



**DECISION MEMO**  
**AGUA FRIA CRITICAL HABITAT RIPARIAN ENCLOSURES**  
**U.S. FOREST SERVICE**  
**ASH CREEK, INDIAN CREEK, SYCAMORE CREEK**  
**VERDE RANGER DISTRICT, PRESCOTT NATIONAL FOREST**  
**YAVAPAI COUNTY, ARIZONA**

**I. Background**

This project consists of 3 fenced enclosures; 1 enclosure on Ash Creek, 1 enclosure on Indian Creek, and 1 enclosure on Sycamore Creek. The enclosures will be made up of existing pasture boundary fencing, natural boundaries (rock features), and new fencing. These enclosures are intended to exclude livestock from critical habitats of the Gila chub and yellow-billed cuckoo in the Long Gulch, and Sycamore grazing allotments as well as 1 enclosure on an unallotted portion of the Prescott National Forest (PNF) along Ash Creek adjacent to private land, State Lands, Todd grazing allotment, and the V Bar grazing allotment (see appendix A for maps). Total linear feet of proposed fencing is approximately 7,100' or 1.33 miles. Total linear feet of proposed fencing removed is approximately 1,225' or 0.25 miles. The total acreage of proposed enclosures is approximately 53 acres.

**II. Decision**

I have decided to implement the construction of new fencing in the above-described areas. Fencing may be constructed by PNF personnel, grazing permittees, and contractors over the period of 2 years or when shown to be needed in the case of the Sycamore Creek Enclosure where the "Horse" Pasture will be rested until there is a need to use the pasture. At that time an evaluation of the need for the enclosure will be conducted. Fencing specifications identified through internal scoping of PNF Resource Specialists and the Arizona Game and Fish Department will be a 4-strand wire fence with the top barbed wire being no higher than 42", the second barbed wire 12" below the top wire, the third barbed wire 6" below the second, and the bottom smooth wire will be no lower than 18-20" off the ground at the attached T post. Funding for these projects will come from Wildlife, Fish, and Rare Plants (WFRP) funds as well as Range Betterment (RBRB) funds derived from grazing fees.

**III. Forest Plan Direction**

*Chapter 2, Pg. 42, DC-Veg-23:*

Woody riparian species such as cottonwood, willow, ash, and alder are reproducing with all age classes present. A diverse vegetation structure, including mature trees, snags, logs, and coarse woody debris, is present to provide habitat for riparian-dependent species.

**Chapter 2, Pg. 44, DC-Wildlife-2:**

Ecological conditions provide habitat for associated federally listed species. Habitat conditions generally contribute to survival and recovery and contribute to the delisting of species under the Endangered Species Act (ESA) of 1973 (P.L. 93-205).

**Chapter 2, Pg. 45, DC-Aquatic-1:**

- Water quality is sustained at a level that retains the biological, physical, and chemical integrity of the aquatic systems and benefits survival, growth, reproduction, and migration of native aquatic species.
- Riparian vegetative communities within these aquatic habitats are intact and trending toward properly functioning condition.
- Aquatic habitats are free of negative impacts from nonnative plant and animal species.

#### **IV. Reasons for Categorically Excluding the Proposed Action**

Under Forest Service Regulations at 36 CFR 220.6, and Handbook (FSH) 1909.15, Chapter 30; 32.2 - Categories of Actions for Which a Project or Case File and Decision Memo Are Required:

“A supporting record is required and the decision to proceed must be documented in a decision memo for the categories of action in paragraphs (e) (1) through (e) 17 of this section. As a minimum, the project or case file should include any records prepared, such as: the names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; a copy of the decision memo; and a list of the people notified of the decision.” (36 CFR 220.6(e))”

This proposed action is categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action and since the proposed action is within a category listed per 36 CFR 220.6(e), as indicated below:

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of excluded actions is identified in agency directives as: **Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction, 36 CFR § 220.6(e)(6).**

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. In making this determination, I considered the following resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

**a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

Based on the biological evaluation completed for the project, the project will have no effect on Federal, State or Regional Forester sensitive plant species because there are no listed plant species or plant critical habitats associated with this project area. There are sensitive and listed wildlife species although these exclosures are intended to protect these species. Mitigations in place will be that no construction of the exclosures will occur between April 15 and August 15 to avoid effects to nesting birds.

