was listed as a proposal on the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands Schedule of Proposed Actions (SOPA) in June 2020 and updated periodically during the analysis. A Legal Notice was published in the paper of record (Fairplay Flume) on June 26, 2020 with a 30-day comment period. No responses were received. Internal scoping among FS resource specialists was initiated on June 1, 2020, and responses are documented in the project record.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Pike and San Isabel National Forests, Comanche and Cimarron National Grasslands Land and Resource Management Plan (the Forest Plan) as required by the National Forest Management Act. The actions in this project are in full compliance with the Forest Plan, Management Area Direction, including that contained under the various management prescriptions and the Forest-wide standards and guidelines (See Chapter II). Implementation of this decision will not violate any federal, state or local laws or requirements imposed for the protection of the environment, including: Clean Water Act, as amended; Clean Air Act, as amended; Endangered Species Act, as amended; American Antiquities Act; Historic Preservation Act; Executive Order 13186, Migratory Bird Treaty Act; Executive Order 12898, Environmental Justice.

## ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

On February 7, 2014, the President signed into law the Agricultural Act of 2014, Public Law Number 113-79 (i.e. Farm Bill). Section 8006(a) of the 2014 Farm Bill repealed the Appeals Reform Act, Public Law Number 102-381, 106 Stat. 1419 (1992). Section 8006(b) directs that the

pre-decisional objection process established in Section 428 of division E of the Consolidated Appropriation Act of 2012, Public Law Number 112-74, shall not be applicable to categorically excluded projects or activities. Therefore, this decision is not appealable.

## IMPLEMENTATION DATE

Implementation will commence once the Plan of Operations is authorized. The Plan of Operations will be authorized for a five (5) year period, which will end December 31, 2025. If James and Yvette Downing propose a modification to the MPO, it is within the scope of the previously authorized MPO, and a sufficiency review of this analysis proves adequate, it may be authorized.

## CONTACT

For additional information concerning this decision, contact: Amy Titterington, Geologist, South Park Ranger District, 320 Highway 285, Fairplay, CO 80440, Phone number 719-836-2031, or email [amy.j.titterington@usda.gov](mailto:amy.j.titterington@usda.gov).

  
Joshua S. Voorhis  
District Ranger

12/18/2020  
Date

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STATE OF  
COLORADO

Russell - DNR, Elliott <elliott.russell@state.co.us>

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## Downing MPO approved by USFS

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**Titterington, Amy -FS** <amy.j.titterington@usda.gov> Wed, Feb 3, 2021 at 11:35 AM  
To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>, "Williams, Dan"  
<WilliamsD@co.teller.co.us>

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**From:** Titterington, Amy -FS  
**Sent:** Wednesday, February 3, 2021 11:33 AM  
**To:** Yvette Downing <jydowning@yahoo.com>  
**Cc:** Baker, Christian - FS <Christian.Baker@usda.gov>  
**Subject:** RE: Bill for Collection - Downing MPO

Hi Yvette,

Weird. It was mailed over a week ago. I would expect it any day now.

In the meantime, I have attached a copy for your records. Please remember to avoid the "red circle" area on the map.

Also, would you mind sending me a copy of your receipt? I will put it in our files.

Lastly, the bond payment was the last step in our process, so you're good to go (once snow is off the ground).

Amy