

D R A F T

MEMORANDUM OF UNDERSTANDING
BETWEEN
TOWN OF CEDAREdge
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
GRAND VALLEY RANGER DISTRICT

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the Town of Cedaredge, hereinafter referred to as the Town, and the United States Department of Agriculture Forest Service, Grand Valley Ranger District, hereinafter referred to as Forest Service. Collectively, the City and the Forest Service may be referred to as the Parties or Cooperators.

A. PURPOSE:

Continue and formalize the well-established, existing partnership between the Town and Forest Service to ensure protection of the quality and quantity of the Town's municipal water supply, including facilities; and

Develop and implement a mechanism for continued communication and consultation between the Parties in the processes and practices of the making and implementing of land use actions; and

Ensure an appropriate level of involvement by each party in new and existing projects' planning and development within the "Area of Interest" (see map, Appendix A).

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The Parties are committed to working as partners in order to protect the integrity of the municipal watershed. Appendix B to this memorandum of understanding lists the laws, regulations, policies and historical documents that are pertinent to this course of action.

The Parties recognize that policy, land use, or development decisions by one party affect similar decisions by the other.

The Parties further recognize the need to notify and involve each other in actions pertinent to the "Area of Interest."

C. FOREST SERVICE SHALL:

1. Provide the Town the opportunity to review and comment early in the process on proposed actions under consideration by the Forest Service (see "Projects of Mutual Interest," Appendix C) that are within the "Area of Interest" (Appendix A). This includes new projects, as well as operating plans for existing permits. Advance

notice will be given to the Town for projects proposed in the "Area of Interest" in addition to the public notice given during scoping periods under NEPA.

2. Provide the Town an opportunity for meaningful involvement in the development and implementation of land-use plans, programs, and decisions for National Forest System (NFS) lands and consider those views, opinions and analyses in the decision process. Specifically, the Forest Service will ensure that the Town has a meaningful role and opportunity for input in the GMUG forest plan revision and implementation of the Pathfinder "toolbox" so that the Forest Service can ensure resource protection for the Town's water supply as allowed under law, regulation and policy as it now exists or may be amended;
3. When and where possible, assist the Town in the collection of additional information on use (including dispersed recreation sites) within the Area of Interest, as is required by the Town, so long as such collection is consistent with the Privacy Act of 1974, as amended. This will include notifying the Town of observed conditions that appear to threaten water quality and describing the condition(s) as soon as practicable in writing.
4. Make available to the Town, upon request, nonproprietary information and resources concerning NFS lands located in and above gradient of the Town's watersheds, including, but not limited to, data obtained through NFS land inventories maintained under the Forest Service's laws and regulations;
5. Prepare a comparison of the existing 4B, 6B and 7A management prescriptions in the 1983 Forest Plan designated for the Town's municipal watershed with the 10E management prescription, which is the management prescription for a municipal watershed. This comparison has been done and is included as Appendix D to this MOU.

D. TOWN SHALL:

1. Provide the Forest Service the opportunity to review early in the process and comment on specific proposals under consideration by the Town that may affect National Forest System lands, as shown in Appendix C.
2. Participate in the GMUG's Forest Plan Revision process by submitting information, views, opinions or analyses gathered by the Town that may be beneficial to the Forest Plan Revision.
3. Update and keep current special use authorizations for Town-owned facilities located on NFS lands. The Town will continue to consult with the Forest Service on the preparation and revision of operation and maintenance plans for Town facilities located on NFS lands when required by law and/or good stewardship practices. In those instances when it is determined by the Forest Service pursuant to law that additional authorizations are required, the Town will obtain those authorizations.

4. Impose additional requirements on their contractors, lessees, agents, etc., performing work on behalf of the Town on NFS lands if the requirements are more stringent than those imposed by the Forest Service.