**b. Floodplains, wetlands or municipal watersheds.**

There are no floodplains, or municipal watersheds within the project areas. Floodplains and wetlands will be protected by the proposed action.

**c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.**

There are no congressionally designated areas such as Wilderness, wilderness study areas, or National Recreation Areas within the project areas.

**d. Inventoried roadless areas.**

There are no inventoried roadless areas within the project areas.

**e. Research natural areas.**

These areas are not categorized as research natural areas.

**f. Archaeological sites or historic properties or areas.**

The project will be in compliance with the National Historic Preservation Act of 1966, as amended. The entire project area will be 100% surveyed before full implementation. Specific exclosures will be built as surveys and clearances are completed. Known existing heritage resources will be protected. If any additional heritage resources are discovered during maintenance, mitigation measures will be taken to protect them.

## **V. Public Involvement**

This proposal was listed in the Prescott National Forest's Schedule of Proposed Actions (SOPA) beginning Monday, June 12, 2023. A publication in the Verde Independent newspaper was published on Sunday, June 11, 2023 but was first seen by the public Monday, June 12, 2023 as that is when the paper was delivered. Interested and affected parties were also contacted by mail and email. In addition to public scoping, five letters were sent to tribes to request tribal consultations on the proposal. Other affected parties include:

- Arizona Game and Fish Department- Region 6
- Bar K Bar Ranch LLC., permittee on the Sycamore Allotment
- Bert and Jan Teskey, permittees on the Todd Allotment
- Center for Biological Diversity

Kelton Cattle Co., permittee on the Long Gulch Allotment  
Orme Ranch Inc., permittee on the V Bar Allotment  
U.S. Fish and Wildlife Service

## VI. Findings Required by Other Laws and Regulations

Forest Plan Consistency (National Forest Management Act or NFMA) - NFMA requires the development of long-range land and resource management plans. The Prescott National Forest Plan was approved in 2015 in accordance with this Act. The Plan has been reviewed in consideration of this project. This decision is responsive to the guiding direction contained in the Forest Plan (See Section II of this document). This Decision Memo is consistent with standards and guidelines contained in the forest plan.

Sensitive Species (Forest Service Manual 2670) - This manual direction requires analysis of potential impacts to sensitive species, those species for which the Southwestern Regional Forester has identified population viability as a concern. In September 2007, the Southwestern Regional Forester approved the sensitive species list. An interdisciplinary view of potential effects of this action upon sensitive species has been completed. No effects are anticipated.

Environmental Justice (Executive Order (EO) 12898) - This EO requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this order. Internal review the proposed action did not identify any adversely impacted local minority or low-income populations.

National Environmental Policy Act (NEPA) - NEPA requires public involvement and consideration of potential environmental effects. This document and the project record provide documentation for this decision, which supports compliance with this Act.

## VII. Administrative Review Opportunities

As a result of Section 431 of the Consolidated Appropriations Act of 2014 and the 2014 Farm Bill, the Forest Service will no longer offer notice, comment and appeal opportunities pursuant to 36 CFR 215 for categorically-excluded projects. These legislative changes and new direction do not limit the public's ability to comment on Forest Service projects and activities.

The Forest Service will continue to offer public involvement opportunities for categorically-excluded projects as provided for in its NEPA procedures found in 36 CFR 220.

## VIII. Implementation Date

Implementation of this project may take place as long as no construction is done between April 15- August 15 of any calendar year upon my issuance of this decision.



## IX. Contact

Further information about this decision can be obtained from the Verde Ranger District during normal office hours (Monday, Tuesday, Thursday, and Friday, 8:30 a.m. to 4:00 p.m.) at 300 E. Hwy. 260 AZ; by phone: 928-567-4121; or by mail; ATTN Todd Willard Verde Ranger District, Prescott National Forest, 300 E. Hwy. 260, Camp Verde, AZ 86322. For additional information, please contact Todd Willard, District Ranger, at 928-567-1130, or by email to [todd.willard@usda.gov](mailto:todd.willard@usda.gov).

