

Animas River Protection Workgroup:
Summary of Management Protections for Fens and Black Swifts (7/22/2012)

A question that has come up in the discussions of the workgroup is “What are the specific management guidelines and standards that are currently in place under public lands management to protect black swifts and for fens?” This handout summarizes the standards and guidelines in the current Forest Plan (1983, as amended in 1992) as well as those in the San Juan Public Lands Draft Land Management Plan (2006).

What are “Standards” and “Guidelines”?

As stated in the DLMP (2006), page 249, “Standards and guidelines provide specifications and guidance for project and activity decision making in order to protect resources and help achieve desired conditions and accomplish objectives. ...The USFS and BLM will conduct environmental analysis, pursuant to NEPA, when projects are proposed.

During project planning, applicable and appropriate Land Management Plan guidance will be incorporated as required design features and/or mitigation measures when the project decision is made. A standard (which is worded as “must”) describes a course of action that must be followed, or a level of attainment that must be reached. Deviations from standards must be analyzed and documented in a Land Management Plan amendment. A guideline (which is worded as “should”) provides guidance that a project or activity would typically follow, although exceptions may exist. If deviation from a guideline is necessary, the Responsible Official must record the reasons for such deviation as part of the project-level decision; however, no Land Management Plan amendment would be required.”

1983 Plan (this plan represents current management)

Page III-70. Pertaining to “Rights –of-Way and Land Adjustments” management activities, General Direction provision #03 appears to pertain generally to wetlands and critical ecosystems, although not specifically to black swifts and fens. There are no Standards or Guidelines that appear to pertain.

“3. Classify lands or interest in lands for acquisition where lands are valuable for NFS purposes according to the following priorities:

- a) In designated wilderness areas and other Congressionally classified areas.*
- b) Where lands or rights-of way are needed to meet resource management goals and objectives.*
- c) Lands which provide habitat for threatened and endangered species of animals and plants.*
- d) Lands which include floodplain or **wetlands**.*
- e) On lands having historical or cultural resources, outstanding scenic values or critical ecosystems, when these resources are threatened by change of use or when management may be enhanced by public ownership.”*

2007 Draft Land Use Plan (this is proposed future management)

In Volume 2, Part 3 of the DLMP there are a number of Standards and Guidelines that appear to apply to fens and to black swifts.

Fens or Wetlands

Guidelines and Stipulations pertaining specifically to **fens**, and more generally to **wetlands**, are listed in Section III. Water (Page 251); Section IV. Aquatic Ecosystems and Aquatic Species (Page 253); Section V. Riparian Areas and Wetlands (Page 254); Section VII. Plant Species (Page 256); Section XVIII. Livestock and Rangeland Management B. Rangeland Vegetation (Page 289); and under Section XXI. Lands Program (Page 291).

III. Water

- A. *Roads and trails that are removed from the SJPL transportation network, as well as roads that are put into a “stored” status that are unnecessary for travel (i.e., closed for future use), should be treated sufficiently in order to avoid future risks to watershed functions, water quality, and/or aquatic habitat. Sufficient treatments may include the:
 - A.1 removal of unstable fills;
 - A.2 effective and permanent breaching of drainage ditches;
 - A.3 elimination of persistent in-sloped road surfaces;
 - A.4 complete removal of stream-crossing structures and associated fills with restoration of floodplains;
 - A.5 restoration of self-sustaining hydrologic functions on the site (where no further management intervention would be necessary in order to sustain natural processes and function); and
 - A.6 the maintenance or restoration of fish passage.*
- B. *Where land use activities (including fluid-minerals development and production) are shown to adversely impact groundwater quality and/or quantity, those land use activities may be curtailed, and requirements may be made to replace impacted groundwater with water of equal or greater water quality (as compared to the natural conditions of the aquifer).*
- C. *in cases where the USFS or BLM places conditions and other requirements on special use authorizations related to water diversion or storage that are outside the jurisdiction of Colorado Division of Water Resources, the USFS or BLM will be responsible to enforce compliance.*
- D. *Ditches authorized on the SJPL should maintain a freeboard above the water-line of the ditch. Headgates and conveyance structures should be maintained in good functioning condition and should be clear of sediment and other debris in order to ensure proper operation. The operator should close the headgate at the end of the diversion (e.g., irrigation) season.*
- E. *Water conveyance structures authorized on the SJPL should be maintained to prevent and control soil erosion and gully on adjacent lands resulting from operations and maintenance of the structure. Design criteria may include maintaining the ditch channel to prevent downcutting and ditch failure, removal of all obstructions from the channel, and prompt remediation of pipeline breaks and ditch failures, and rehabilitation of any erosion resulting from failure of a water conveyance structure.*
- F. *In general, system and non-system road densities should not exceed 2 miles per square mile in any 6th level Hydrologic Unit Basin watershed on the SJPL. In municipal supply watersheds, and watersheds identified as sensitive to ground-disturbing anthropogenic activities (human activities, as opposed to events occurring in natural environments without human influences), watershed rehabilitation efforts should be focused on reducing system and non-system road densities to below 2 miles per square mile (See Appendix J, detailing watersheds that are the most sensitive to anthropogenic activities).*
- G. *All accepted groundwater development proposals should establish terms and conditions designed to maintain groundwater levels necessary in order to avoid or minimize impacts on groundwater-dependant resources (e.g., **wetlands**, riparian areas, connected surface water, etc).*