E. BOTH PARTIES SHALL:

1. Cooperate in land-use decision making especially when the decision has or may have a direct impact on water quality. That cooperation shall be made and/or given in a manner consistent with the responsibilities and authorities assigned by this agreement or other applicable law or policy.
2. Work together to achieve maximum benefits from available resources while safeguarding the Town's water quantity and quality. Efficiency and effectiveness toward attaining that goal can be made by a reduction in the duplication of effort and working to attain better overall coordination of land and ecosystem management.
4. Establish semi-annual meetings to review projects and activities and to share information and data collected (monitoring data, analyses, site inspection reports, traffic counts/data, trail logs, inspections reports, etc.). These meetings shall be in addition to any meeting(s) held for purposes of formal review or action such as the Forest Plan Revision.
5. Make available, upon request, digital spatial data including supporting documentation (Metadata) with the following information: data sources, data steward, description of the data, source vintage, source scale reliability and attributing scheme:
 - a. Under the terms of this agreement, only non-classified data will be shared. If automated resource data is shared, it must be verified to the standards of the producing agency. It will be the responsibility of the Parties to request updates to the data. Data updates/information requests or exchanges made under or pursuant to this agreement shall not require a Freedom of Information or Open Records Act request.
 - b. The data provided under or pursuant to this agreement is not warranted for a particular purpose. Neither is it warranted for a purpose(s) other than the purpose(s) for which it was collected or generated by the producer, whether that is the Town or the Forest Service.
6. Work toward establishment of a source water protection plan for the area of the Grand Mesa where the Town's water facilities are located. This would be done in conjunction with other water providers in the area, as well as interested members of the public, and with the cooperation and guidance of the Colorado Rural Water Association.

FS Agreement No. _____
Cooperator Tax ID No. _____
Cooperator Agreement No. _____

7/18/08

F. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES TO:

- 1. FREEDOM OF INFORMATION ACT (FOIA).** Any information furnished to the Forest Service under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
- 2. PARTICIPATION IN SIMILAR ACTIVITIES.** This instrument in no way restricts the Forest Service or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.
- 3. COMMENCEMENT/EXPIRATION/TERMINATION.** This MOU takes effect upon the signature of the Forest Service and Town and shall remain in effect for five (5) years from the date of execution. This MOU may be extended or amended upon written request of either the Forest Service or the Town and the subsequent written concurrence of the other Party. Either the Forest Service or Town may terminate this MOU with a 60-day written notice to the other Party.
- 4. RESPONSIBILITIES OF PARTIES.** The Forest Service and Town and their respective agencies and office will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
- 5. PRINCIPAL CONTACTS.** The principal contacts for this instrument are:

Forest Service Project Contact
Connie Clementson
District Ranger
Grand Valley Ranger District
2777 Crossroads Blvd, Unit 1
Grand Junction CO 81506

Phone: 970-242-8211
FAX: 970-263-5819
E-Mail: cclementson@fs.fed.us

Town of Cedaredge Contact
Kathleen Ann Sickles
Town Administrator
PO Box 398
235 W Main ST
Cedaredge, CO 81413

Phone: 970-856-3123
FAX: 970-856-7292
manager@cedaredgecolorado.com

SECONDARY CONTACTS:

Forest Service:
Linda Bledsoe, Realty Specialist
Grand Valley Ranger District
2777 Crossroads Blvd, Unit 1
Grand Junction CO 81506

Phone: 970-243-5802
FAX: 970-263-5819
E-Mail: lbledsoe@fs.fed.us

Town of Cedaredge:
Tony Sluski
Mayor
PO Box 398
235 W Main ST
Cedaredge, CO 81413

Phone: 970-856-3123
tony@cedaredgecolorado.com

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Cooperator Agreement No. _____
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6. **NON-FUND OBLIGATING DOCUMENT.** Nothing in this MOU shall obligate either the Forest Service or City to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Forest Service and Town will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
7. **ESTABLISHMENT OF RESPONSIBILITY.** This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
8. **AUTHORIZED REPRESENTATIVES.** By signature below, the cooperator certifies that the individuals listed in the document as representatives of the cooperator are authorized to act in their respective areas for matters related to this agreement.

THE PARTIES HERETO have executed this instrument.

TOWN OF CEDAREDGE

USDA FOREST SERVICE

Mayor Town of Cedaredge	DATE	Connie Clementson District Ranger	DATE
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The authority and format of this instrument has been reviewed and approved for signature.

DATE	
FS Agreements Coordinator	

Appendices:

- Appendix A: "Area of Interest" Map
- Appendix B: Laws, Regulations, Policies and Historical Documents
- Appendix C: Projects of Mutual Interest
- Appendix D: Comparison of Existing Management Prescriptions for the Town of Cedaredge Municipal Watershed Area and Management Prescription 10E in The GMUG Forest Plan

Appendix B
Laws, Regulations, Policies and
Historical Documents

For the Forest Service:

