

Decision Memo

Black Canyon Pipeline

USDA Forest Service
Coronado National Forest
Safford Ranger District
Graham County, Arizona
Township 9 South, Range 21 East, Section 32,
Gila and Salt River Meridian

BACKGROUND

The Black Canyon Pipeline was proposed by the U.S. Forest Service and permittee to address a portion of Black Canyon area with limited permanent water for wildlife and livestock in T9S, R21E, Sec 32. Currently the closest water source is over a mile away and is a dirt tank. Herds of deer are seen at and near the project area. The proposed Black Canyon Pipeline project would provide permanent yearlong water to wildlife and help aid in better livestock distribution for improved habitat conditions.

PROPOSED ACTION

The project consists of installing 0.70 miles of buried pipe, a water trough and storage tank on the Forest. The project would include utilizing the existing water source on private land that is piped to a storage tank. Once the pipeline reaches the Forest boundary it would be buried in the footprint of Forest Service Road #693 for approximately 0.60 miles then leave the road towards the west for approximately 0.1 mile where a new trough and storage tank would be placed along the brush line. The drinker would be placed in the ground with the rim just above ground level to allow wildlife species to easily access the water. (See Map 1)

DECISION AND RATIONALE

It is my decision to approve the proposed pipeline construction as described above. This action may be categorically excluded from further review and documentation in an environmental impact statement or environmental assessment as it meets the following criteria for categorical exclusion.

REASONS FOR CATEGORICALLY EXCLUDING

Forest Service Handbook (FSH) reference 1909.15 Chapter 30.3(1) states that "A Proposed Action may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) only if the Proposed Action is within a category listed in FSH 1909.15 Chapter 32.1(b) or 32.2; and there are no extraordinary circumstances related to the Proposed Action." These actions do qualify within Section 32.2 category of actions that "may be excluded from documentation in an EIS or EA, however, a project or case file is required and the decision to proceed must be documented in a Decision Memo."

- Category 32.2 “*Timber stand and or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction. 36 CFR 220.6(e) (6).*”

No extraordinary circumstances associated with this project exist that would preclude the use of this category, or result in additional impacts. This determination is based on the absence of adverse effects on the following resource areas.

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*

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. As required by this Act, potential effects of this decision have been analyzed and documented in a Biological Evaluation, Management Indicator Species Analysis and Migratory Bird Treaty Act Analysis May 30, 2014. It was determined that this decision will have ‘no effect’ on listed species or their critical habitats, or on Forest Service sensitive species.

2. *Floodplains, Wetlands, or Municipal Watersheds*

Floodplains: Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains, and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

No activity related to this proposal will occur in floodplains; therefore, this decision will not affect floodplains.

Wetlands: Executive Order 11990 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

No activity related to this proposal will occur in wetlands; therefore, this decision will not affect wetlands.

Municipal Watersheds: The Forest Service identifies a municipal supply watershed as a watershed that serves a public water system as defined in the Safe Drinking Water Act of 1974, as amended (42 U.S.C. § 300f, et seq.); or as defined in state safe drinking water statutes or regulations. Municipal watersheds are managed under multiple use prescriptions in Forest Plans.

No activity related to this proposal will occur in or near a municipal watershed; therefore, this decision will not affect municipal watersheds.

3. *Congressionally Designated Areas such as wilderness, wilderness study areas, or national recreation areas*

Wilderness:

The project area does not occur within a designated wilderness area. The Galiuro Wilderness area is identified on the Safford Ranger District as Management Area 9. This project is located in Management Area 4. The Galiuro Wilderness is located approximately 1.2 miles west of the project area.

This decision, with impacts limited to the immediate area of the activity will not affect this wilderness area.

Wilderness Study Areas:

There are no Wilderness Study Areas within the project area; therefore this decision will not affect Wilderness Study Areas.

National Recreation Areas:

There are no National Recreation Areas on the Coronado National Forest; therefore this decision will not affect National Recreation Areas.

4. *Inventoried Roadless Areas or potential wilderness areas*

There are several Inventoried Roadless Area (IRA) on Safford Ranger District, Galiuro IRA, located approximately 1.7 miles west of the project area is the nearest IRA. There are no potential wilderness areas in the Galiuro Ecosystem Management Area (EMA); this decision will not affect inventoried roadless areas or potential wilderness areas.

5. *Research Natural Areas*

There are no Research Natural areas with the Galiuro EMA; therefore this will not affect the Research Natural Areas.

