Order Number: # WRNF-2023-XXX



U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Human Occupancy and Use Restriction

Assessment of Need and Enforcement Plan

1. Purpose of Order: The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from XXX to XXX. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat adjacent to ski area operational boundaries. Recreation use in undisturbed areas, in the form of tree skiing and other winter recreational activity, can have serious implications on the ability of an area to support prey species for lynx. The primary prey species for lynx is the snowshoe hare. Several studies on ski areas on the White River National Forest have shown that snowshoe hare react negatively to even a low amount of tree skiing. They will abandon winter habitat if there are greater than 3 skier trails are present within the span of a week in forested patch of high-quality habitat. Monitoring of this Jones Gulch area for the last 3 years has indicated that there is skier use occurring in the in the proposed closure area, coming off of Keystone Resort, as well as from private land at the bottom of the gulch in the unincorporated Keystone neighborhood.

The proposed Jones Gulch closure provides an important management mitigation for Canada lynx by preventing disturbance, injury, or abandonment of critical prey habitat. The 2002 Forest Plan and the 2008 Southern Rockies Lynx Management Direction designated Jones Gulch as a Forest Landscape Linkage area (Management Area 5.5). Jones Gulch is also within the designated Loveland Pass linkage area which provides important lynx habitat and is managed for landscape connectivity. The 2006 Keystone Resort Upper Independence Environmental Assessment project design criteria also restricts access to the mid and lower portions of Jones Gulch from the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary.

Scope of Order: The order pertains to all NFS lands depicted on the attached map. This restricts
access into the mid to lower portions of Jones Gulch which is closed for the protection of winter lynx
habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort,

Commented [NG1]: is the closure area also out side of the Permit Boundary too?

Commented [LM2R1]: A portion of it I believe is outside the boundary

Commented [LM3]: I am not sure how long this area has been monitored for.

north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

- Enforcement Plan: The restrictions apply to any individuals entering the restricted areas during XXX
 to XXX. The restrictions apply with the following conditions:
 - The Forest Service has a signed resource protection closure order that is in place for 5 consecutive years.
 - Enforcement is shared and monitored by the Forest Service Unit including the Wildlife Program, Mountain Sports Program, Law Enforcement, and partners of the forest which include Keystone Ski patrol.
 - The Forest Service and stakeholders will meet annually to set enforcement monitoring goals and responsibilities.
 - Information and education signs are posted along the ski area administrative boundary paralleling Jones Gulch and at the north entrance to Jones Gulch.

The order will be posted in the White River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Information will be posted on signs in designated areas by the Forest Service and stakeholders during the restricted period. The Dillon Ranger District Public Affairs personnel will provide information to the public during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the Christmas holiday.

*Insert map of closed area

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

Commented [NG4]: I wasn't sure if this something the group discussed? Or this came out of Phil's stuff?

Commented [LMSR4]: This came out of Phil's closure. I assumed it would be a good idea and something we should discuss Order Number: # WRNF-2023-XXX



U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Human Occupancy and Use Restriction

Assessment of Need and Enforcement Plan

1. Purpose of Order: The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from XXX to XXX. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat within and adjacent to ski area operational boundaries. Recreation useSkiing and snowboarding in undisturbed snow areas, in the form of tree skiing and other winter recreational activity, can reduce local populations of have serious implications on the ability of an area to support prey species for lynx, in particular. The primary prey species for lynx is the snowshoespecies, snowshoe hare. Several studies on ski areas on the White River National Forest ski areas have shown that snowshoe hare react negatively to even a low levels of human use, amount of tree skling. They hares will abandon winter habitat if there are greatermore than 3 skier trails are present within the span of a week in forested patch of otherwise high-quality forested habitat. Over the last decade, mMonitoring of the Jones Gulch area over the last 12 years has indicatesed skier use occurs ring regularly within the proposed Jones Gulch closure area. Skiers enter Jones Gulch from above through Keystone Ski Resort and below from private land at the bottom of the gulch in the an unincorporated Keystone neighborhood.

The proposed Jones Gulch closure protects provides an important management mitigation for Canada lynx by by reducing disturbance to preventing disturbance, injury, or abandonment of critical prey habitat. The 2002 Forest Plan and the 2008 Southern Rockies Lynx Management Direction designatesed Jones Gulch as a Forest Landscape Linkage wildlife areas (Management Area 5.5) and Lynx Linkage areas. Jones Gulch is also within a the designated 5.5 area and the Loveland Pass Lynx Linkage area which both provide-s important lynx habitat and is managed for landscape connectivity.

The 2020 Bergman Bowl terrain expansion project and previous snowcat skiing projects in 2003 and 2006 were evaluated for compliance with the Forest Plan and SLRA during each NEPA EA process, All

Commented [NG1]: is the closure area also out side of the Permit Boundary too?

Commented [LM2R1]: A portion of it I believe is outside the boundary

Commented [LM3]: I am not sure how long this area has been monitored for.

Commented [GSFC4R3]: It's been monitored inconsistently for the last 12+ years.

the decisions contain Project Design Criteria which require the FS and Keystone Resort to control the boundary of Jones Gulch and reduce backcountry use to protect lynx and their habitat.

The 2006 Keystone Resort Upper Independence Bowl Environmental Assessment, project design criteria also restricts access to the mid and lower portions of Jones Gulch from the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary.

2. Scope of Order: Thise order pertains to all the restricted NFS lands in Summit County, Colorado shown on the map, Exhibit A, depicted on the attached map. This restricts access into the mid to lower portions of Jones Gulch, below Independence Bowl, which is closed for the protection of winter lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

- Enforcement Plan: The restrictions apply to any individuals entering the restricted areas during XXX
 to XXX. The restrictions apply with the following conditions:
 - The Forest Service has a signed resource protection closure order that is in place for 5 consecutive years.
 - Enforcement and monitoring is shared and monitored by the Forest Service Unit
 Including the Wildlife Program, Mountain Sports Program, Law Enforcement, and
 partners of the forest which includinge Keystone Ski Ppatrol and Summit County Sheriff
 Department
 - The Forest Service and stakeholders will meet annually to <u>review set</u> enforcement <u>and</u> monitoring reports and assess the <u>boundary management plan including defining</u> monitoring <u>goals and responsibilities for the next winter seasons</u>
 - Information and education signs are posted along the ski area administrative
 operational boundary paralleling Jones Gulch and at the north entrance to Jones Gulch.

The order will be posted on the White River National Forest's website and available in the WRNFhite River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Closure Information will be posted on signs in at designated areas locations by the Forest Service and stakeholders, during the restricted period. During the restricted period, the Dillon Ranger District WRNF Public Affairs personnel will provide information to the public including news releases for the local media, during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the busy holiday season Commented [NG5]: I wasn't sure if this something the group discussed? Or this came out of Phil's stuff?

Commented [LM6RS]: This came out of Phil's closure. I assumed it would be a good idea and something we should discuss



Order Number: # XXX



U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Jones Gulch Area Closure

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.53 (a) the following are prohibited on the National Forest System (NFS) lands in the Dillon Ranger District, White River National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A (Jones Gulch):

1. Going into or being upon the Described Area, 36 C.F.R. § § 261.53(a)

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.53(a), the following persons are exempt from this Order:

- Persons with valid Colorado Parks and Wildlife hunting licenses for game management unit (GMU) 37 during valid hunting seasons.
- Persons with Forest Service Permit No. FS-XXXX-XX for use of mining inholding or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a).
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

DESCRIBED [Jones Gulch Area]

Option A The order pertains to all National Forest Service lands depicted on the attached map. This restricts access to Jones Gulch which is closed for the protection of important winter Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

Order Number: # XXX

Option B This order pertains to the restricted NFS lands in Summit County, Colorado shown on the map, Exhibit A. Jones Gulch, below Independence Bowl, is closed for the protection of winter lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail.

PURPOSE

The purpose of this Order is to restrict human occupancy and use within Jones Gulch annually from November 1st to April 30th. The proposed Jones Gulch closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important habitat.

IMPLEMENTATION

- This Order shall be in effect from [date] at [time] through [date] at [time], unless rescinded.
- A map identifying the Described Jones Gulch seasonal closure is attached and made part
 of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to
 https://www.fs.usda.gov/alerts/ /alerts-notices.
- 3. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
- A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
- Contact the Dillon Ranger District in Silverthorne, Colorado, (970) 468-5400 and White River National Forest Supervisor's Office in Glenwood Springs, Colorado, (970) 945-2521 for more information about this Order.
- This Order supersedes any previous Orders prohibiting the same or similar acts within the same Described Jones Gulch.

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Signed and issued on			
signed and issued on			

Commented [MLFC1]: 3 and 4 were listed in an example. Need help finding the correct CFR language from law enforcement

Commented [SS2R1]: Yes - These are correct per LEO Phil Strehle Order Number: # XXX

Forest Supervisor White River National Forest

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

Order Number: # WRNF-2023-XXX



U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Human Occupancy and Use Restriction

Assessment of Need and Enforcement Plan

1. Purpose of Order: The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from XXX to XXX. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat within and adjacent to ski area operational boundaries. Recreation use in undisturbed areas, in the form of tree skiing and other winter recreational activity, can have serious implications on the ability of an area to support prey species for lynx. The primary prey species for lynx is the snowshoespecies, snowshoe hare. Several studies on ski areas on the White River National Forest ski areas have shown that snowshoe hare react negatively to even a low levels of human use, amount of tree skiing. They lares will abandon winter habitat if there are greatermore than 3 skier trails are present within the span of a week in forested patch of otherwise high-quality forested habitat. Over the last decade, mMonitoring of the Jones Gulch area over the last 12 years has indicatesed skier use occurs ring regularly within the proposed Jones Gulch closure area. Skiers enter Jones Gulch from above through Keystone Ski Resort and below from private land at the bottom of the gulch in the an unincorporated Keystone neighborhood.

The proposed Jones Gulch closure provides an important management mitigation for Canada lynx by preventing disturbance, injury, or abandonment of critical prey habitat. The 2002 Forest Plan and the 2008 Southern Rockies Lynx Management Direction designated Jones Gulch as a Forest Landscape Linkage area (Management Area 5.5). Jones Gulch is also within the designated Loveland Pass linkage area which provides important lynx habitat and is managed for landscape connectivity.

The 2020 Bergman Bowl terrain expansion project and previous snowcat skiing projects in 2003 and 2006 were evaluated for compliance with the Forest Plan and SLRA during each NEPA EA process. All the decisions contain Project Design Criteria which require the F5 and Keystone Resort to control the boundary of Jones Gulch and reduce backcountry use to protect lynx and their habitat.

Commented [NG1]: is the closure area also out side of the Permit Boundary too?

Commented [LM2R1]: A portion of it I believe is outside the boundary

Commented [LM3]: I am not sure how long this area has been monitored for.

Commented [GSFC4R3]: It's been monitored inconsistently for the last 12+ years.

The 2006 Keystone Resort Upper Independence Bowl Environmental Assessment, project design criteria specifically restricts access to the mid and lower portions of Jones Gulch from the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary. An area closure will further protect a portion of Jones Gulch outside the ski area operational boundary not protected from previous NEPA decisions.