“IV. Aquatic Ecosystems and Aquatic Species

- A. *As described under Part 2, “Strategy,” cooperative and collaborative efforts are the preferred approach to sustaining aquatic ecosystems and ensuring that viable populations of aquatic species are maintained or improved. In the event collaborative efforts do not result in more workable and mutually acceptable solutions, the following apply:
 - ...
 - B. *Conservation pools should be provided in water storage facilities where there are aquatic USFS Management Indicator Species, and/or BLM or USFS Sensitive Species.*
 - C. *Management activities (including land adjustments) that result in a trend toward Federal listing or the loss of population or habitat sustainability for Special-Status Species (Threatened, Endangered, Sensitive, or State-Listed species) should be avoided.*
 - E. *Activities that may cause sedimentation to amphibian habitats should be minimized.*
 - F. *Documented boreal toad and canyon tree frog breeding sites must be buffered from management activities that could potentially disturb such sites.*
 - G. *Livestock must not occur in documented boreal toad and canyon tree frog breeding sites from May 15 to September 15, in order to reduce the risk of trampling and to maintain the ecological integrity of those **wetlands**.*
 - H. *The drainage of acid-mine run-off into riparian areas and **wetland** amphibian habitats should be avoided.**

- I. The drainage or filling of **wetlands** that function as amphibian breeding sites should be avoided. Conservation pools in water storage facilities where there are aquatic Highlight Species should be provided.
- K. Standards and guidelines for aquatic invasive species are found in the Invasive Species Section.”

“V. Riparian Areas and Wetlands

- A. **Fens** must be avoided during project design and implementation.
- B. Projects should be designed to avoid riparian areas and **wetlands** unless the project is designed to improve or restore ecological components or function.
- C. The streambanks of forest and shrubland riparian area types should contain at least 50 percent canopy cover of native hydrophytic trees or shrubs.
- D. Livestock browsing of willows and young cottonwood trees in riparian areas and **wetlands** should not exceed 40% of the current year’s leader growth.
- E. Projects that occur in watersheds containing **fens** and hanging gardens must not adversely impact the hydrologic function of those watersheds in order to protect the ecological integrity of those ecosystems and any R2 Regional Forester’s Sensitive Plant Species, BLM Sensitive Plant Species, and SJPL Plant Highlight Species that occur in them.
- F. Projects that occur in watersheds containing riparian areas and **wetlands** should not adversely impact the hydrologic function of those watersheds in order to protect the ecological integrity of those ecosystems and any R2 Regional Forester’s Sensitive Plant Species, BLM Sensitive Plant Species, and SJPL Plant Highlight Species that occur in them.
- G. Additional Standards and Guidelines associated with riparian area and **wetland** ecosystems are found in the Livestock and Rangeland Management section.”

“VII. Plant Species

- C. Projects (including road construction and maintenance) that occur in watersheds containing **fens, wetlands, hanging gardens, or riparian areas** should not adversely impact the hydrology in those watersheds (due to the potentially adverse impacts they could have on the R2 Regional Forester’s Sensitive Plant Species, BLM Sensitive Plant Species, and SJPL Plant Highlight Species that occur in those ecosystems).
- E. Livestock grazing practices that result in a decrease in the abundance or distribution of Arizona fescue, Thurber fescue, or willow species should be changed or avoided.
- F. Native plant species, preferably of local origin, should be used in projects needing revegetation, reclamation, and/or restoration.
- H. Native plant species with high values for pollinator species should be identified and protected from management activities.”