- Article IV (Property Clause) of the Constitution of the United States
- The National Environmental Policy Act of 1969, (42 U.S.C. 4321 et seq., as amended)
- Multiple Use-Sustained Yield Act of 1960
- National Forest Management Act of 1976
- Clean Water Act (33 U.S.C. 1251, et seq., as amended)
- 1991 Grand Mesa, Uncompahgre and Gunnison National Forests Land Management Plan, as amended
- 1993 Grand Mesa, Uncompahgre and Gunnison National Forests Oil and Gas Leasing EIS
- Grand Mesa National Forest Travel Plan, as amended
- Forest Service Manual 2542, Municipal Supply Watersheds (stating, in part, "Do not rely on management practices to provide pure drinking water. Use only proven techniques in management prescriptions for municipal supply watersheds.")
- Forest Service Handbook 2509.25 – Watershed Conservation Practices Handbook (Rocky Mountain Region)
- 36 CFR 251.9 – Municipal Watersheds

For the Town of Cedaredge:

- Clean Water Act (33 U.S.C. 1251, et seq., as amended)
- Article XIV, Section 18 of the Colorado Constitution and legislation pursuant thereto; namely, C.R.S. §29-1-201, et seq.
- Local Government Land Use Enabling Act, C.R.S. §29-20-105, et seq.
- Title 31 of the Colorado Revised Statutes