TODD WILLARD

Date

District Ranger

### USDA Non-Discrimination Policy Statement

[DR 4300.003 USDA Equal Opportunity Public Notification Policy \(June 2, 2015\)](#)

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

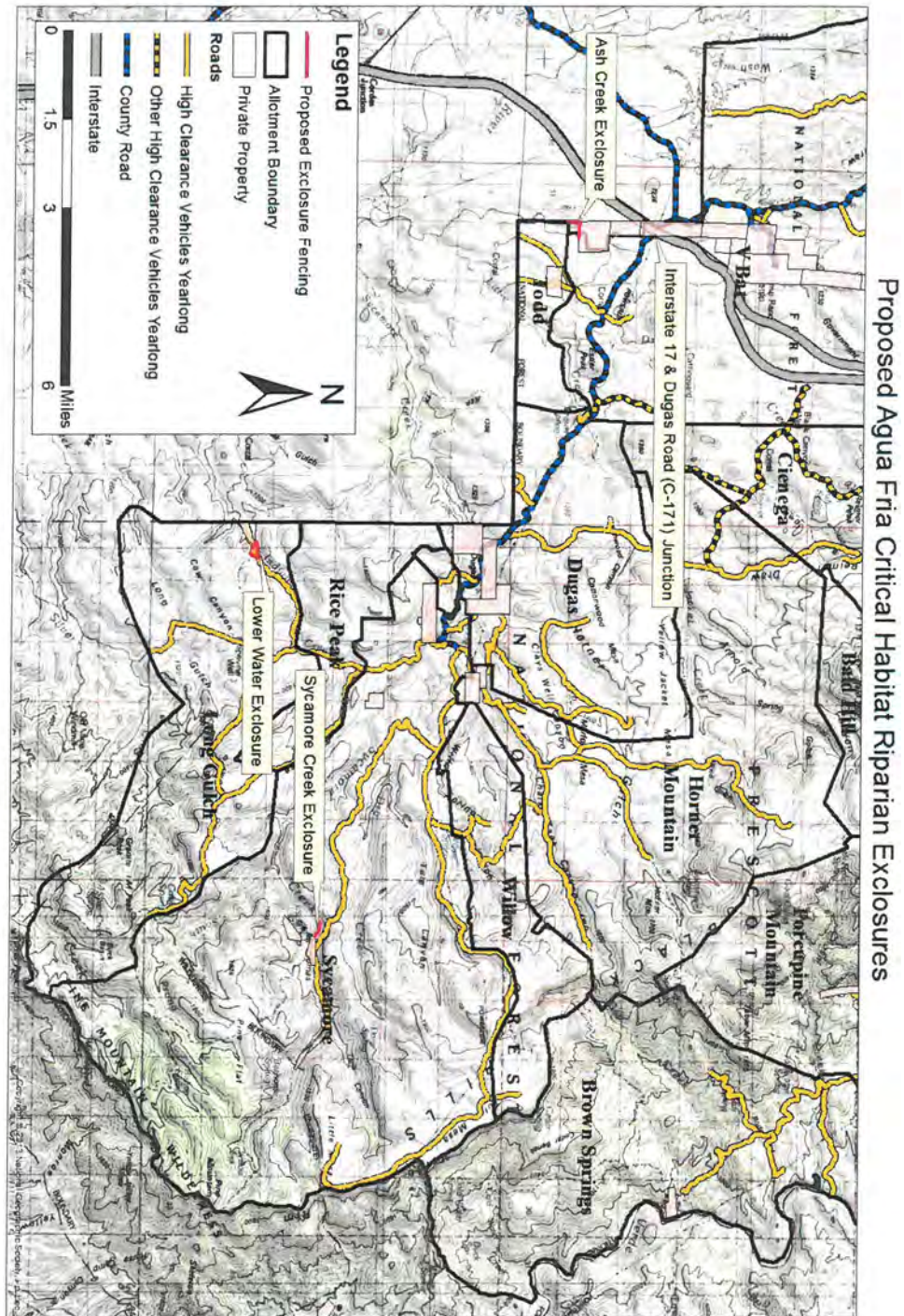
Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