“XVIII . Livestock and Rangeland Management

B. Rangeland Vegetation

- B.1 Project-level NEPA analysis and decisions, and the resultant allotment management plans (AMPs), should specify utilization guidelines (including desirable woody vegetation, as required) that should vary with grazing system and with ecological condition.
- B.2 Project-level design will incorporate habitat needs to satisfy MIS [Management Indicator Species] requirements within FS grazing allotments. Adaptive management principles will be used to correct unsatisfactory conditions identified through interdisciplinary monitoring.
- B.3 Livestock should be moved from the grazing unit or allotment when utilization on key areas meets or exceeds use guidelines identified in Table 47 below, or as specified in NEPA documentation for the particular allotment’s Allotment Management Plan (AMP), or in annual operating instructions.
- B.4 the riparian [and **wetland**] vegetation residue guidelines, as shown in Table 48, should be met at the time the livestock leave the unit.
- B.5 After sheep have grazed an area, there should be only moderate signs of use. Forage should show that it has been topped and selectively grazed; trampling should be minimal and trailing may be evident, but not common.
- B.6 Allowable use, residual vegetation, and other grazing guidelines apply to wildlife, livestock, and wild horses. If allowable use guidelines continue to be exceeded, reductions to livestock utilization levels, recommendations for reductions in wildlife numbers, and/or reductions in wild horse numbers should be made.

“XXI. Lands Program

Land Ownership

- A. Land boundary lines should be surveyed, posted, and marked according to these priorities: 1) lines needed to meet planned activities; 2) lines needed to protect USFS or BLM lands from encroachment; and 3) all other land boundary lines.

- B. *BLM land ownership adjustments should meet the recommendations and priorities of the specific BLM land classification category (see Part 2, Figure 19 - Lands Available for Disposal).*
- C. *Acquisition of lands/interests should be prioritized as follows: 1) lands within designated Wilderness areas and other Congressionally classified areas; 2) lands that enhance resource management; 3) lands that provide habitat for animal and plant species designated as threatened or endangered, and/or for SJPL Highlight Species; 4) lands that contain **wetlands** and/or floodplains; or 5) lands where resource values are threatened by change of use, or lands that may be enhanced by public ownership.*
- D. *Disposal of lands/interests should be prioritized as follows: 1) to States, counties, cities, or other Federal agencies when a greater public interest exists; 2) where small parcels intermingle with mineral or homestead patents; 3) where development by the private sector is in the greater public interest; 4) where exchange brings into public ownership higher critical resources or values; or 5) where reserving interests to protect resources and/or resource values mitigates the effects of disposal.*
- E. *Jurisdictional transfers between agencies should be prioritized as follows: 1) to reduce duplication of effort, time, cost, or coordination by users and agencies; 2) to maintain or improve user access; 3) to decrease travel and enhance management; 4) to improve public understanding of management policy; 5) to develop more effective and efficient work units; and 6) to reduce administrative cost."*

Black Swifts

No Guidelines or Stipulations specifically name **Black Swifts**. However, those listed under Section X. Threatened and Endangered Terrestrial Wildlife Species (Pages 263-264) pertain to Migratory Birds including Sensitive Species.

"Migratory Birds including Sensitive Species

- A.44 *In areas where tall, dense cover is desired for ground-nesting birds, sufficient cover to meet species nesting needs must be maintained.*
- A.45 *Some bird species need to nest in undisturbed cover. In areas where these species are a primary consideration, activities must be managed in order to avoid adverse impacts on nests and nesting habitat.*
- A.46 *Environmental analyses required by the NEPA or other established environmental review processes must evaluate the effects of actions and agency plans on migratory birds, with emphasis on Highlight Species (Appendix M, Table M.3).*
- A.47 *Management actions must protect, restore, or enhance the habitat of migratory birds and/or prevent or reduce pollution or detrimental alteration of migratory bird habitats, as practicable, focusing first on Highlight Species (Appendix M, Table M.3), priority habitats, and key risk factors.*
- A.48 *Management actions must focus on Highlight Species (Table M.3) that occupy the project area, priority habitats, and key risk factors when analyzing, disclosing and mitigating the effects of proposed actions.*
- A.49 *Management actions must consider and undertake proactive bird conservation actions, as practicable.*
- A.50 *Best management practices must be implemented to minimize or prevent bird mortality due to wind energy development, communication towers, and power line development."*