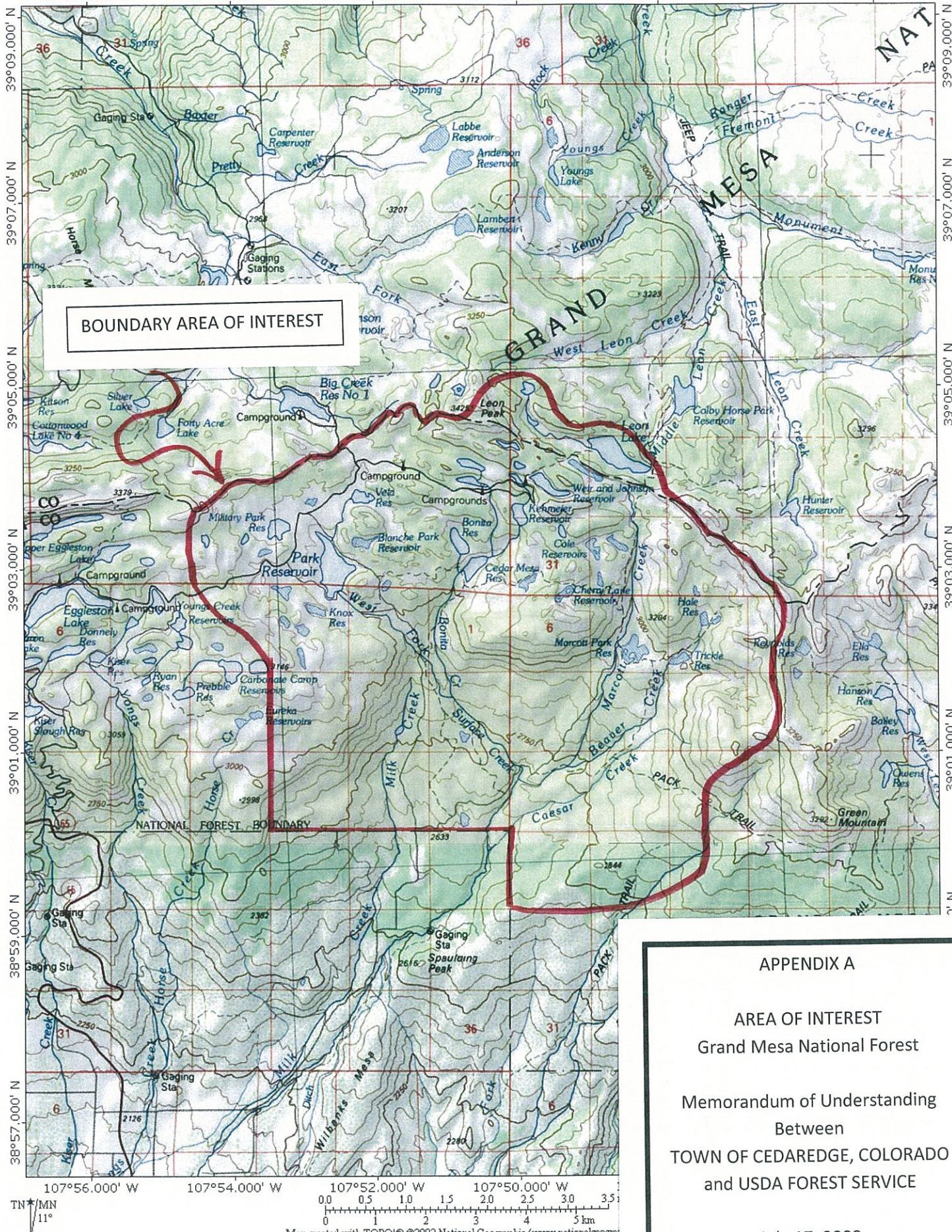
Appendix C Projects of Mutual Interest

Town will be given timely notice of and afforded an early opportunity to review and comment on the following types of applications or proposals that may be filed with or initiated by the Forest Service and which may impact the 'Area of Interest', including but not limited to:

1. Sales, exchanges, leases or other conveyances of lands and any changes in designation of parcels for exchange into or out of private ownership on the Grand Valley Ranger District.
2. Mineral withdrawals and revocations.
3. Rights-of-way for roads, power lines, pipelines, telephone lines and other projects.
4. Operation and maintenance plans for existing facilities where activities could affect the Town's water facilities (i.e., use of heavy equipment in areas where the Town's pipelines are located).
5. Forest planning information, resource information and resource management plans.
6. Schedule of Proposed Actions, Environmental assessments and environmental impact statements.
7. Forest Service designations of special use areas, i.e., community gravel pits, communication site complexes.
8. Oil, gas and mineral exploration, development, production and reclamation plans including sand and gravel contract applications.
9. Proposed timber sales and timber management.
10. Water diversion projects.
11. Recreation plans.
12. Revisions of grazing allotment management plans.

The Forest Service will be afforded review and comment on the following types of applications or proposals that may be filed with Town and which may impact public lands, including but not limited to:

1. Residential subdivisions, mobile home parks and commercial or industrial development; sand and gravel contracts; solid waste disposal sites and sewage treatment sites within three miles of National Forest System lands.
2. Roads, powerlines, pipelines, telephone lines and similar rights-of-way.
3. Building or special use permits that may affect National Forest system lands.
4. Zoning or subdivision regulations, amendments and changes.
5. Pesticide spraying areas (pesticide use proposals).
6. Dust prevention plans.
7. Plowing snow on roads associated within or crossing over National Forest System lands.
8. Multi-use trail plans.
9. Actions affecting existing or potential access to National Forest system lands.

**APPENDIX A****AREA OF INTEREST**
Grand Mesa National Forest

**Memorandum of Understanding
Between
TOWN OF CEDAREDGE, COLORADO
and USDA FOREST SERVICE**

July 17, 2008

APPENDIX D
**COMPARISON OF MANAGEMENT PRESCRIPTIONS FOR TOWN OF CEDAREDGE "AREA OF INTEREST" AND
MANAGEMENT PRESCRIPTION 10E (MUNICIPAL WATERSHED DESIGNATION) IN GMUG FOREST PLAN**