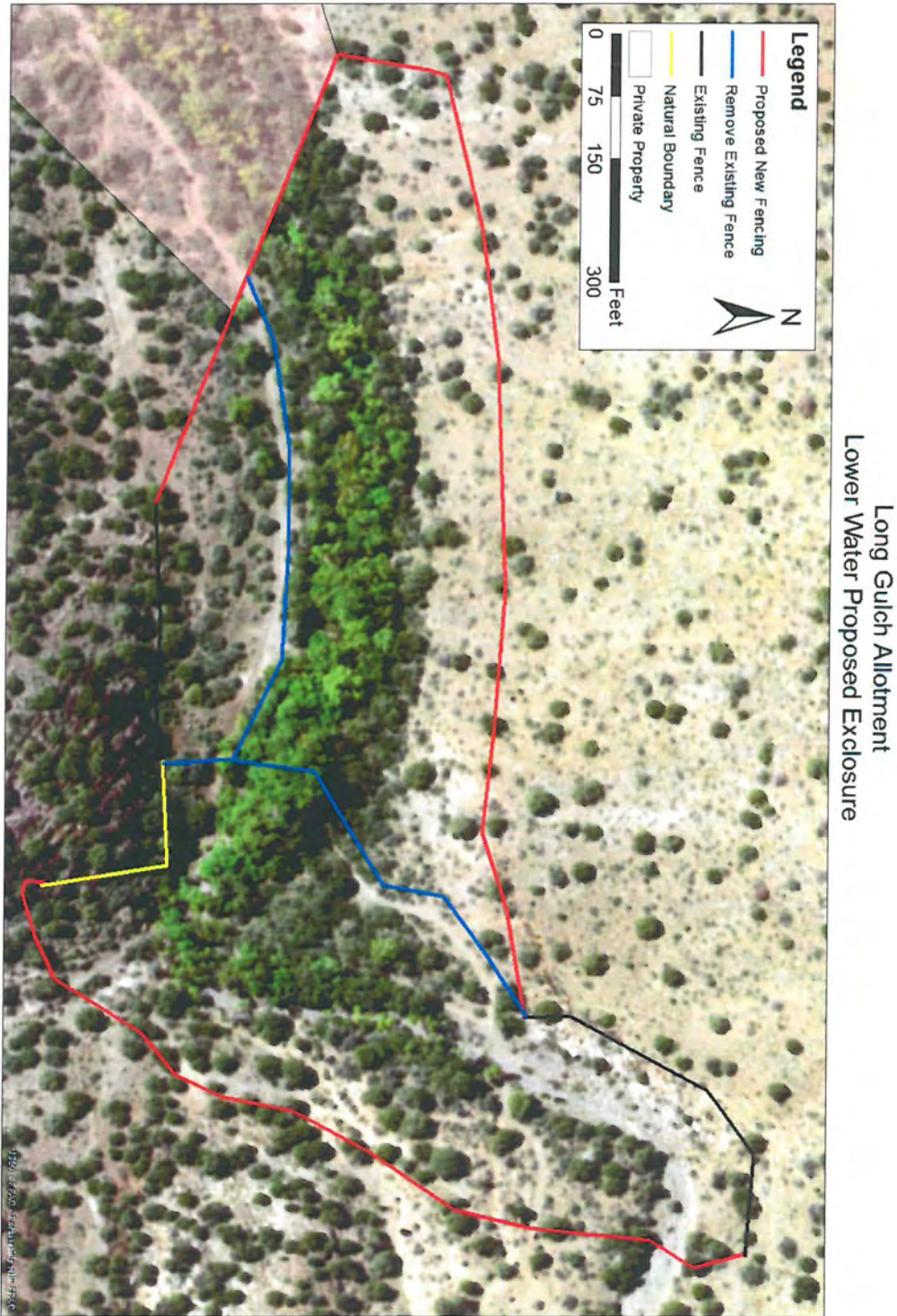
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## Appendix A

