

**DECISION MEMO**  
**BAR X NAEGELIN CANYON PASTURE DIVISION FENCE**  
**U.S. FOREST SERVICE**  
**TONTO NATIONAL FOREST**  
**PLEASANT VALLEY RANGER DISTRICT**  
**GILA COUNTY, ARIZONA**

### **BACKGROUND**

The Pleasant Valley Ranger District proposes constructing a four strand barbed wire fence. Construction of the fence would take place a minimum of 30 feet from the center of the roadbed (FR411). On the east end, the proposed fence line would tie in with an existing fence line while the west end of the proposed fence line would tie into natural boundary. The fence shall be constructed of 4 strands of 12.5 gauge barbed wire and one strand of 12.5 gauge barbless wire set on 5.5 ft. metal T-posts on 15 ft centers with four stays in between posts. Wire heights will be to Forest Service standard. Right-of-way (ROW) will be cleared 8 ft either side of the center of the fence line. Trees less than 8 inches dbh in size shall be removed from the ROW. Trees greater than 8 inches dbh in size shall be limbed to a height of 9 ft. All brush, shrubs, and herbaceous vegetation shall be trimmed to ground level within the ROW.

Juniper trees greater than 8 inches dbh which occur directly in the centerline of the fence may be used as corner posts. Trunks of such trees must be protected by wood stays, according to FS specifications, to protect the tree from growing into the wire.

Gates will be located every ¼ mile or at road, trail, and wildlife migration crossings. If the ¼ mile point is at an illogical site, a gate shall be constructed at the next logical site (saddle, ridgetop, canyon bottom, etc.). Further ground disturbance should not occur outside of the ROW.

To avoid effects to the Mexican spotted owl (MSO) construction within ½ mile of known Protected Activity Center (PAC) will not occur during the breeding season. Two rows of flagging or reflective material would be fastened to all four strands of wire between t-posts in open forest/flight corridors and one row of flagging or reflective material between t-posts the remainder of the fence. Reflective material will remain on the fence for a minimum of one year.

Construction of the fence will enable the Bar X Permittee to better control livestock while using the Lost Salt Pasture/Sheep Driveway.

### **DECISION**

I have decided to implement the construction of the Bar X Naegelin Canyon Pasture Division Fence.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as Section 339 of the 2005 Consolidated Appropriations Act. This category of action(s) is applicable because: 1) The project is within Category 1909.15.31.2 (9) that includes "Implementation or modification of minor management practices to improve allotment condition or animal distribution when an Allotment Management Plan is not yet in place". The current Allotment Management Plan for the Bar X Allotment was approved on 06/11/1984. This AMP is no longer valid, and the revision process is underway to update the AMP so that it is compliant with current laws, regulations, and policies.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – A site specific Biological Assessment and Evaluation was completed and approved on 10/26/2011 as well as a letter of concurrence from Fish and Wildlife on 11/17/2011. There are no significant effects to listed, proposed, or Forest Service sensitive species.
- Flood plains, wetlands, or municipal watersheds – Wetlands are defined in Executive Order 11990, and Floodplains are defined in Executive Order 11988. There are no effects on flood plains, wetlands, or municipal watersheds.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – None of the described fence construction occurs within such designated areas.
- Inventoried roadless areas or potential wilderness areas – The proposed fence does not occur within an inventoried roadless area.
- Research natural areas – The proposed fence does not occur within a research natural area.
- American Indians and Alaska Native religious or cultural sites – See "Archaeological sites, or historic properties or areas" below.
- Archaeological sites, or historic properties or areas – A 100% archaeological survey will be completed prior to implementation. Treatment of juniper will not occur within any documented archaeological or historic sites.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Tonto National Forest Schedule of Proposed Actions and updated periodically during the analysis. Internal coordination for the projects occurred with the following Forest Service personnel: Denise Ryan, Zone Archeologist; Julia Camp, District Wildlife Biologist; Jeremy Human, District Fuels Specialist, Norm Ambos,

Forest Soil Scientist; Lynette Mason, Forest Hydrologist, and David Frew, District Recreation Specialist.

### **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with Section 339 of the 2005 Consolidated Appropriations Act and the Tonto National Forest land and resource management plan as required by the National Forest Management Act. The project is in conformance with forest plan objectives and complies with all applicable laws and regulations, some of which are summarized below:

- Forest Plan Consistency (National Forest Management Act) – This project is consistent with the management direction of the Tonto National Forest Land Management Plan, as amended, for Management Area 5G.
- Management Indicator Species – Management Indicator Species (MIS) Analyses were completed for this project and approved on 10/26/2011. No significant impacts to these species are anticipated.
- Migratory Bird Treaty Act – In compliance with this Act, the Wildlife Biologist has considered effects to migratory bird species, and has determined that project actions will have no adverse effects on these species. The District Wildlife Biologist completed the Migratory Bird Analyses on 10/26/2011.
- Clean Water Act – Best Management Practices will be followed during project implementation to ensure protection of soil and water resources, in compliance with this Act.
- National Environmental Policy Act – This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.
- Multiple-Use Sustained-Yield Act of 1960; Forest and Rangeland Renewable Resources Planning Act of 1974; Federal Land Policy and Management Act of 1976, particularly authorization of livestock grazing permits for a ten-year period required Sec. 402 (a)&(b) (3) and 36 CFR 222.3; and National Forest Management Act of 1976; all exhibiting congressional intent to allow grazing on suitable lands.
- Forest Service policy on rangeland management (FSM 2202.1, FSM 2203.1).
- Federal Regulation [36 CFR 222.2 (c)], which states that National Forest System lands will be allocated for livestock grazing and these allotment management plans will be prepared consistent with land management plans, and the Clean Water Act of 1948, Clean Air Act of 1955, Endangered Species Act of 1973, and 13186 (Conservation of Migratory Birds), and National Historic Preservation Act 1966, as amended.



## ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is not subject to administrative appeal under 36 CFR 215.

## IMPLEMENTATION DATE

This project can be implemented immediately upon approval.

## CONTACT

For additional information concerning this decision, contact: Sean Brown, Range Specialist, of the Pleasant Valley Ranger District, PO Box 49, Young, AZ, 85554; (928) 462-4320

Donal Luhrsen

District Ranger

11/22/2011

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.