Scope of Order: Thise order pertains to all the restricted NFS lands in Summit County, Colorado shown on the map, Exhibit A. depicted on the attached map. This restricts access into the mid to lower pertions of Jones Gulch, below Independence Bowl, which is closed for the protection of winter lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

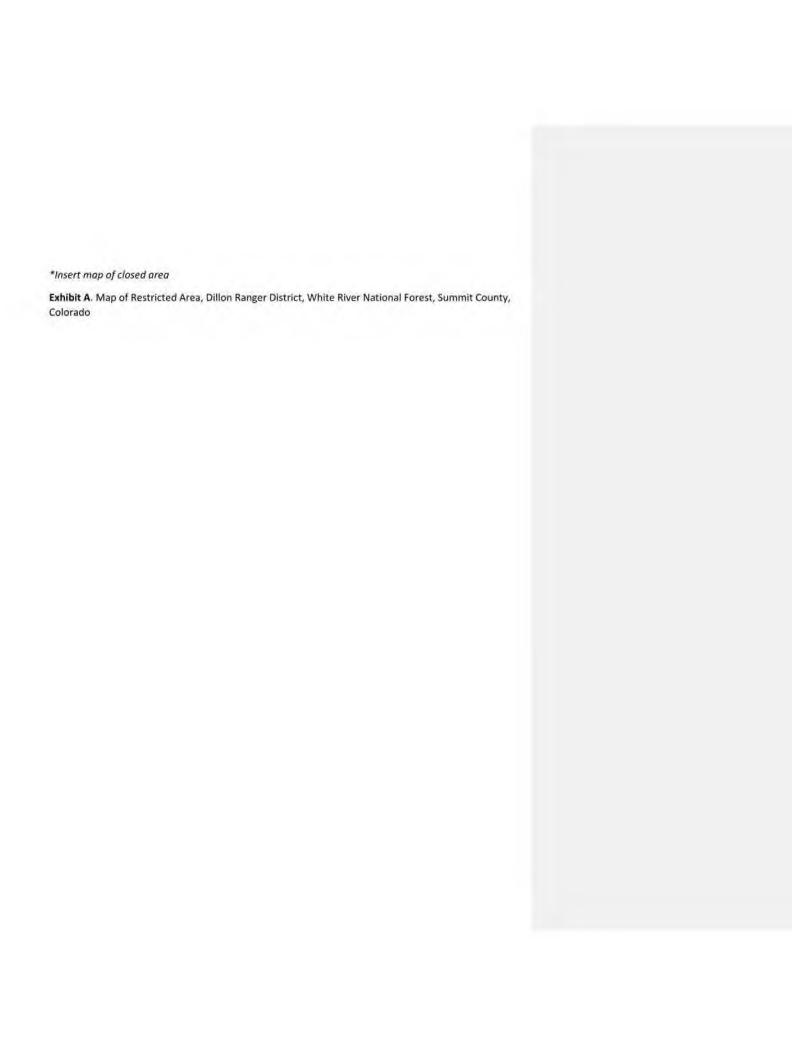
- Enforcement Plan: The restrictions apply to any individuals entering the restricted areas during XXX
 to XXX. The restrictions apply with the following conditions:
 - The Forest Service has a signed resource protection closure order that is in place for 5 consecutive years.
 - Enforcement and monitoring is shared and monitored by the Forest Service Unit
 including the Wildlife Program, Mountain Sports Program, Law Enforcement, and
 partners of the forest which includinge Keystone Ski Peatrol and Summit County Sheriff
 Department.
 - The Forest Service and stakeholders will meet annually to <u>review</u> set enforcement <u>and</u> monitoring reports and assess the boundary management plan including defining monitoring goals and responsibilities for the next winter season.
 - Information and education signs are posted along the ski area administrative
 operational boundary paralleling Jones Gulch and at the north entrance to Jones Gulch.

The order will be posted on the White River National Forest's website and available in the WRNFhite River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Closure Information will be posted on signs in at designated areaslocations by the Forest Service and stakeholders, during the restricted period. During the restricted period, tThe Dillon Ranger District WRNF Public Affairs personnel will provide information to the public including news releases for the local media, during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the busy holiday season.

Commented [NG5]: I wasn't sure if this something the group discussed? Or this came out of Phil's stuff?

Commented [LM6RS]: This came out of Phil's closure. I assumed it would be a good idea and something we should discuss



SUPPORTING DOCUMENTS Order # ___XXX

Assessment of Need

Purpose of Order

The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from November 1st to April 30th. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat within and adjacent to ski area operational boundaries. Recreation use in undisturbed areas, in the form of tree skiing and other winter recreational activity, can have serious implications on the ability of an area to support prey species for lynx. The primary prey species for lynx is the snowshoe hare. Several studies on ski areas within the White River National Forest have shown snowshoe hare react negatively to even a low occurrence of tree skiing. Previous snowshoe hare monitoring has shown that snowshoe hare will abandon winter habitat if there are greater than 3 skier trails present within the span of a week in forested patches of high-quality habitat (USDI Fish & Wildlife Service 2013). Monitoring of the Jones Gulch area over the last decade has indicated skier use occurring within the proposed closure area. Skiers enter Jones Gulch from Keystone Ski Resort and from private land at the bottom of Jones gulch from the unincorporated Keystone neighborhood.

The proposed Jones Gulch closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important habitat. The 2002 Forest Plan designated Jones Gulch as a Forest Landscape Linkage area (Management Area 5.5). Jones Gulch is within the designated Loveland Pass linkage area which provides important lynx habitat and is managed for landscape connectivity. The Southern Rockies Lynx Amendment to the Forest Plan provides management direction for the forest to protect lynx and their habitat. The 2006 Keystone Resort Upper Independence Environmental Assessment project design criteria restricts access to the mid and lower portions of Jones Gulch within the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment requires the FS and Keystone to implement an Independence Bowl Operations and Ski Patrol Management Plan to which established methods to prevent skier traffic from entering Jones Gulch, documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary. This document also listed design criteria for Additionally, the document-2020 EA requires monitoring of the Jones Gulch corridor to maintain consistency with the Southern Rockies Lynx Amendment and its standards. Depending on monitoring results, it could may be necessary to reinitiate consultation with the US Fish and Wildlife Service. For the reasons listed To comply with the applicable regulatory authorities, a full-winter seasonal closure is necessary to protect

the entire-Jones Gulch portion of the Loveland Linkage area including the bottom northern section outside the ski area SUP boundary.

Scope of Order

The order pertains to all National Forest Service lands depicted on the attached map. This restricts access to Jones Gulch which is closed for the protection of important winter Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

Enforcement Plan

Posting

Posting of the Order as required in 36 C.F.R. § 261.53 (a) will provide notification to National Forest visitors of the prohibited conduct. The order will be posted in the White River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Information will be posted on signs in designated areas by the Forest Service and stakeholders during the restricted period. The Public Affairs personnel will provide information to the public during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the busy holiday season.

Coordination With Other Agencies

The Forest Service will notify each Sheriff's Office in counties whose jurisdictions are within the scope of the Order about the closure and advise them of the appropriate response to violations, if there is a request to assist the Forest Service.

Patrol Activities

All District, SO and detailed Law Enforcement Officers will patrol the Described Area on a regular basis to insure that posting of the Order is adequate, maintained, and is being complied with. Certified Forest Protection Officers will contact violators within the Described Area.

Patrolling of the Described Area will take place anytime of the day Sunday through Saturday. No set schedule for patrolling will be established. Patrolling will be more concentrated during the period immediately following signing of the Order.

Enforcement Strategies

Emphasis will be placed on informing the public of the prohibitions in the hope of avoiding violations. Posting of the Order and maps at access points will be inspected periodically by Forest Service employees.

The restrictions apply to any individuals entering the restricted areas during November 1st to April 30th. The restrictions apply with the following conditions:

- Enforcement is shared and monitored by the Forest Service Unit including the Wildlife Program, Mountain Sports Program, Law Enforcement, and partners including of the forest which include Keystone Ski patrol and the Summit County Sheriff Department.
- Information and educational signs are posted along the ski area administrative boundary paralleling Jones Gulch and will be added at the north entrance to Jones Gulch per the Independence Bowl Management Plan.
- Posting of the Order with maps at access points will be placed and inspected periodically by Forest Service employees.
- Uniformed Forest Service employees with Federal Protection Officer status will
 contact any persons found in violation of the Order and a Violation Notice or
 Warning Notice may be issued. Those found in violation of the order will be required
 to vacate the area immediately.

Persons Authorized to be in the Restricted Area include:

- Hunters with Colorado Parks and Wildlife game tags for game management unit overlapping the closure area during rifle seasons (2nd, 3rd and 4th season)
- Persons with Forest Service Permit No. FS-XXXX-XX for use of mining inholding or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a)
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty are exempt from this order.

Access

The Order will not adversely impact access into the Described Area except during the seasonal closure.

Commented [MLFC1]: Will this create enforcement issues?

Civil Rights Impact Determination

This Order is not a policy action with civil rights implications. No one group will be affected more than another group. The Forest Service has determined a Civil Rights Impact Analysis (CRIA) is therefore not required for this Order.

National Environmental Policy Act (NEPA)

The proposed action falls under the categorical exclusion in 36 C.F.R. 220.6(d)(1): Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety. Resource specialists have determined no extraordinary circumstance exist that would preclude the application of this categorical exclusion. This proposal has been discussed with Forest specialists including the Mountain Sports and Wildlife Programs as well as Keystone Ski Resort.

*Insert map of closed area

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

Literature Cited

U.S. Forest Service. 2020. Bergman Bowl Enhancement Projects and Environmental Assessment. U.S.D.A Forest Service, White River National Forest, Dillon Ranger District, Silverthorne, CO.

Colfer, K. 2020. Keystone Resort – Lift Served Skiing in Bergman Bowl, Biological Evaluation. USFS, Dillon Ranger District, Silverthorne, CO.

Thompson, R.W. 2006. Biological Assessment. Independence Bowl snowcat skiing, keystone ski area, Summit County, Colorado. USFS, Dillon Ranger District, Silverthorne, CO.

Thompson, R.W. 2003. Biological Assessment for Keystone Ski Resort's Little Bowl and Erickson Bowl snowcoach tours, Summit County, Colorado. Western Ecosystems, Inc. Boulder, CO. 72 pp.

USDA Forest Service. 2003a. 2003 Little Bowl/ Erickson Bowl snowcat skiing and sightseeing proposal Environmental Assessment. U.S.D.A Forest Service, White River National Forest, Dillon Ranger District, Silverthorne, CO. October.

USDA Forest Service. 2003b. 2003 Little Bowl/ Erickson Bowl snowcat skiing and sightseeing proposal Environmental Assessment, decision notice, finding of no significant impact, and response to comments. U.S.D.A Forest Service, White River National Forest, Dillon Ranger District, Silverthorne, CO. December.

USDA Forest Service, 2008c. Southern Rockies Lynx Amendment, Supplemental Biological Assessment. Rocky Mountain Region, USDA Forest Service, Lakewood, CO.

USDA Forest Service. 2008b. Southern Rockies Lynx Amendment. Record of Decision. Rocky Mountain Region, USDA Forest Service, Lakewood, CO. 78pp.

USDI Fish and Wildlife Service. 2000. Endangered and threatened wildlife and plants; determination of threatened status for the contiguous U.S. distinct population segment of the Canada lynx and related rule. Fed. Register 65(58);16051-16086.

USDI Fish and Wildlife Service. 2003b. Endangered and threatened wildlife and plants; Notice of Remanded Determination of Status for the Contiguous United States District Population Segment of the Canada Lynx; Clarification of Findings; Final Rule. Fed. Register 68 (128) 40076-40101.

USDA Forest Service. 2008a. Southern Rockies Lynx Amendment. EIS. Rocky Mountain Region, USDA Forest Service, Lakewood, CO. 78pp.

USDI Fish and Wildlife Service. 2008. Biological Opinion for the Southern Rockies Lynx Amendment. USFWS Ecological Services Colorado Field Office, Denver, CO. 93pp.

SPECIAL ORDER USDA FOREST SERVICE WHITE RIVER, AND ARAPAHOE NATIONAL FORESTS

Pursuant to 16 U.S.C. 551 and 36 CFR, Sections 261.50(a), the following act is prohibited on National Forest System lands within the White River National Forest on the Aspen, Sopris, Eagle, Holy Cross, and Dillon Ranger Districts, Pitkin, Garfield, Eagle and Summit Counties, State of Colorado, hereinafter referred to as the Restricted Area. The Restricted Area includes all National Forest System lands that are under special use permit by Aspen, Aspen Highlands, Arapahoe Basin, Buttermilk, Snowmass Resort, Beaver Creek Resort, Keystone Resort, Vail Resort, Breckenridge Resort, Sunlight Mountain Ski Resort, or Copper Mountain Ski Resort. The Restricted Area is further depicted in the attached maps, hereby incorporated into this Order as Exhibits A, B, C, D, E, F, G, H, I, J and K. This order is necessary to help protect the health and safety of the visiting public.

Prohibitions:

 Is is prohibited to go into or be upon the Restricted Area when in violation of Colorado Revised Statutes Title 33, Article 44, specifically including, but not limited to, Sections 105 and 109, also known as the Colorado Ski Safety Act of 1979. 36. C.F.R 261.53(e)

Exemptions:

Pursuant to 36 C.F.R 261.50€, the following persons are exempt:

- 1. Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omissions.
- Any Federal, State or local officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty.

This order is in effect from November 2019 until December 31, 2029, unless rescinded sooner.