Management Prescription 4B	Management Prescription 6B	Management Prescription 7A	Management Prescription 10E
<p>Management emphasis is on winter range for deer, elk, pronghorns, bighorn sheep, and mountain goats. Treatments are applied to increase forage production or production of existing grass forb and browse species or to alter plant species composition. Prescribed burning, seeding, spraying, planting, and mechanical treatments may occur. Browse stands are regenerated to maintain a variety of age classes and species. Investments in compatible resource activities occur. Livestock grazing is compatible but is managed to favor wildlife habitat. Structural range improvements benefit wildlife. Management activities are not evident, remain visually subordinate, or are dominant in the foreground or middle ground but harmonize or blend with the natural setting. New roads other than short-term (temporary) roads are located outside of the management area. Short-term roads are obliterated within one season after intended use. Existing local roads are closed and new motorized recreation use is managed to prevent unacceptable stress on big game animals during the primary big game use season.</p>	<p>The area is managed for livestock grazing. Range condition is currently at or above the satisfactory level. Intensive grazing management systems are favored over extensive systems. Range condition is maintained through use of forage improvement practices, livestock management, and regulation of other resource activities. Periodic heavy forage utilization occurs. Investment in structural and nonstructural restoration and forage improvement practices available are seeding, planting, burning, fertilizing, pitting, furrowing, spraying, crushing, and plowing. Cutting of encroaching trees may also occur. Investments are made in compatible resource activities. Dispersed recreational opportunities vary between semi-primitive non-motorized and roaded natural. Management activities are evident but harmonize and blend with the natural setting.</p>	<p>Management emphasis is on wood-fiber production and utilization of large roundwood of a size and quality suitable for sawtimber. Engelmann spruce-subalpine fir clearcuts are less than 5 acres in size to promote natural regeneration. The area generally will have a mosaic of fully stocked stands that follow natural patterns and avoid straight lines and geometric shapes. Management activities are not evident or remain visually subordinate along Forest arterial and collector roads and primary trails. Management Activities will meet the adopted VQO. Roaded-natural recreation opportunities are provided along Forest arterial and collector roads. Semi-primitive motorized recreation opportunities are provided on those local roads and trails that remain open. Semi-primitive nonmotorized opportunities are provided on those that are closed.</p>	<p>Management emphasis is to protect or improve the quality and quantity of municipal supplies. Management practices vary from use restrictions to water resource improvement practices, with the primary objective of meeting water quality standards established for the individual watershed. A secondary objective is to manage the watershed to improve the yield and timing of water flows consistent with water requirements.</p>
<p>Visual Resource Management:</p> <ul style="list-style-type: none"> 01) Design and implement management activities to blend with the natural landscape; 02) Management for adopted VQO; 03) Implement visual resource management as outlined in the Forest Management Requirements. 	<p>Visual Resource Management:</p> <ul style="list-style-type: none"> 01) Meet stated visual quality objective; 02) Manage for adopted VQO; 03) Implement visual resource management as outlined in the Forest Management Requirements. 	<p>Visual Resource Management:</p> <ul style="list-style-type: none"> 01) Management activities in foreground and middleground dominate but harmonize and blend with the natural setting. Management activities may also dominate but appear natural when seen as background. 02) Manage for adopted VQO; 03) Implement visual resource management, as outlined in the Forest Management Requirements. 	
<p>Management of Developed Recreation Sites:</p> <ul style="list-style-type: none"> 01) Design, construct and operate only those developed sites which are needed to meet summer 			D1

Management Prescription 4B	Management Prescription 6B	Management Prescription 7A	Management Prescription 10E
season management objectives and are appropriate for the established ROS designation. Close all developed sites during the winter management season.			
Dispersed Recreation Management:	<p>Dispersed Recreation Management:</p> <p>01) Manage summer use-season for appropriate ROS opportunities. Provide roaded natural recreation opportunities within $\frac{1}{2}$ mile of Forest arterial, collector and local roads with better than primitive surfaces which are open to public motorized recreation travel. Provide semi-primitive motorized recreation opportunities with a low to moderate incidence of contact with other groups and individuals within $\frac{1}{2}$ mile of designated local roads with primitive surfaces and trails open to motorized recreation use. Where local roads are closed to public motorized recreation travel, provide for dispersed non-motorized recreation opportunities. Manage recreation use to provide for the incidence of contact with other groups and individuals appropriate for the established ROS class. Provide semi-primitive non-motorized recreation opportunities in all areas more than $\frac{1}{2}$ mile away from roads and trails open to motorized recreation use.</p> <p>02) Manage winter use for very low or low densities. Close areas to human use to the degree necessary in winter to prevent disturbance of wildlife.</p>	<p>Dispersed Recreation Management:</p> <p>01) Semi-primitive non-motorized, semi-primitive motorized, roaded natural and rural recreation opportunities can be provided.</p> <p>02) Provide roaded natural recreation opportunities within $\frac{1}{2}$ mile of Forest Arterial, collector and local roads with better than primitive surfaces which are open to public travel. Provide semi-primitive motorized recreation opportunities with a low to moderate incidence of contact with other groups and individuals within $\frac{1}{2}$ mile of designated local roads with primitive surfaces and trails open to motorized recreation use. Where local roads are closed to public motorized recreation travel, provide for dispersed non-motorized recreation opportunities. Manage recreation use to provide for the incidence of contact with other groups and individuals within $\frac{1}{2}$ mile of Forest Arterial, collector and local roads with primitive surfaces and trails open to motorized recreation use. Where local roads are closed to public motorized recreation travel, provide for dispersed non-motorized recreation opportunities. Manage recreation use to provide for the incidence of contact with other groups and individuals appropriate for the established ROS class. Provide semi-primitive non-motorized recreation opportunities in all areas more than $\frac{1}{2}$ mile away from roads and trails open to motorized recreation use.</p> <p>03) Permit undesignated sites in Frissell condition class 1 through 3 where unrestricted camping is permitted.</p> <p>04) Manage site use and occupancy to maintain sites within Frissell condition class 3 except for designated sites which maybe class 4. Close and restore class 5 sites.</p> <p>05) Prohibit motorized vehicle use (including snowmobiles) off Forest system roads and trails in alpine Krummholtz ecosystems. Prohibit motorized vehicle use off Forest System roads and trails (except snowmobiles operating on snow) in other alpine, and other ecosystems, where needed to protect soils, vegetation, or special wildlife habitat.</p>	
Wildlife and Fish Resource Management:	<p>Wildlife and Fish Resource Management:</p> <p>01) Provide big-game forage and cover and habitat.</p>	<p>Wildlife and Fish Resource Management:</p> <p>01) Manage for habitat needs of indicator species.</p>	D2