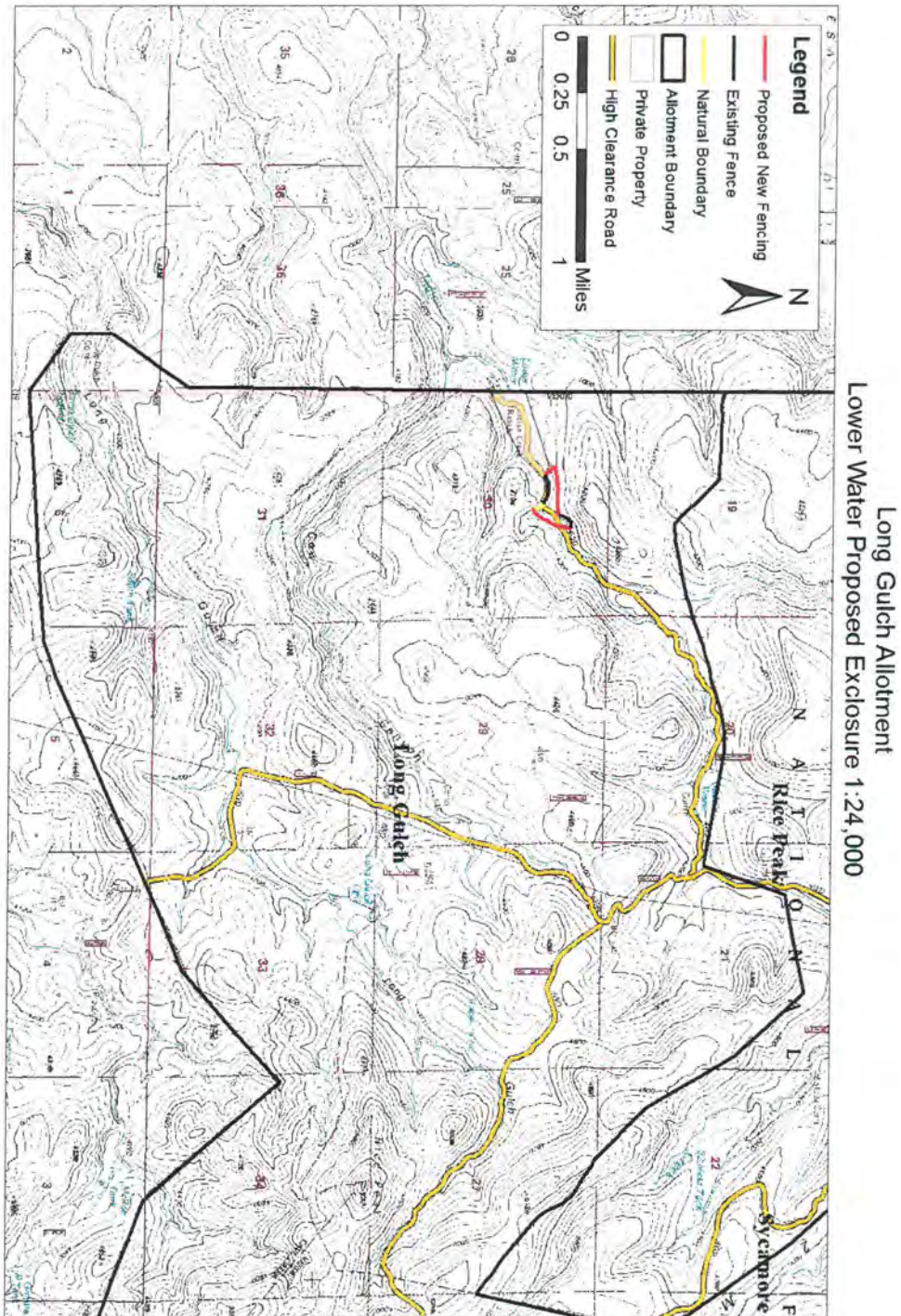
**Figure 1.** Proposed Agua Fria Critical Habitat Riparian Exclosure locations.