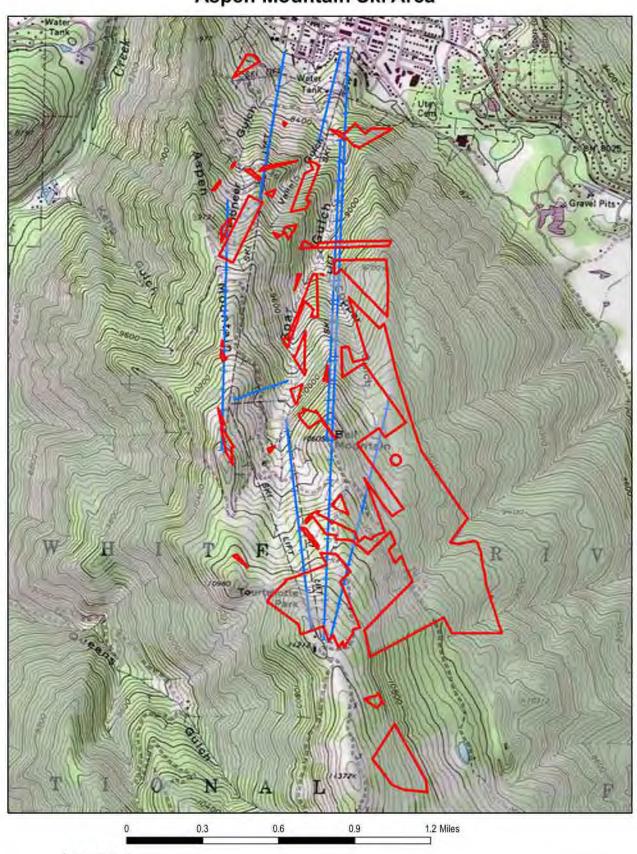
Done at Glenwood Springs, Colorado, this day of November 2019.

Forest Supervisor

White River National Forest

Violations of Title 36 Code of Federal Regulations ("36 C.F.R") regulations are punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual, or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both (16 U.S.C 551 and 18 U.S.C 3559 and 3571).

Aspen Mountain Ski Area

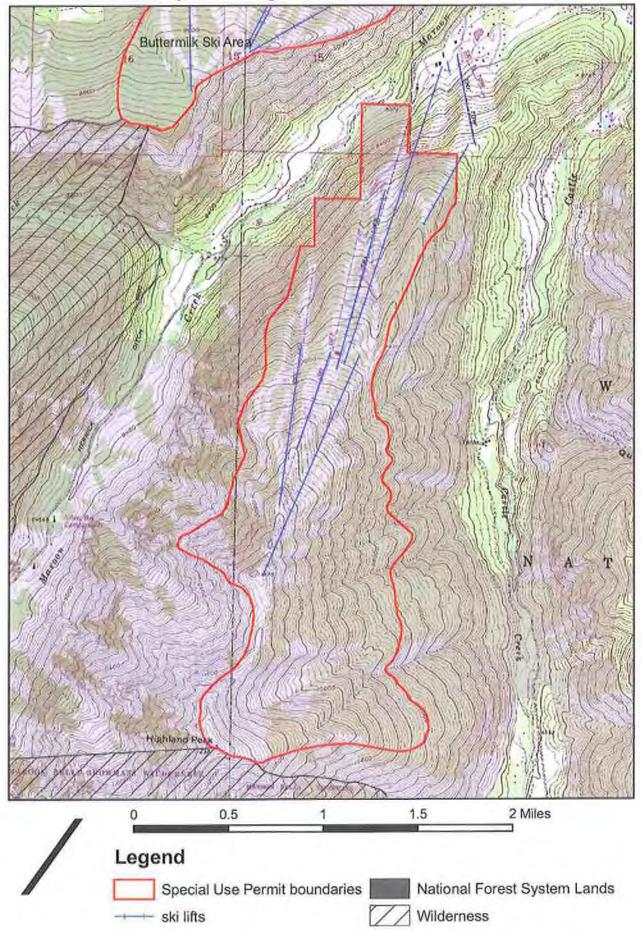


Legend

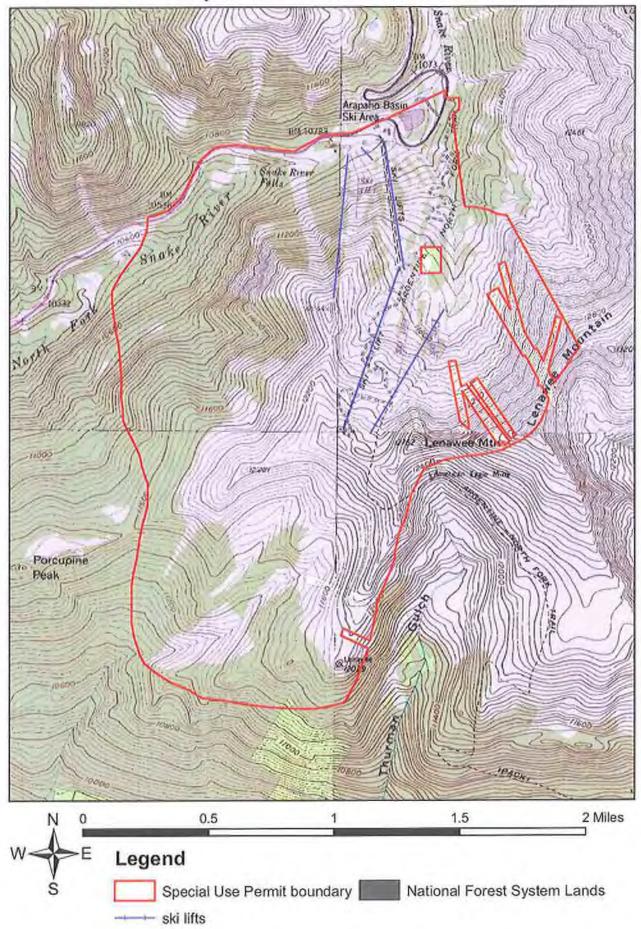
Special Use Permit Boundary National Forest System Lands