6. *Botanical Areas*

There are no Botanical Areas within the Galiuro EMA; therefore this decision will not affect Botanical Areas.

7. *American Indian religious or cultural sites*

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effect of a project on any district, site, building, structure, object that is included in, or eligible for inclusion in, the National Register of Historic Places. This Act includes properties that are part of the religious and cultural heritage of American Indians and Alaska Natives. Section 106 of the NHPA also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. A survey was conducted to identify any properties that may be a part of the religious and cultural heritage of American Indians and/or Alaska Natives that could be affected by this decision. None were found therefore this decision complies with the NHPA, and consultation with the State Historic Preservation Office and local Native American tribes is not required. This determination was documented in the Heritage Report #2015-05-055

8. *Archeological sites, or historic properties or areas*

Section 106 of the NHPA requires federal agencies to take into account the effect of a project on any district, site, building, structure, object that is included in, or eligible for inclusion in, the NRHP. Section 106 of the NHPA also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. This decision complies with the NHPA. A survey, described above, was conducted to identify any archaeological or historic properties or areas that may be affected by this decision. The completion of this survey did not identify historic resources that would be affected by implementation of this proposed action. Cultural resource and the report were signed by the Forest Archaeologist on September 10, 2015.

If previously undetected cultural resources are discovered during project implementation, work will cease and the resources will be evaluated for their eligibility for inclusion on the NRHP. If the newly discovered property is determined to be eligible for the NRHP, impacts to the property will be addressed. Any mitigation or other actions will be developed in consultation with the State Historic Preservation Office (SHPO). Should the decision be made to carry out the project, these mitigation or other measures will be carried out in consultation with the SHPO.

Mitigation Measures

1. Noise and dust abatement measures will be utilized during construction to the fullest extent reasonably possible with conventional equipment.
2. To reduce the risk of spread of noxious and invasive weed species, standard equipment inspection and cleaning protocols will be utilized for all work involving off road travel.
3. Sites will be periodically inspected after completion of work to ensure re-vegetation has occurred so that soils and slopes are remaining stable.

PUBLIC INVOLVEMENT

The project was listed on the Coronado National Forest Schedule of Proposed Actions on March 18, 2015, and updated periodically during the analysis. A Scoping notices was sent out to interested parties on March 12, 2015 for a 14 day comment period. The Decision Memo will be posted on the SOPA after I have signed it.

FINDINGS REQUIRED BY OTHER LAWS

National Forest Management Act

The proposed action was reviewed for consistency with the Coronado National Forest Land and Resource Management Plan (Forest Plan, 1986, as amended), as required by the National Forest Management Act. The project was designed to Forest-wide standards and guidelines in the Forest Plan that require structural and nonstructural habitat improvement projects will be based on guidelines in the Forest-wide prescription. They are intended to meet the following objectives: 1) Improve quality and availability of forage and availability of water for commonly hunted species, 2) Maintain horizontal and vertical plant diversity at current levels Forest Plan page 63. Structural and nonstructural improvements should receive high priority in these areas as needed for the desired level of management Forest Plan page 64.

Endangered Species Act

The Forest Biologists determined that the activities authorized by this activity would have no effect on threatened or endangered species; designated critical habitat; and species or habitat proposed for Federal listing.

National Historic Preservation Act

Our review has determined that no historic properties would be affected by the proposed actions, and there are no extraordinary circumstances that may result in adverse effects on American Indian religious and cultural sites.

Clean Air Act

Based on the short timeframes for completion of activities, effects to air quality as a result of this decision will be negligible, and will be in compliance with the Clean Air Act.

ADMINISTRATIVE REVIEW AND APPEAL

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excluded ...under the National Environmental Policy Act [NEPA].” On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill) (Pub. L. No. 113-79). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA) (Pub. L. No. 102-381). The ARA’s implementing regulation was 36 CFR 215. The 2014 Farm Bill also directs that the pre-decisional objection process established in the



Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities.

As a result of these two statutes, the Forest Service will no longer offer notice, comment and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects and this decision is not subject to objections pursuant to 36 CFR 218.

IMPLEMENTATION DATE

This decision may be implemented immediately upon the date of my signature below.

POINT OF CONTACT

For additional information concerning this proposed action and decision, please contact Gwen Dominguez, Safford District Range Staff at the Safford Ranger District Office, 711 14th Ave, Suite D Safford, AZ, by phone at (928)965-8545, or via email at gwenrdominguez@fs.fed.us.

Kent C. Ellett

11-23-2015

Kent C. Ellett
District Ranger

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.