

DECISION NOTICE AND
FINDING OF NO SIGNIFICANT IMPACT

FOR THE
SALT RIVER HABITAT PROTECTION FENCES
ON THE
HAYSTACK BUTTE AND CHRYSOTILE ALLOTMENTS

Globe Ranger District
USDA Forest Service
Gila County, Arizona

The Environmental Assessment (EA) of the proposed Salt River Habitat Protection Fences on the Haystack Butte and Chrysotile Allotments has been completed. The EA and its associated Project Record File are available at the Globe Ranger District Office in Globe, Arizona.

DECISION AND RATIONALE

It is my decision to implement Alternative 2, the Proposed Action, to build a series of fences within the Haystack Butte and Chrysotile Allotment to prevent livestock from accessing alterable banks along the Salt River, excluding these areas from grazing by Forest Service permitted livestock. This alternative will fulfill the purpose and need as stated in the EA. This alternative meets the "not likely to adversely affect" Guidance Criteria as directed by the Fish and Wildlife Service's *Biological Opinion for Southwest Region, U.S. Forest Service, Ongoing Livestock Grazing Activities on Allotments* issued on February 2, 1999.

All practicable means have been employed to avoid and/or minimize environmental harm. The project administrator will be responsible for seeing that the project is implemented on the ground as designed. Detailed descriptions of required mitigation can be found in the environmental document. Mitigation will include:

1. Fences built in the wilderness will follow design requirements with regard to siting, brushing and construction materials as described in the Wilderness Implementation Plan. Where possible, fences will be designed to provide for wildlife passage, and will be constructed so as to avoid unnecessary destruction or damage to vegetation such as agave and cactus species.
2. Cattle guards or gates will be constructed when crossing roads identified as remaining open as described in RA/TM. Roads identified for closure will be closed and/or obliterated where new fence lines cross them.

PUBLIC INVOLVEMENT

Members of the public and other agencies who recently or historically indicated an interest in management of the Globe Ranger District were given an opportunity to review the proposed action and submit their comments. On September 25, 1998 a letter was sent to those identified as interested or affected parties. The letter included the purpose and need for the project, a description of the proposed action and location maps. All comments received throughout the analysis were considered in this

decision. The mailing list for this project and all responses received are located in the Project Record File.

OTHER ALTERNATIVES CONSIDERED

Alternative 1 - No Action -

No fences would be built to prevent livestock from accessing the Salt River. Livestock grazing would continue as described in the current Allotment Management Plan.

Implementation of Alternative 1 would not meet the purpose and need as stated in the EA to protect the riparian habitat along the Salt River from the impacts of authorized livestock grazing. Current grazing management under this alternative would continue to adversely affect potential flycatcher habitat, and would not meet the "not likely to adversely affect" determination as stated in Fish and Wildlife Service's Guidance Criteria dated August 25, 1998.

Alternative 3 -

Exclude the Lower River Pasture of the Haystack Butte Allotment from grazing so no new fences would be built within the Salt River Canyon Wilderness. Fences in the Chrysotile Allotment would be constructed as described in the Proposed Action.

While this alternative would protect the riparian habitat on the Salt River from impacts by authorized livestock grazing, it would not fully meet Forest Plan direction. Implementation of this alternative would create an unnecessary economic hardship for the permittee by closing the River pasture on the Haystack Butte Allotment making areas with available forage and permittee's range improvements unavailable for use.

ALTERNATIVES DROPPED FROM DETAILED STUDY

One alternative was dropped from detailed study. This alternative was to build all fences as described in the proposed action, and to construct additional water sources in the affected pastures. It was determined that more time and study were necessary to determine if and where additional waters would be needed. Even though the Salt River, as a water source, is being removed from the affected pastures, other waters are available for livestock use. National Environmental Policy Act (NEPA) analysis is scheduled for both of these allotments in the near future. It would be preferable to wait until that time to determine the need for and best location of additional waters.

PUBLIC COMMENTS TO EA

One letter of comment was received from the public. The writer questioned whether or not it was possible or practical to build the proposed fences in the wilderness and suggested there was no discussion of the legality of the action. There was also concern over the responsibility for and logistics of maintenance of the proposed fences. The legality of building fences within the wilderness area is addressed in the Code of Federal Regulations (CFR) 36:293.7b which states: "The Chief, Forest Service, may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction, or relocation of those livestock management improvements and structures which existed within a Wilderness when it was incorporated into the National Wilderness Preservation System. Additional improvements or structures may be built when necessary to protect wilderness value." Maintenance for

the fences will be the responsibility of the permittees. Fences will be checked and repaired before livestock are placed in the affected pastures. In addition, the Wilderness Ranger for the Globe District will monitor the Salt River for the presence of unauthorized livestock during the river running season each spring.

FINDINGS REQUIRED BY OTHER LAWS

The actions as described in Alternative 2 are consistent with the Tonto National Forest Land Management Plan (1985). The proposed actions are located in Management Areas 2B and 2F and are consistent with the stated management emphasis for those areas. Project design and implementation will adhere to the standards and guidelines for Management Areas 2B and 2F. It has therefore been determined that the proposed action is in compliance with the National Forest Management Act of 1976.