Ski Lifts

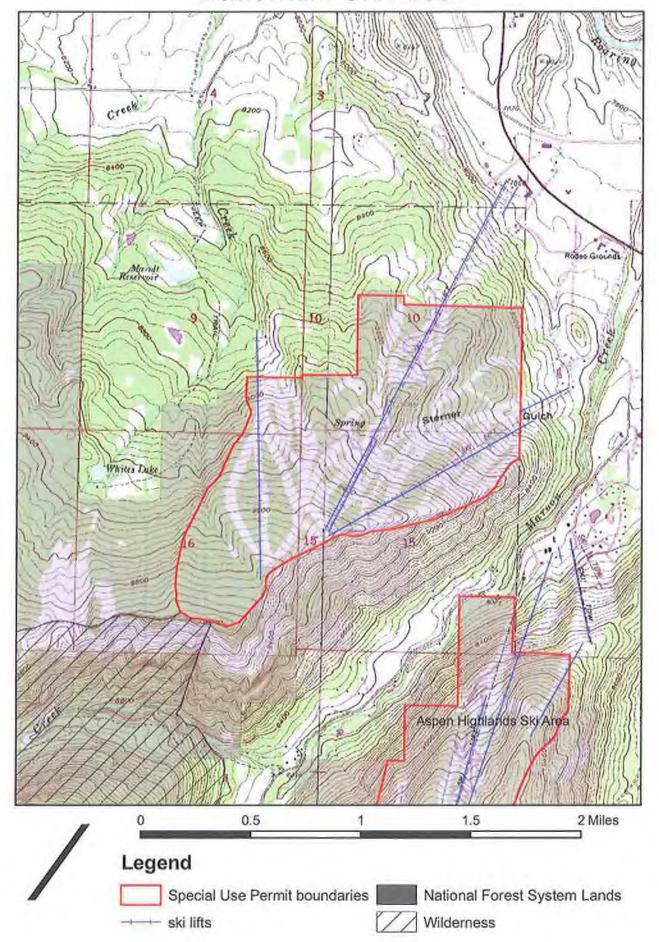
Aspen Highlands Ski Area



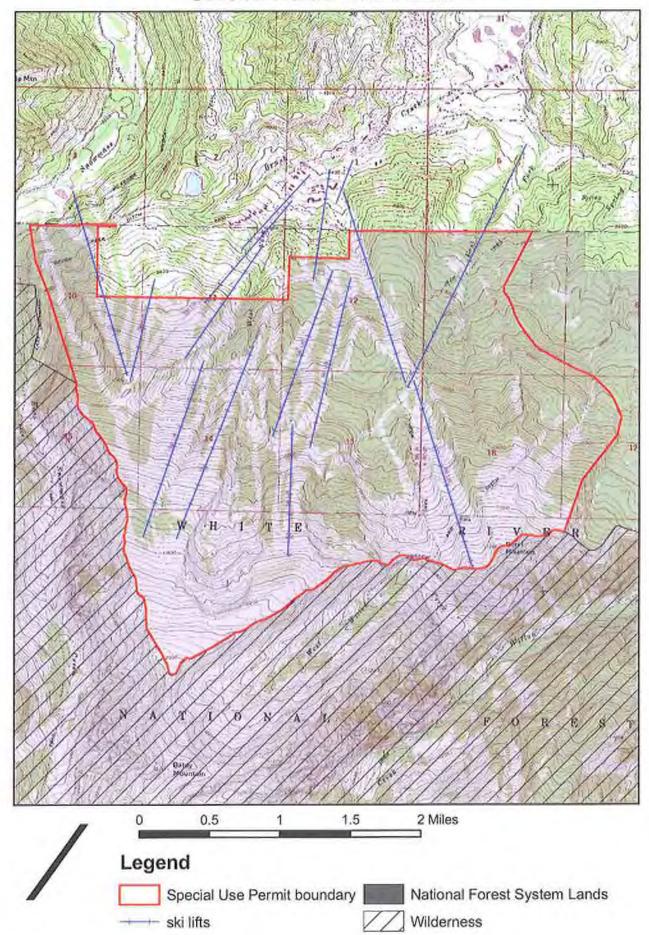
Arapaho Basin Ski Area



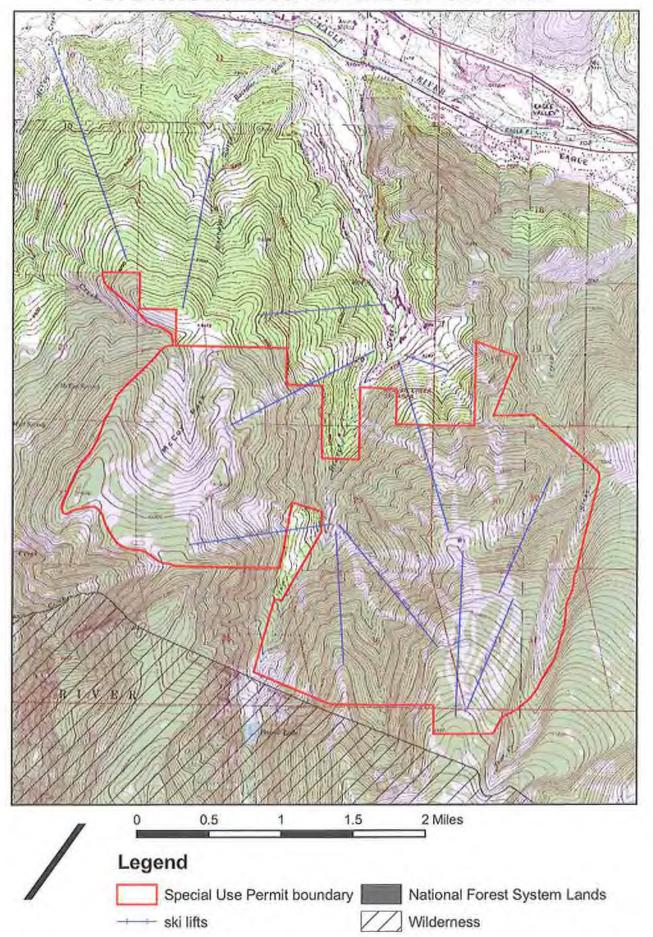
Buttermilk Ski Area



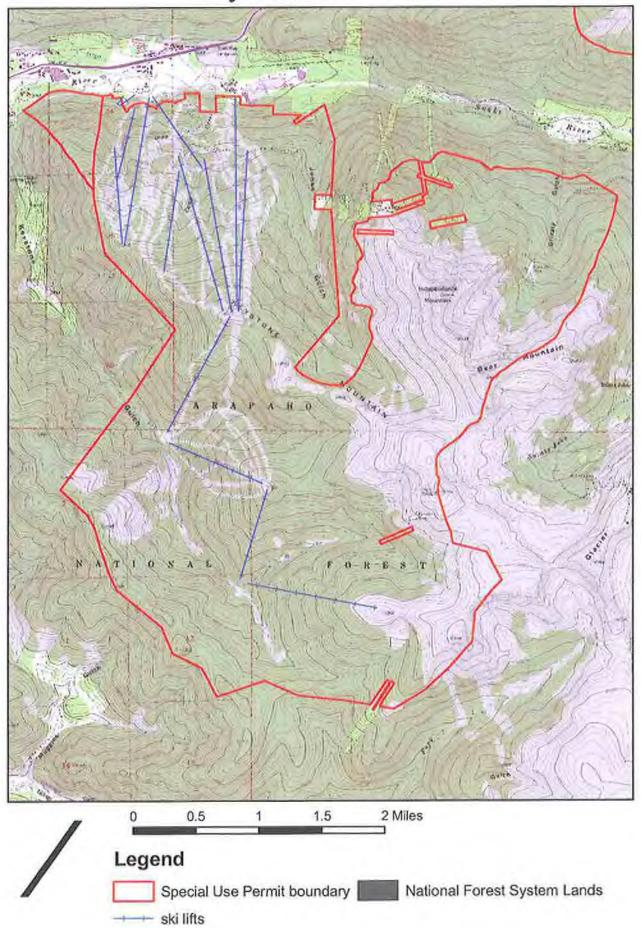
Snowmass Ski Area



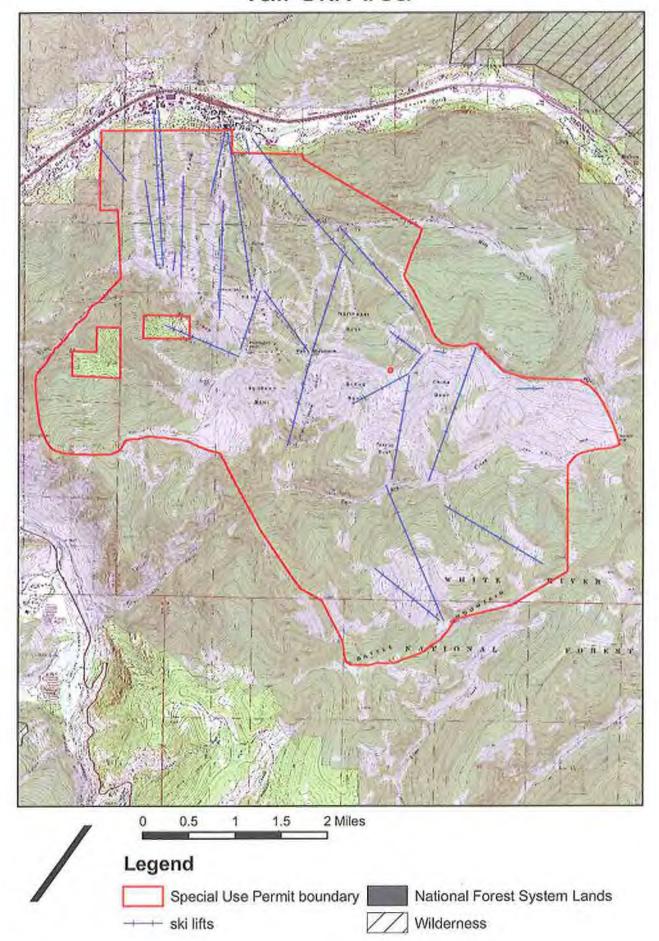
Arrowhead/Beaver Creek Ski Area



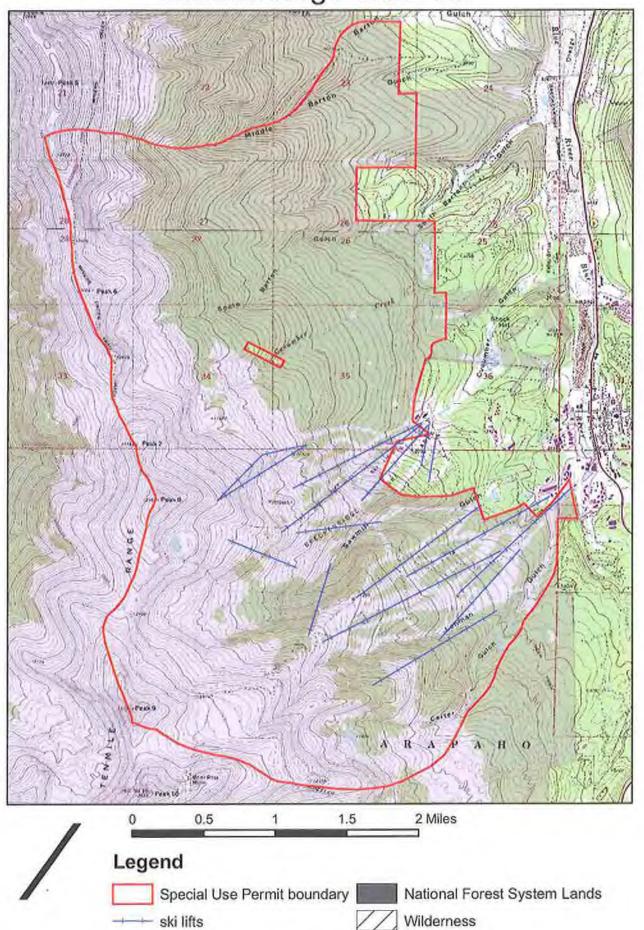
Keystone Ski Area



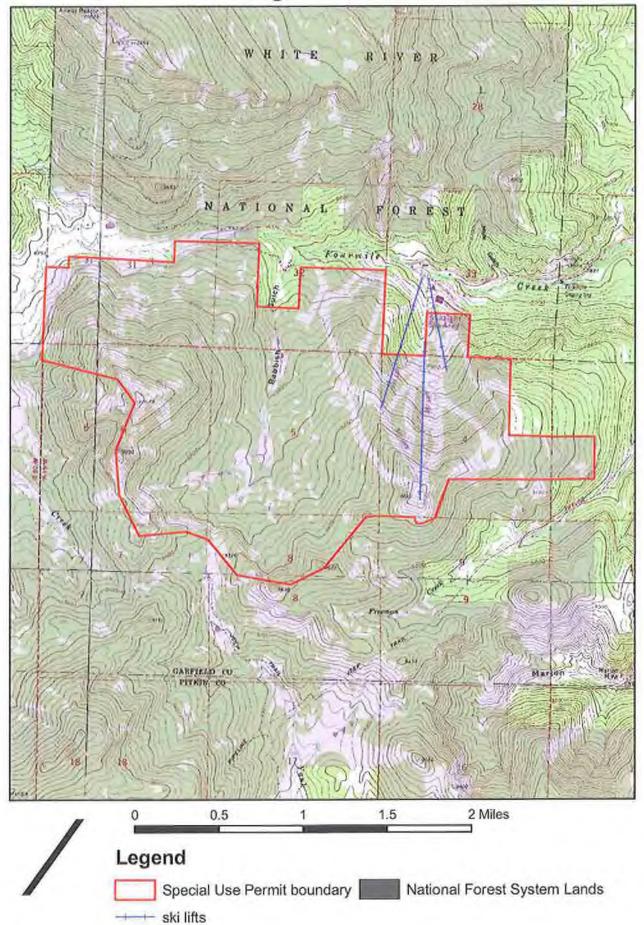
Vail Ski Area



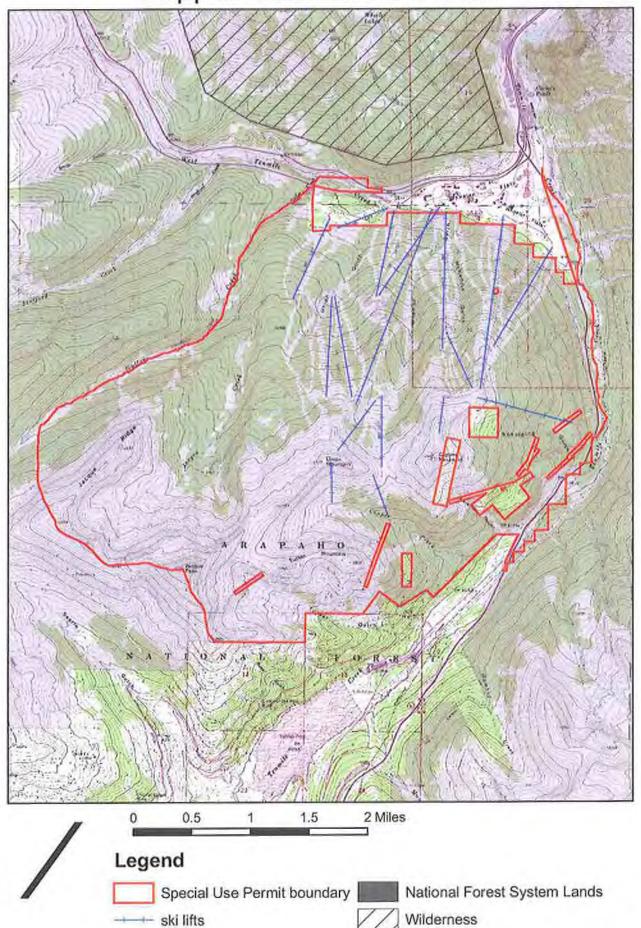
Breckenridge Ski Area



Sunlight Ski Area



Copper Mountain Ski Area



SPECIAL ORDER USDA FOREST SERVICE WHITE RIVER, AND ARAPAHOE NATIONAL FORESTS

Pursuant to 16 U.S.C. 551 and 36 CFR, Sections 261.50(a), the following act is prohibited on National Forest System lands within the White River National Forest on the Aspen, Sopris, Eagle, Holy Cross, and Dillon Ranger Districts, Pitkin, Garfield, Eagle and Summit Counties, State of Colorado, hereinafter referred to as the Restricted Area. The Restricted Area includes all National Forest System lands that are under special use permit by Aspen, Aspen Highlands, Arapahoe Basin, Buttermilk, Snowmass Resort, Beaver Creek Resort, Keystone Resort, Vail Resort, Breckenridge Resort, Sunlight Mountain Ski Resort, or Copper Mountain Ski Resort. The Restricted Area is further depicted in the attached maps, hereby incorporated into this Order as Exhibits A, B, C, D, E, F, G, H, I, J and K. This order is necessary to help protect the health and safety of the visiting public.

Prohibitions:

 Is is prohibited to go into or be upon the Restricted Area when in violation of Colorado Revised Statutes Title 33, Article 44, specifically including, but not limited to, Sections 105 and 109, also known as the Colorado Ski Safety Act of 1979. 36. C.F.R 261.53(e)

Exemptions:

Pursuant to 36 C.F.R 261.50€, the following persons are exempt:

- 1. Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omissions.
- Any Federal, State or local officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty.

This order is in effect from November 2019 until December 31, 2029, unless rescinded sooner.

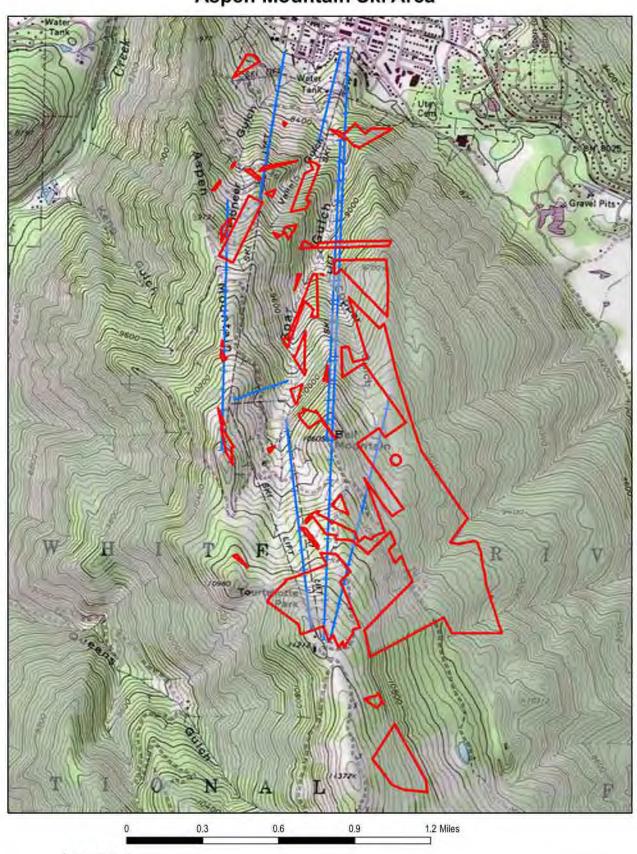
Done at Glenwood Springs, Colorado, this day of November 2019.

