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Comments: Thank you for the opportunity to participate in the NEPA scoping process for the Derby Mesa Project. While we recognize the economic and environmental benefits of the project to conduct hazardous fuels reductions, forest restoration, and wildlife habitat improvement on Derby Mesa, Eagle County respectfully requests that an environmental assessment (EA) be completed for this project, and believe that the use of a categorical exclusion is not appropriate for this project based on extraordinary circumstances, as outlined below.

Per FSH 1909.15 - National Environmental Policy Act Handbook, Chapter 30 - Categorical Exclusion from Documentation (Amendment No.: 1909.15-2018-1, Effective Date: September 24, 2018), scoping is the means to identify the presence or absence of any extraordinary circumstances that would warrant further documentation in an EA or EIS. Per Chapter 31, Factors to Consider 31.1 - General, A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action.

Per 31.2 - Extraordinary Circumstances, Resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS are: (1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species; and (4) Inventoried roadless areas or potential wilderness areas. In considering extraordinary circumstances, the responsible official should determine whether or not any of the listed resources are present, and if so, the degree of the potential effects on the listed resources.

The project area is habitat for at least two Forest Service Region 2 sensitive species: the Flammulated Owl and the Brewer's Sparrow. Additionally, the project site is in close proximity to the Red Dirt A Colorado Roadless area. Per FSH 1909.15, "the mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist." (36 CFR 220.6(b))

Vegetation management for the Derby Mesa project would include up to 3,000 acres of conventional mechanized treatments and broadcast burning. Also included in the project is reconstruction and realignment of existing roads, as well as construction of temporary roads. Per FSH 1909.15[31.2], "if the degree of potential effect raises uncertainty over its significance, then an extraordinary circumstance exists, precluding use of a categorical exclusion."

To this end, the intensity of the proposed project and it's degree of potential effect on the listed resource conditions warrants further documentation under an EA to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

Thank you again for the opportunity to comment on this project and your consideration of our comments.