A Biological Assessment and Evaluation was completed on April 20, 1998 and determined that this project was "not likely to adversely affect" any Threatened, Endangered or Sensitive (TES) Species. U.S. Fish and Wildlife Service's *Biological Opinion for the Southwest Region, U.S. Forest Service, Ongoing Livestock Grazing Activities on Allotments*, issued on February 2, 1999 concurred with this determination.

This allotment contains no prehistoric or historic ruins which will be impacted by this project. A cultural resource clearance (#98-17-70-D, dated October 14, 1998) has been completed with concurrence from the State Historic Preservation Officer (SHPO) and is on file in the Project Record.

FINDING OF NO SIGNIFICANT IMPACTS

As required by NEPA, this EA has been used to determine whether the proposed action will have a significant effect on the human environment. The determination considered the context and intensity of the impacts.

A. Context

The geographic and social extent of the environmental effects of the proposed project, considered singularly and cumulatively, are limited to the locality in which they occur and to the specific parties interested in particular resources. No effects of consequence at regional, national, or society as a whole were evidenced during the analysis process.

B. Intensity

The severity of the environmental effects of the proposed project, considered singularly and cumulatively, were tested against the following 10 criteria as listed in the NEPA regulations 40CFR 1508.27:

1. Impacts that may be both beneficial and adverse.

Anticipated environmental effects of the construction of the fences have been disclosed for each alternative in Chapter Three of the EA. The severity of any impacts were determined to be insignificant both in the short term and long term, and control of grazing will be beneficial to other resources along the alterable banks of the Salt River.

2. Effects on public health and safety.

Public health and safety were considered and it was determined that there would be no effect on public health and safety and that water quality could potentially be improved.

3. Unique characteristics of the geographic area.

Areas within the Haystack Butte and Chrysotile Allotments where the fence construction will take place is typical of many areas on the Forest in geology, soils, vegetation complexes, wildlife species, and cultural resources. Special consideration was given to wildlife habitat and impacts to the Salt River Canyon Wilderness during the design of alternatives and selection of mitigation measures. As a result, there is no expectation of significant effects on unique characteristics of the geographic area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The activities associated with the alternatives will not significantly affect the quality of the human environment, and the effects are not likely to be highly controversial in a scientific sense. The alternatives were developed using Integrated Resource Management philosophy and concepts, and public involvement was sought and considered. Three comments were received from the public during initial scoping and EA received one comment. Numerous issues, concerns, and opportunities were used to design alternatives. No evidence has been presented which raises substantial questions as to the correctness of the environmental consequences analyzed.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The proposed activities use techniques that have commonly applied on the Globe Ranger District and throughout other National Forests in Arizona and New Mexico in recent years. The effects of activities on wildlife and plant habitats, recreation, visual quality, cultural resources, soils, forage, watershed, air quality, socioeconomic concerns are known to the best of our current knowledge, and have been analyzed and disclosed. No unique or unknown risks are evidenced. No expected effects are believed to be highly uncertain.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

No precedents are established as a result of the decision to implement the Salt River Habitat Protection Fences project. Fences have been constructed in Wilderness areas in the past to benefit or protect Wilderness values in specific areas. All activities associated with this EA are site specific.

7. Cumulatively significant effects of actions.

No significant cumulative effects associated with the proposed alternatives have been identified.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or

objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No highways, structures, National Register Sites, cultural resources, scientific resources, or historic sites will be affected in any way.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

A Biological Assessment and Evaluation (BAE) was prepared on April 20, 1998 and determined that this action is "not likely to adversely affect" on any Threatened, Endangered or Sensitive (TES) Species. U.S. Fish and Wildlife Service's Biological Opinion issued on February 2, 1999 concurs that this action meets the "not likely to adversely affect Guidance Criteria and satisfies informal consultation requirements.

10. Legality of the action.

This action is in compliance with all Federal, State, and Local law requirements.

C. Summary

The analysis of all data compiled for this site specific project proposal has not revealed any potential for significant environmental effects; therefore, an Environmental Impact Statement will not be prepared.

IMPLEMENTATION DATE

This project may be implemented 5 business days after the close of the appeal period which is 45 calendar days following the publication of the legal notice of decision.

APPEAL RIGHTS

This decision is subject to appeal in accordance with 36 CFR 215. Any appeal must be consistent with 36 CFR 215.14, Content of Notice of Appeal, including the reasons for the appeal. The appeal must be in writing and postmarked or received by the Appeal Deciding Officer, Eleanor S. Towns, Regional Forester, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87102, within 45 days of the date of the legal notice of this decision in the Arizona Silverbelt.

For additional information concerning this decision or the Forest Service appeal process, contact Larry Widner, District Ranger, Globe Ranger District, Route 1, Box 33 Globe, AZ 85501, (520) 402-6200.


LARRY WIDNER, District Ranger

2-24-99
Date

HAYSTACK BUTTE ALLOTMENT PROPOSED FENCES