Forest Supervisor

White River National Forest

Violations of Title 36 Code of Federal Regulations ("36 C.F.R") regulations are punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual, or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both (16 U.S.C 551 and 18 U.S.C 3559 and 3571).

Aspen Mountain Ski Area

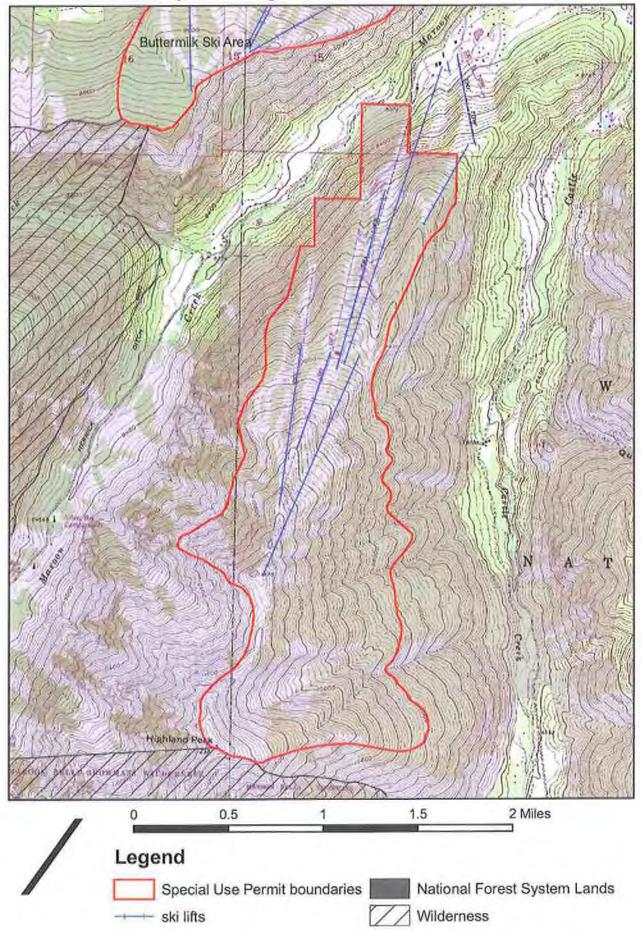


Legend

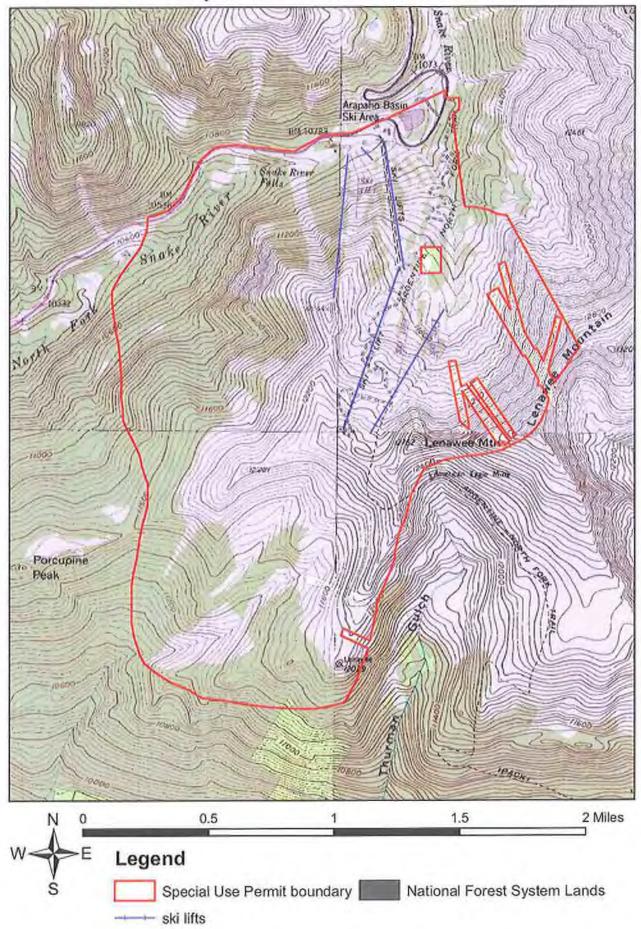
Special Use Permit Boundary National Forest System Lands