Management Prescription 4B	Management Prescription 6B	Management Prescription 7A	Management Prescription 10E
	<p>02) Provide adequate forage to sustain big-game population levels agreed to in the Statewide Comprehensive Wildlife Management Plan on NFS lands.</p> <p>Silvicultural Prescriptions:</p> <p>/</p> <p>01) Maintain and manage forested inclusions to provide a high level of forage production, wildlife habitat, and diversity.</p> <p>02) Manage Forest Cover types using the following harvest methods:</p> <ul style="list-style-type: none"> -- Clearcut in aspen -- Shelterwood in lodgepole pine and ponderosa pine -- Selection in Engelmann spruce and mixed conifers 03) Utilize firewood material using both commercial and noncommercial methods. 04) For management purposes, a cut-over area is considered an opening until such time as: <ul style="list-style-type: none"> -- Increased water yield drops below 50 percent of the potential increase; -- Forage and/or browse production drops below 40 percent of potential production; -- Deer and elk hiding cover reaches 60 percent of potential; -- Minimum stocking standards by forest cover types and site productivity are met; and -- The area appears as a young forest rather than a restocked opening and takes on the appearance of the adjoining characteristic landscape. 	<p>Silvicultural Prescriptions:</p> <p>01) See Forest Direction.</p> <p>Silvicultural Prescriptions:</p> <p>01) Manage Forest Cover Types using the following harvest methods: <ul style="list-style-type: none"> -- Clearcut in lodgepole and aspen. -- Shelterwood in interior ponderosa pine and mixed conifer, and -- Selection (group or single tree) in Engelmann spruce-subalpine fir. 02) Apply intermediate treatments to maintain growing stock level standards. </p> <p>03) Utilize firewood material using both commercial and noncommercial methods.</p> <p>04) For management purposes, a cut-over area is considered an opening until such time as: <ul style="list-style-type: none"> -- Increased water yield drops below 50 percent of the potential increase; -- Forage and/or browse production drops below 40 percent of potential production; -- Deer and elk hiding cover reaches 60 percent of potential; -- Minimum stocking standards by forest cover type and site productivity are met; and -- The area appears as a young forest rather than a restocked opening, and takes on the appearance of the adjoining characteristic landscape. </p>	<p>Soil Resources Management:</p> <p>01) Immediately rehabilitate man-caused disturbances and restore burned areas. Inspect rehabilitated areas annually and provide maintenance necessary to protect the watershed.</p> <p>Special Use Management:</p> <p>01) Eliminate special uses that conflict with wintering animals.</p>

D3

Management Prescription 4B	Management Prescription 6B	Management Prescription 7A	Management Prescription 10E
Rights-of-Way and Land Adjustments: 01) Acquire private lands needed for big-game winter range.			
Transportation System Management: 01) Road traffic and road cut or fill slopes must not block big game movement in delineated migration routes or corridors. 02) Allow new roads in the management area only if needed to meet priority goals outside the management area or to meet big game goals on the management area. Obliterate temporary roads within one season after planned use ends. 03) Close existing roads, prohibit off-road vehicles use and manage non-motorized use to prevent stress on big game animals.	Transportation System Management 01) Locate, survey and design roads for timber management.		
Fire Planning and Suppression: 01) Provide a level of protection from wildfire that is cost efficient and that will meet management objectives for the area.	Fire Planning and Suppression: 01) Provide a level of protection from wildfire that is cost efficient and that will meet management objectives for the area.	Fire Planning and Suppression: 01) Provide a level of protection from wildfire that is cost efficient and that will meet management objectives for the area.	Fire Planning and Suppression: 01) Provide a level of protection from wildfire that is cost efficient and that will meet management objectives for the area.