**Figure 2.** Proposed Lower Water Exclosure on Indian Creek on the Long Gulch Allotment.



**Figure 3.** Location of the proposed Lower Water Exclusion on Indian Creek on the Long Gulch Allotment.





**Figure 4.** Proposed Sycamore Creek Enclosure on the Sycamore Allotment

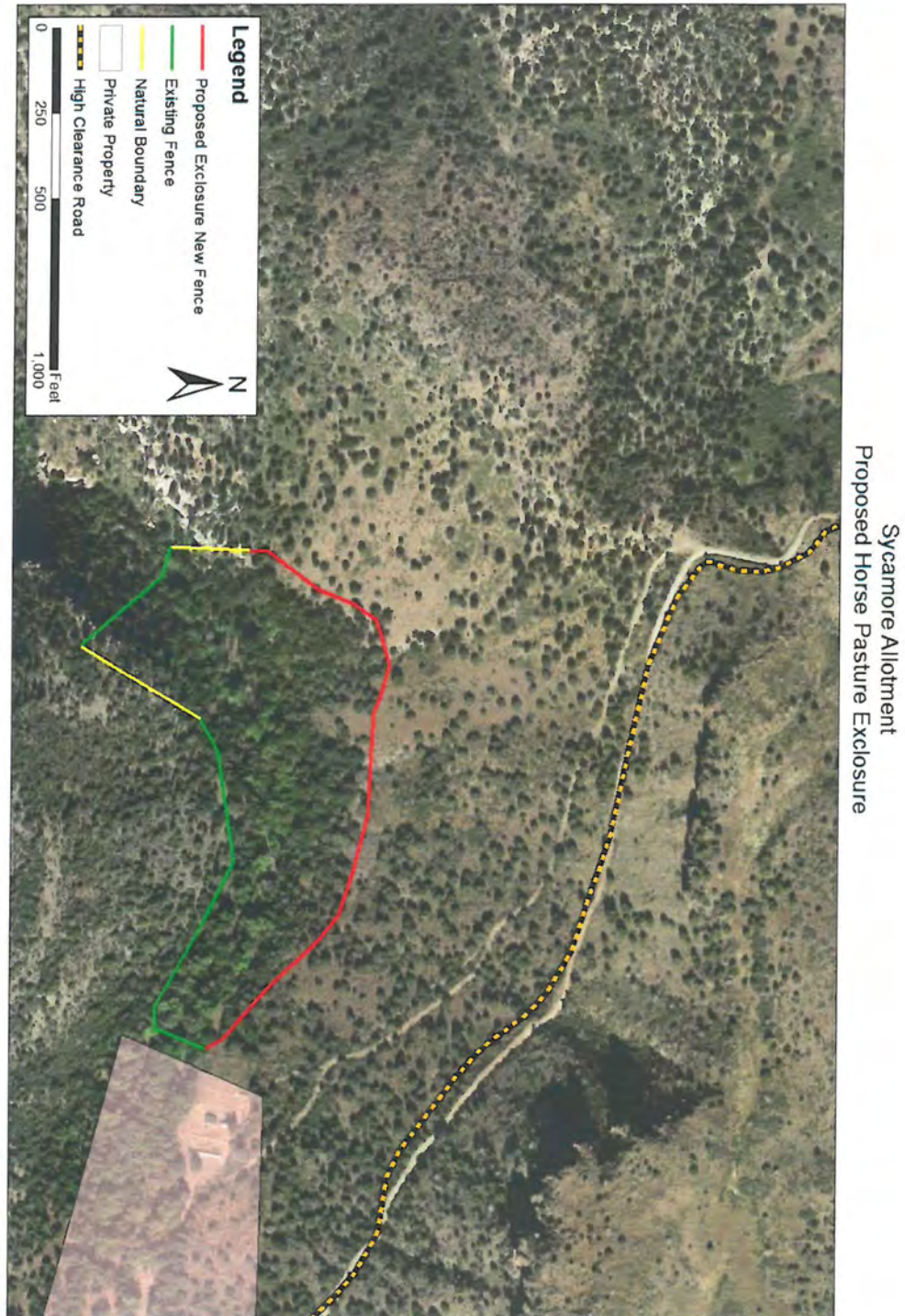
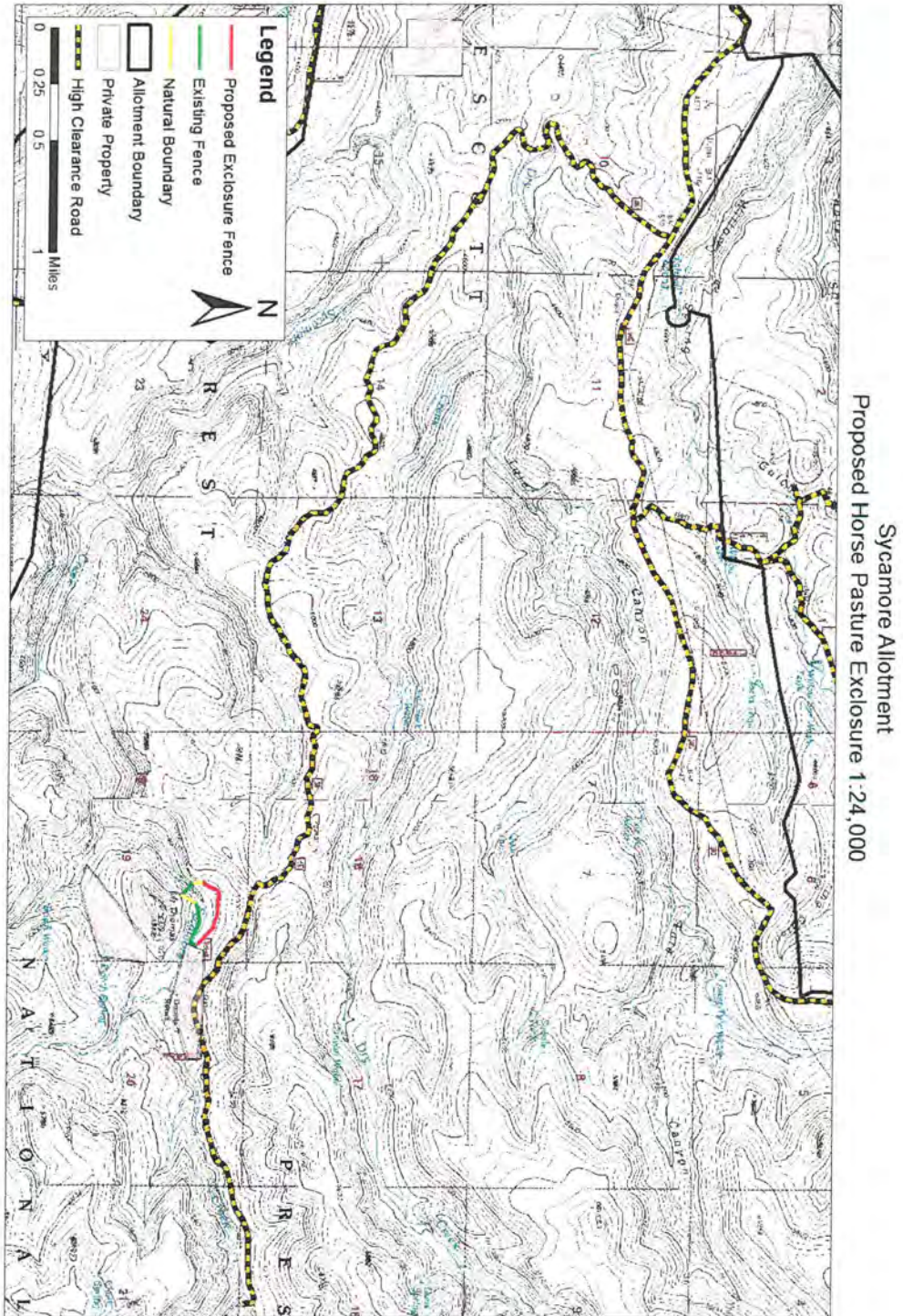


Figure 5. Location of the proposed Sycamore Creek Enclosure on the Sycamore Allotment.



**Figure 6.** Location of the proposed Ash Creek Exclosure on an unallotted portion of the PNF.