Ski Lifts

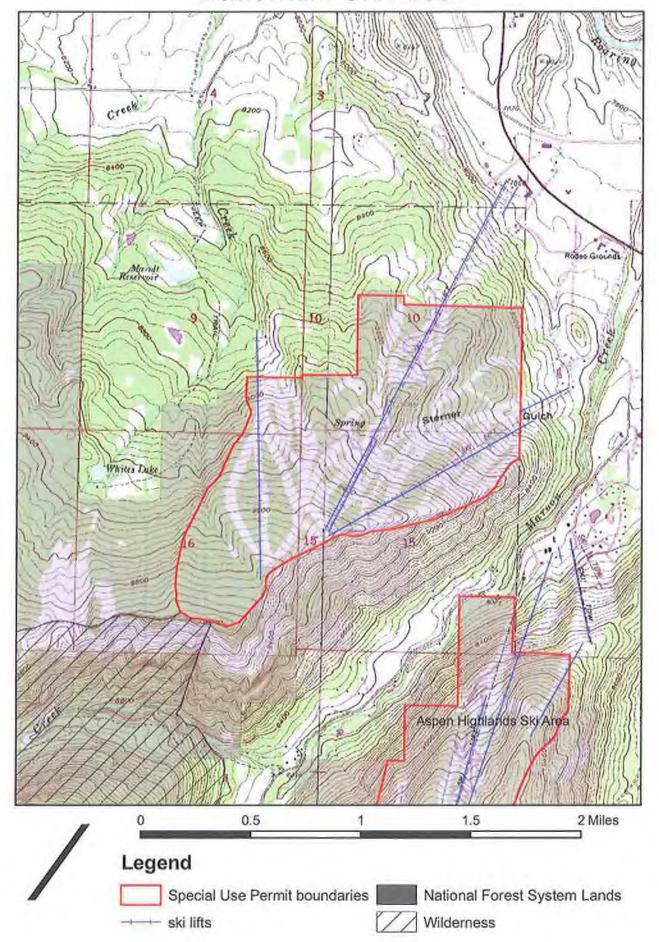
Aspen Highlands Ski Area



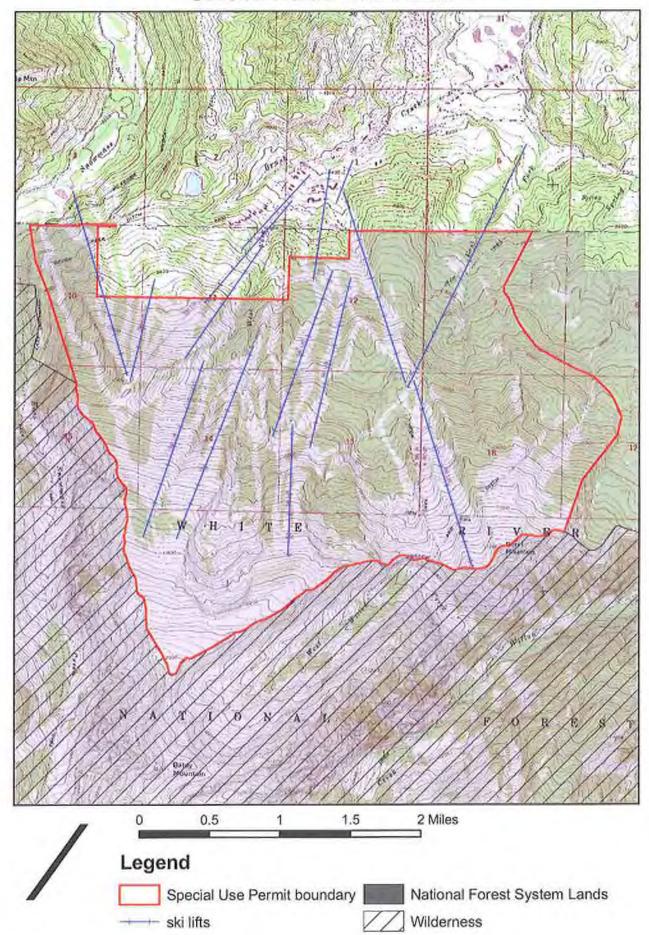
Arapaho Basin Ski Area



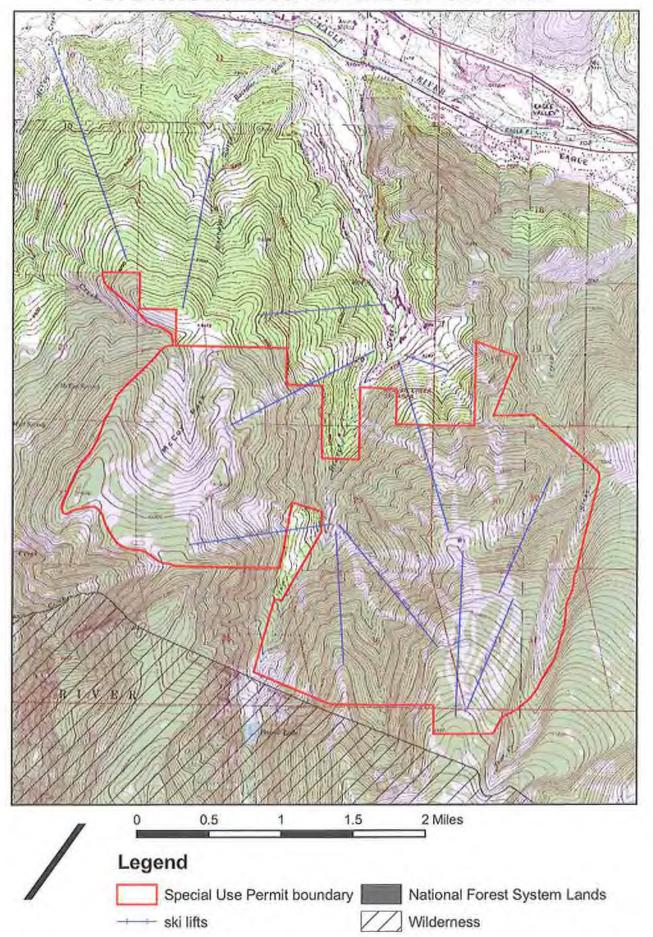
Buttermilk Ski Area



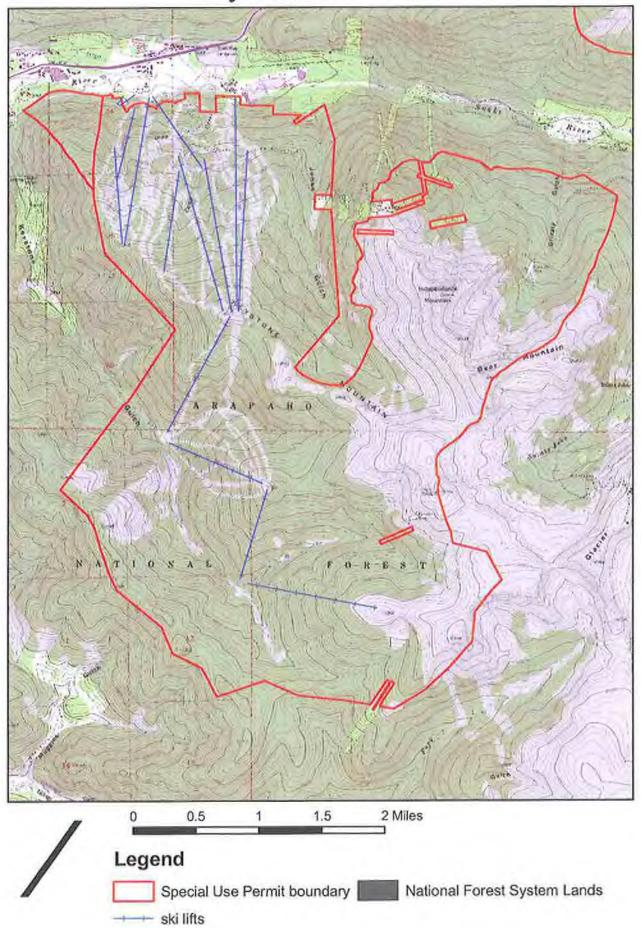
Snowmass Ski Area



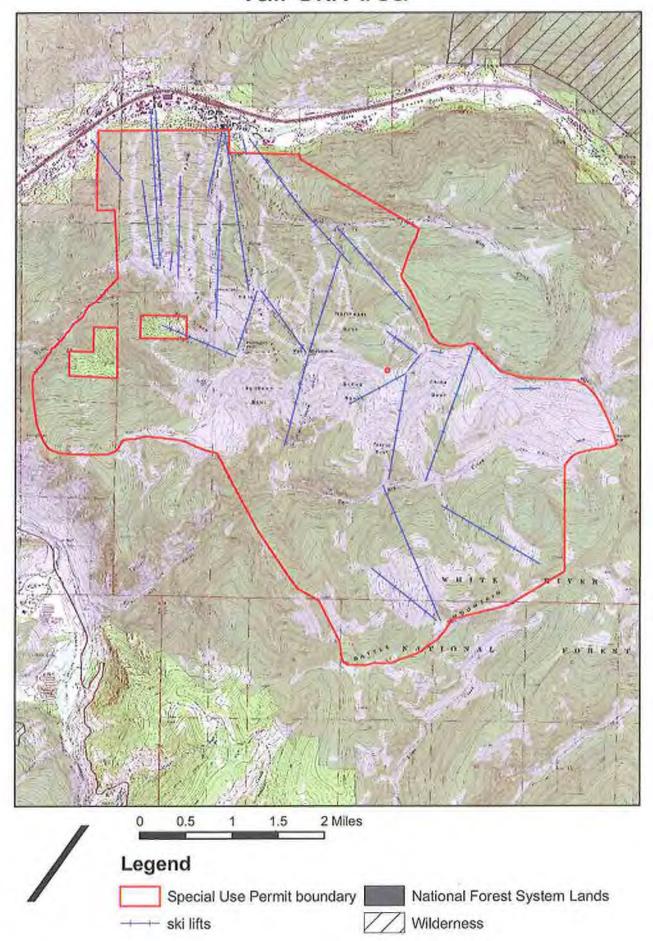
Arrowhead/Beaver Creek Ski Area



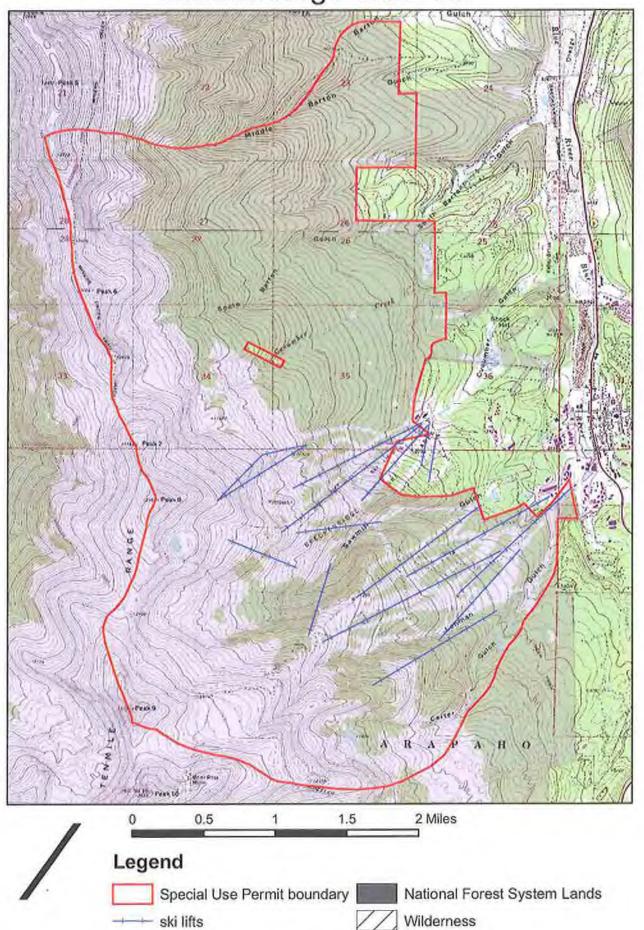
Keystone Ski Area



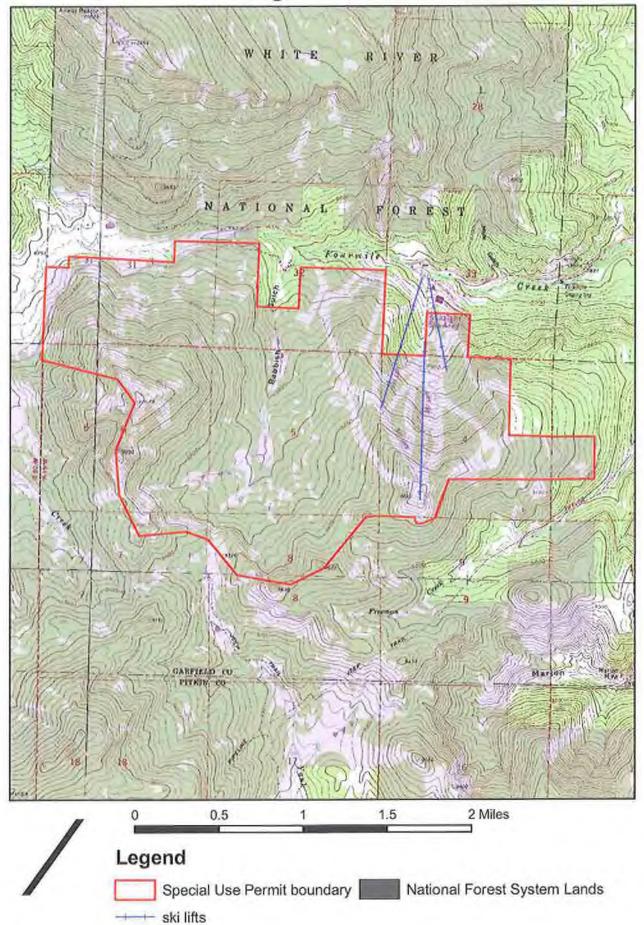
Vail Ski Area



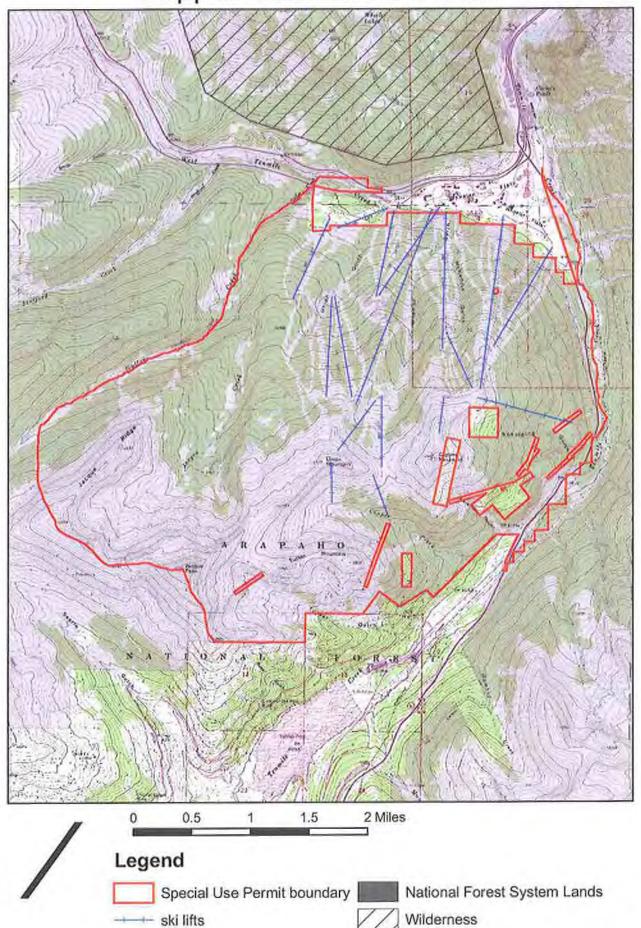
Breckenridge Ski Area



Sunlight Ski Area



Copper Mountain Ski Area



Order Number: # WRNF-2023-XXX



U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Human Occupancy and Use Restriction

Assessment of Need and Enforcement Plan

1. Purpose of Order: The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from November 1st to April 30th. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat within and adjacent to ski area operational boundaries. Skiing and snowboarding in undisturbed snow can reduce local populations of prey species for lynx, in particular the primary prey species, snowshoe hare. Several studies White River National Forest ski areas have shown that snowshoe hare react negatively to even a low occurrence of human use. Hares will abandon winter habitat if more than three skier trails are present within a week in otherwise high-quality forested habitat. Over the last decade, monitoring indicates skier use occurs regularly within the proposed Jones Gulch closure area. Skiers enter Jones Gulch from above through Keystone Ski Resort and below from private land in an unincorporated Keystone neighborhood.

The proposed Jones Gulch closure protects Canada lynx by reducing disturbance to critical prey habitat. The 2002 Forest Plan and the 2008 Southern Rockies Lynx Management Direction designates Forest Landscape Linkage wildlife areas (Management Area 5.5) and Lynx Linkage areas. Jones Gulch is within a designated 5.5 area and the Loveland Pass Lynx Linkage which both provide habitat and Jandscape connectivity.

The 2020 Bergman Bowl terrain expansion project and previous snowcat skiing projects in 2003 and 2006 were evaluated for compliance with the Forest Plan and SLRA during each NEPA EA process. All the decisions contain Project Design Criteria which require the FS and Keystone Resort to control the boundary of Jones Gulch and reduce backcountry use to protect lynx and their habitat.

Scope of Order: This order pertains to the restricted NFS lands in Summit County, Colorado shown on the map, Exhibit A. Jones Gulch, below Independence Bowl, is closed for the protection of winter lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

- Enforcement Plan: The restrictions apply to any individuals entering the restricted areas from November 1st to April 30th. The restrictions apply with the following conditions:
 - The Forest Service has a signed resource protection closure order that is in place for 5 consecutive years.
 - Enforcement and monitoring is shared by the Forest Service Unit including the Wildlife Program, Mountain Sports Program, Law Enforcement, and partners including Keystone Ski Patrol and Summit County Sheriff Department
 - The Forest Service and stakeholders will meet annually to review enforcement and monitoring reports and assess the boundary management plan including defining monitoring responsibilities for the next winter season
 - Information and education signs are posted along the ski area operational boundary paralleling Jones Gulch and at the north entrance to Jones Gulch.

The order will be posted on the White River National Forest's website and available in the WRNFSupervisor's Office in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Closure information will be posted at designated locations by the Forest Service and stakeholders. During the restricted period, the WRNF Public Affairs personnel will provide information to the public including news releases for the local media.

*Insert map of closed area

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

Commented [NG1]: I wasn't sure if this something the group discussed? Or this came out of Phil's stuff?

Commented [LM2R1]: This came out of Phil's closure. I assumed it would be a good idea and something we should discuss



U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Jones Gulch Area Closure

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.53 (a) the following are prohibited on the National Forest System (NFS) lands in the Dillon Ranger District, White River National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A (Jones Gulch):

Going into or being upon the Described Area. 36 C.F.R. § § 261.53(a)

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.53(a), the following persons are exempt from this Order: (Need OGC language with wording exceptions for 2)

- Persons with valid Colorado Parks and Wildlife hunting licenses for Game Management Unit (GMU) 37 during valid hunting seasons.
- Persons with private land surrounded by the closure must have a written determination to access their land during the closure timeframe by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a)
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

DESCRIBED [Jones Gulch Area]

The order pertains to all National Forest Service lands depicted on the attached map. This restricts access to Jones Gulch which is closed for the protection of important winter Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

PURPOSE

The purpose of this Order is to restrict human occupancy and use within Jones Gulch annually from November 1st to April 30th. The proposed Jones Gulch closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important winter habitat.

IMPLEMENTATION

- This Order shall be in effect from [date] at [time] through [date] at [time], unless rescinded.
- A map identifying the Described Jones Gulch seasonal closure is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to https://www.fs.usda.gov/alerts/ /alerts-notices.
- 3. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
- 4. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
- Contact the Dillon Ranger District in Silverthorne, Colorado, (970) 468-5400 and White River National Forest Supervisor's Office in Glenwood Springs, Colorado, (970) 945-2521 for more information about this Order.
- This Order supersedes any previous Orders prohibiting the same or similar acts within the same Described Jones Gulch.

Signed and issued on	
Forest Supervisor	
White River National Fore	est

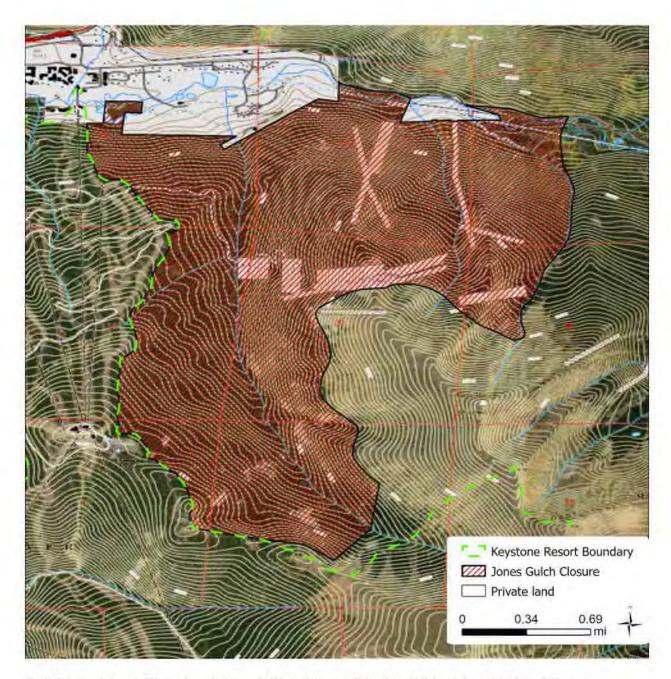


Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

SUPPORTING DOCUMENTS Order # XXX

Assessment of Need

Purpose of Order

The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from November 1st to April 30th. The proposed closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important habitat. Jones Gulch provides valuable habitat connectivity for the Federally Threatened Canada lynx. Lynx continue to utilize winter habitat within and adjacent to ski area operational boundaries in Summit County, Colorado. Recreation use in undisturbed areas, in the form of tree skiing and other winter recreational activity, can have serious implications on the ability of an area to support prey species for lynx. The primary prey species for lynx is the snowshoe hare. Several studies on ski areas on the White River National Forest have shown snowshoe hare react negatively to even a low amount of tree skiing. Monitoring of the Jones Gulch area over the last decade has indicated skier use occurring within the proposed closure area. Skiers enter Jones Gulch from Keystone Resort and from the unincorporated Keystone neighborhood at the north end of Jones gulch.

The White River National Forest has guiding documents for protecting Canada lynx habitat in the Jones Gulch area. The 2002 Forest Plan designated Jones Gulch as a Forest Landscape Linkage area (Management Area 5.5). Jones Gulch is within the designated Loveland Pass linkage area which provides important lynx habitat and is managed for landscape connectivity. Maintaining landscape habitat connectivity is vital for supporting viable lynx populations in Colorado. The undeveloped and forested habitat in Jones Gulch is surrounded by developed areas and remains one of the only safe forested carnivore travel routes on the Southeast side of Summit County. The Southern Rockies Lynx Amendment to the Forest Plan provides management direction for the forest to protect lynx and their habitat. An area closure will further protect a portion of Jones Gulch outside Keystone Resort's operational boundary that is not protected from previous NEPA decisions.

The 2020 Bergman Bowl terrain expansion project and previous snowcat skiing projects in 2003 and 2006 were evaluated for compliance with the Forest Plan and Southern Rockies Lynx Amendment. All the decisions contain Project Design Criteria which require the Forest Service and Keystone Resort to control the boundary of Jones Gulch and reduce backcountry use. The 2006 Keystone Resort Upper Independence Environmental Assessment project design criteria restricts access to the mid and lower portions of Jones Gulch within the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary. This document also listed design criteria for an Independence Bowl Operations and Ski Patrol Management Plan to prevent skier traffic from entering Jones Gulch. Additionally, the document

requires monitoring of the Jones Gulch corridor to maintain consistency with the Southern Rockies Lynx Amendment and its standards. Depending on monitoring results, it could be necessary to reinitiate consultation with the US Fish and Wildlife Service. For the reasons listed, a full seasonal closure is necessary to protect the entire Jones Gulch portion of the Loveland Linkage area including the northern section outside the ski area SUP boundary.

Scope of Order

The order pertains to the restricted National Forest Service lands on the attached map. This restricts access to Jones Gulch which is closed for the protection of important Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Resort, north of Keystone's Independence Bowl, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

Enforcement Plan

Posting

Posting of the Order as required in 36 C.F.R. § 261.50 will provide notification to National Forest visitors of the prohibited conduct. The order will be posted in the White River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.51. Information will be posted on signs in designated areas by the Forest Service and stakeholders during the restricted period. The Public Affairs personnel will provide information to the public during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the busy holiday season.

Coordination With Other Agencies

The Forest Service will notify each Sheriff's Office in counties whose jurisdictions are within the scope of the Order about the closure and advise them of the appropriate response to violations, if there is a request to assist the Forest Service.

Patrol Activities

All District, SO and detailed Law Enforcement Officers will patrol the Described Area on a regular basis to insure that posting of the Order is adequate, maintained, and is being complied with. Certified Forest Protection Officers will contact violators within the Described Area.

Patrolling of the Described Area will take place anytime of the day Sunday through Saturday. No set schedule for patrolling will be established. Patrolling will be more concentrated during the period immediately following signing of the Order.

Enforcement Strategies

Emphasis will be placed on informing the public of the prohibitions in the hope of avoiding violations. Posting of the Order and maps at access points will be inspected periodically by Forest Service employees.

The restrictions apply to any individuals entering the restricted areas during November 1st to April 30th. The restrictions apply with the following conditions:

- Enforcement and monitoring is shared by the Forest Service Unit including the Wildlife Program, Mountain Sports Program, Law Enforcement, and partners including Keystone Ski Patrol and Summit County Sheriff Department.
- Information and educational signs are posted along the ski area administrative boundary paralleling Jones Gulch and at the north entrance to Jones Gulch per the Independence Bowl Management Plan.
- Posting of the Order with maps at access points will be placed and inspected periodically by Forest Service employees.
- Uniformed Forest Service employees with Federal Protection Officer status will
 contact any persons found in violation of the Order and a Violation Notice or Warning
 Notice may be issued. Those found in violation of the order will be required to vacate
 the area immediately.

Persons Authorized to be in the Restricted Area include: (Need OGC language with wording exceptions 2)

- Persons with valid Colorado Parks and Wildlife hunting licenses for Game Management Unit (GMU) 37 during valid hunting seasons.
- Persons with private land surrounded by the closure must have a written determination to access their land during the closure timeframe by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a)
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty are exempt from this order.

Access

The Order will not adversely impact access into the Described Area except during the seasonal closure.

Civil Rights Impact Determination

This Order is not a policy action with civil rights implications. No one group will be affected more than another group. The Forest Service has determined a Civil Rights Impact Analysis (CRIA) is therefore not required for this Order.

National Environmental Policy Act (NEPA)

The proposed action falls under the categorical exclusion in 36 C.F.R. 220.6(d)(1): Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety. Resource specialists have determined no extraordinary circumstance exist that would preclude the application of this categorical exclusion. This proposal has been discussed with Forest specialists including the Mountain Sports and Wildlife Program as well as Keystone Resort.

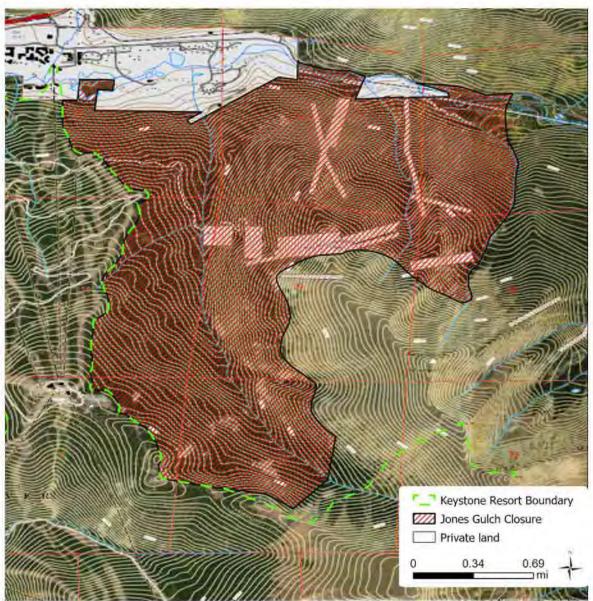


Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

Literature Cited

U.S. Forest Service. 2020. Bergman Bowl Enhancement Projects and Environmental Assessment. U.S.D.A Forest Service, White River National Forest, Dillon Ranger District, Silverthorne, CO.

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USDA Forest Service. 2003a. 2003 Little Bowl/ Erickson Bowl snowcat skiing and sightseeing proposal Environmental Assessment. U.S.D.A Forest Service, White River National Forest, Dillon Ranger District, Silverthorne, CO. October.

USDA Forest Service. 2003b. 2003 Little Bowl/ Erickson Bowl snowcat skiing and sightseeing proposal Environmental Assessment, decision notice, finding of no significant impact, and response to comments. U.S.D.A Forest Service, White River National Forest, Dillon Ranger District, Silverthorne, CO. December.

USDA Forest Service. 2008c. Southern Rockies Lynx Amendment. Supplemental Biological Assessment. Rocky Mountain Region, USDA Forest Service, Lakewood, CO.

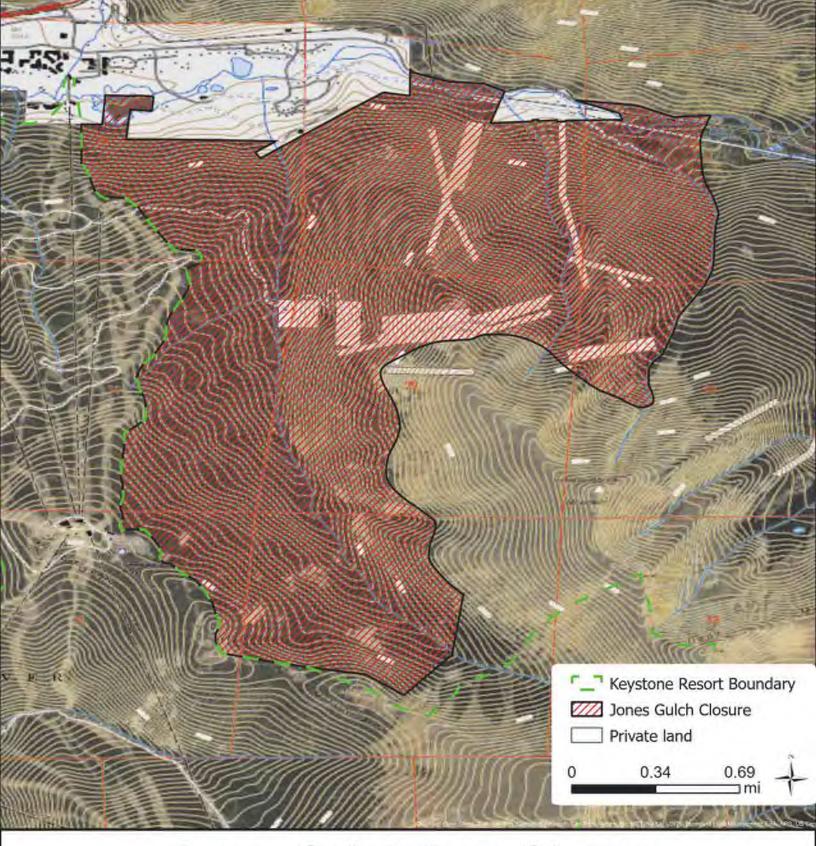
USDA Forest Service. 2008b, Southern Rockies Lynx Amendment, Record of Decision. Rocky Mountain Region, USDA Forest Service, Lakewood, CO. 78pp.

USDI Fish and Wildlife Service. 2000. Endangered and threatened wildlife and plants; determination of threatened status for the contiguous U.S. distinct population segment of the Canada lynx and related rule. Fed. Register 65(58);16051-16086.

USDI Fish and Wildlife Service. 2003b. Endangered and threatened wildlife and plants; Notice of Remanded Determination of Status for the Contiguous United States District Population Segment of the Canada Lynx; Clarification of Findings; Final Rule. Fed. Register 68 (128) 40076-40101.

USDA Forest Service. 2008a. Southern Rockies Lynx Amendment. EIS. Rocky Mountain Region, USDA Forest Service, Lakewood, CO. 78pp.

USDI Fish and Wildlife Service. 2008. Biological Opinion for the Southern Rockies Lynx Amendment. USFWS Ecological Services Colorado Field Office, Denver, CO. 93pp.



Jones Gulch Area Closure

Order #: WRNF-2024-XX

Expiration Date: XX-XX-202X

White River National Forest | Dillon Ranger District

Exhibit A

Dates of Effect: From XX-XX Through XX-XX





U.S. Department of Agriculture, U.S. Forest Service White River National Forest Dillon Ranger District

Jones Gulch Area Closure

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.53 (a) the following are prohibited on the National Forest System (NFS) lands in the Dillon Ranger District, White River National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A (Jones Gulch):

Going into or being upon the Described Area. 36 C.F.R. § § 261.52(e)

Commented [MC1]: should this also be 261.53?

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.53(a), the following persons are exempt from this Order:

- Hunters with valid Colorado Parks and Wildlife game tags for game management unit overlapping the closure area during rifle season.
- Persons with Forest Service Permit No. FS-XXXX-XX for use of mining inholding or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a).
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

DESCRIBED [Jones Gulch Area]

The order pertains to all National Forest Service lands depicted on the attached map. This restricts access to Jones Gulch which is closed for the protection of important winter Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

PURPOSE

The purpose of this Order is to restrict human occupancy and use within Jones Gulch annually from November 1st to April 30th. The proposed Jones Gulch closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important habitat.

IMPLEMENTATION

- This Order shall be in effect from [date] at [time] through [date] at [time], unless rescinded.
- A map identifying the Described Jones Gulch seasonal closure is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to https://www.fs.usda.gov/alerts//alerts-notices.
- Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
- 4. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
- Contact the Dillon Ranger District in Silverthorne, Colorado, (970) 468-5400 and White River National Forest Supervisor's Office in Glenwood Springs, Colorado, (970) 945-2521 for more information about this Order.
- This Order supersedes any previous Orders prohibiting the same or similar acts within the same Described Jones Gulch.

Signed and issued on	
Forest Supervisor	_
White River National Fores	t

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado



SUPPORTING DOCUMENTS Order # XXX

Assessment of Need

Purpose of Order

The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from November 1st to April 30th. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat within and adjacent to ski area operational boundaries. Recreation use in undisturbed areas, in the form of tree skiing and other winter recreational activity, can have serious implications on the ability of an area to support prey species for lynx. The primary prey species for lynx is the snowshoe hare. Several studies on ski areas on the White River National Forest have shown snowshoe hare react negatively to even a low amount of tree skiing. Previous snowshoe hare monitoring has shown that snowshoe hare will abandon winter habitat if there are greater than 3 skier trails present within the span of a week in forested patches of high-quality habitat (USDI Fish & Wildlife Service 2013). Monitoring of the Jones Gulch area over the last decade has indicated skier use occurring within the proposed closure area. Skiers enter Jones Gulch from Keystone Ski Resort and from private land at the bottom of Jones gulch from the unincorporated Keystone neighborhood.

The proposed Jones Gulch closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important habitat. The 2002 Forest Plan designated Jones Gulch as a Forest Landscape Linkage area (Management Area 5.5). Jones Gulch is within the designated Loveland Pass linkage area which provides important lynx habitat and is managed for landscape connectivity. The Southern Rockies Lynx Amendment to the Forest Plan provides management direction for the forest to protect lynx and their habitat. The 2006 Keystone Resort Upper Independence Environmental Assessment project design criteria restricts access to the mid and lower portions of Jones Gulch within the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary. This document also listed design criteria for an Independence Bowl Operations and Ski Patrol Management Plan to prevent skier traffic from entering Jones Gulch. Additionally, the document requires monitoring of the Jones Gulch corridor to maintain consistency with the Southern Rockies Lynx Amendment and its standards. Depending on monitoring results, it could be necessary to reinitiate consultation with the US Fish and Wildlife Service. For the reasons listed, a full seasonal closure is necessary to protect the entire Jones Gulch portion of the Loveland Linkage area including the bottom northern section outside the ski area SUP boundary.

Scope of Order

The order pertains to all National Forest Service lands depicted on the attached map. This restricts access to Jones Gulch which is closed for the protection of important winter Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

Enforcement Plan

Posting

Posting of the Order as required in 36 C.F.R. § 261.53 (a) will provide notification to National Forest visitors of the prohibited conduct. The order will be posted in the White River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Information will be posted on signs in designated areas by the Forest Service and stakeholders during the restricted period. The Public Affairs personnel will provide information to the public during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the busy holiday season.

Coordination With Other Agencies

The Forest Service will notify each Sheriff's Office in counties whose jurisdictions are within the scope of the Order about the closure and advise them of the appropriate response to violations, if there is a request to assist the Forest Service.

Patrol Activities

All District, SO and detailed Law Enforcement Officers will patrol the Described Area on a regular basis to insure that posting of the Order is adequate, maintained, and is being complied with. Certified Forest Protection Officers will contact violators within the Described Area.

Patrolling of the Described Area will take place anytime of the day Sunday through Saturday. No set schedule for patrolling will be established. Patrolling will be more concentrated during the period immediately following signing of the Order.

Enforcement Strategies

Emphasis will be placed on informing the public of the prohibitions in the hope of avoiding violations. Posting of the Order and maps at access points will be inspected periodically by Forest Service employees.

The restrictions apply to any individuals entering the restricted areas during November 1st to April 30th. The restrictions apply with the following conditions:

- Enforcement is shared and monitored by the Forest Service Unit including the Wildlife Program, Mountain Sports Program, Law Enforcement, and partners of the forest which include Keystone Ski patrol.
- Information and educational signs are posted along the ski area administrative boundary paralleling Jones Gulch and will be added at the north entrance to Jones Gulch per the Independence Bowl Management Plan.
- Posting of the Order with maps at access points will be placed and inspected periodically by Forest Service employees.
- Uniformed Forest Service employees with Federal Protection Officer status will
 contact any persons found in violation of the Order and a Violation Notice or
 Warning Notice may be issued. Those found in violation of the order will be required
 to vacate the area immediately.

Persons Authorized to be in the Restricted Area include:

- Hunters with Colorado Parks and Wildlife game tags for game management unit overlapping the closure area during rifle seasons (2nd, 3nd and 4th season)
- Persons with Forest Service Permit No. FS-XXXX-XX for use of mining inholding or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a)
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty are exempt from this order.

Access

The Order will not adversely impact access into the Described Area except during the seasonal closure.

Civil Rights Impact Determination

This Order is not a policy action with civil rights implications. No one group will be affected more than another group. The Forest Service has determined a Civil Rights Impact Analysis (CRIA) is therefore not required for this Order.

National Environmental Policy Act (NEPA)

The proposed action falls under the categorical exclusion in 36 C.F.R. 220.6(d)(1): Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to

Commented [MLFC1]: Will this create enforcement issues? protect public health and safety. Resource specialists have determined no extraordinary circumstance exist that would preclude the application of this categorical exclusion. This proposal has been discussed with Forest specialists including the Mountain Sports and Wildlife Programs as well as Keystone Ski Resort.

*Insert map of closed area

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

Literature Cited

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SUPPORTING DOCUMENTS Order # XXX

Assessment of Need

Purpose of Order

The White River National Forest proposes a restriction of human occupancy and use within the Jones Gulch drainage annually from November 1st to April 30th. The area provides important habitat connectivity for the Federally Threatened Canada lynx. Lynx utilize winter habitat within and adjacent to ski area operational boundaries. Recreation use in undisturbed areas, in the form of tree skiing and other winter recreational activity, can have serious implications on the ability of an area to support prey species for lynx. The primary prey species for lynx is the snowshoe hare. Several studies on ski areas on the White River National Forest have shown snowshoe hare react negatively to even a low amount of tree skiing. Previous snowshoe hare monitoring has shown that snowshoe hare will abandon winter habitat if there are greater than 3 skier trails present within the span of a week in forested patches of high-quality habitat (USDI Fish & Wildlife Service 2013). Monitoring of the Jones Gulch area over the last decade has indicated skier use occurring within the proposed closure area. Skiers enter Jones Gulch from Keystone Ski Resort and from private land at the bottom of Jones gulch from the unincorporated Keystone neighborhood.

The proposed Jones Gulch closure provides an important management action for Canada lynx by preventing disturbance, injury, or abandonment of important habitat. The 2002 Forest Plan designated Jones Gulch as a Forest Landscape Linkage area (Management Area 5.5). Jones Gulch is within the designated Loveland Pass linkage area which provides important lynx habitat and is managed for landscape connectivity. The Southern Rockies Lynx Amendment to the Forest Plan provides management direction for the forest to protect lynx and their habitat. The 2006 Keystone Resort Upper Independence Environmental Assessment project design criteria restricts access to the mid and lower portions of Jones Gulch within the ski area boundary. The 2020 Bergman Bowl Enhancement Projects Environmental Assessment documents further fragmented habitat connectivity for lynx outside of the ski area operational boundary. This document also listed design criteria for an Independence Bowl Operations and Ski Patrol Management Plan to prevent skier traffic from entering Jones Gulch. Additionally, the document requires monitoring of the Jones Gulch corridor to maintain consistency with the Southern Rockies Lynx Amendment and its standards. Depending on monitoring results, it could be necessary to reinitiate consultation with the US Fish and Wildlife Service. For the reasons listed, a full seasonal closure is necessary to protect the entire Jones Gulch portion of the Loveland Linkage area including the bottom northern section outside the ski area SUP boundary.

Scope of Order

The order pertains to all National Forest Service lands depicted on the attached map. This restricts access to Jones Gulch which is closed for the protection of important winter Canada lynx habitat. This includes terrain adjacent to the eastern operational boundary of Keystone Ski Resort, north of Keystone's Independence Bowl ski area, west of Independence Mountain and south of Alder's Nature Trail. The restricted area map is incorporated into the Order as Exhibit A and is in Summit County, Colorado.

This order will remain in effect until rescinded or until XXXX, whichever occurs first.

Enforcement Plan

Posting

Posting of the Order as required in 36 C.F.R. § 261.53 (a) will provide notification to National Forest visitors of the prohibited conduct. The order will be posted in the White River National Forest, Supervisor's Office, in Glenwood Springs, Colorado and at the Dillon Ranger District office as required in 36 CFR 261.53a. Information will be posted on signs in designated areas by the Forest Service and stakeholders during the restricted period. The Public Affairs personnel will provide information to the public during the restricted period. The closure will be posted on the White River National Forest's website.

A news release regarding the new restriction will be written and supplied to local media for publishing. A second press release will be issued to local media in preparation for the busy holiday season.

Coordination With Other Agencies

The Forest Service will notify each Sheriff's Office in counties whose jurisdictions are within the scope of the Order about the closure and advise them of the appropriate response to violations, if there is a request to assist the Forest Service.

Patrol Activities

All District, SO and detailed Law Enforcement Officers will patrol the Described Area on a regular basis to insure that posting of the Order is adequate, maintained, and is being complied with. Certified Forest Protection Officers will contact violators within the Described Area.

Patrolling of the Described Area will take place anytime of the day Sunday through Saturday. No set schedule for patrolling will be established. Patrolling will be more concentrated during the period immediately following signing of the Order.

Enforcement Strategies

Emphasis will be placed on informing the public of the prohibitions in the hope of avoiding violations. Posting of the Order and maps at access points will be inspected periodically by Forest Service employees.

The restrictions apply to any individuals entering the restricted areas during November 1st to April 30th. The restrictions apply with the following conditions:

- Enforcement is shared and monitored by the Forest Service Unit including the Wildlife Program, Mountain Sports Program, Law Enforcement, and partners of the forest which include Keystone Ski patrol.
- Information and educational signs are posted along the ski area administrative boundary paralleling Jones Gulch and will be added at the north entrance to Jones Gulch per the Independence Bowl Management Plan.
- Posting of the Order with maps at access points will be placed and inspected periodically by Forest Service employees.
- Uniformed Forest Service employees with Federal Protection Officer status will
 contact any persons found in violation of the Order and a Violation Notice or
 Warning Notice may be issued. Those found in violation of the order will be required
 to vacate the area immediately.

Persons Authorized to be in the Restricted Area include:

- Hunters with Colorado Parks and Wildlife game tags for game management unit overlapping the closure area during rifle seasons (2nd, 3nd and 4th season)
- Persons with Forest Service Permit No. FS-XXXX-XX for use of mining inholding or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 261.53(a)
- Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty are exempt from this order.

Access

The Order will not adversely impact access into the Described Area except during the seasonal closure.

Civil Rights Impact Determination

This Order is not a policy action with civil rights implications. No one group will be affected more than another group. The Forest Service has determined a Civil Rights Impact Analysis (CRIA) is therefore not required for this Order.

National Environmental Policy Act (NEPA)

The proposed action falls under the categorical exclusion in 36 C.F.R. 220.6(d)(1): Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to

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*Insert map of closed area

Exhibit A. Map of Restricted Area, Dillon Ranger District, White River National Forest, Summit County, Colorado

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