

Decision Notice  
& Finding of No Significant Impact

## Carlisle Complex

USDA Forest Service  
Lakeside Ranger District, Apache-Sitgreaves National Forest  
Navajo County, AZ

Portions of T10N,R19 & 20E, T11N, R19, 20 & 21E, T12N, R19, 20 & 21E  
Gila and Salt River Meridians, Navajo County, Arizona.

### Decision and Reasons for the Decision

#### Background

The Carlisle Complex Allotment Management Analysis was listed in the Schedule of Proposed Actions (SOPA) in 2001 – 2007. Analysis for the project was initiated in 1999, then re-prioritized and re-initiated in 2001 by Lakeside District Ranger, Edward W. Collins. The analysis was needed to comply with the Rescission Act of 1995 (Public Law 104-19). This Act directed the Forest Service to establish and adhere to a schedule for analysis and decisions on all allotments where NEPA compliance is required.

The purpose of this proposed action is to determine if livestock grazing should be authorized on the allotments and if so, what grazing strategy will be implemented in an Allotment Management Plan (AMP) document. A related purpose is to assess any potential vegetative treatments needed to improve forage production and watershed, soil, and wildlife habitat conditions. Current road density was also analyzed as part of the project, but no decision on any proposed actions will be made on that roads analysis at this time.

Management of the six allotments within the Complex by the current permittee has resulted in slowly improving range condition on the allotments. However, in areas not affected by the Rodeo-Chediski Fire, this range condition is still rated as predominantly poor. Much of the vegetation improvement is attributed to the management of the current permittee. Since acquiring the six allotments in 2003, stocking has been light on the northern pastures. The Rodeo-Chediski burned pastures south of Highway 260 received complete rest until 2005 or 2006, depending on the pasture. From 2003 to the present, several pastures in the northern section have been given full rest, some for several years.

#### Decision

Based upon my review of the alternatives, I have decided to implement Vegetation Treatment V2 – the Proposed Action.

Implementation of this decision includes the following:

#### *Vegetation Treatments:*

- Treat approximately 600-1,000 acres of woodland stands per year over the next decade (Map 3 of the EA). Treatment costs will be paid for by grants, cooperative agreements,

sales of fuelwood, or any combination thereof. Other treatments in grassland soil types, TES Units 043, 053, and 054 may be completed where grasslands are being encroached upon by juniper and/or pinyon pine, up to a maximum of 10,000 additional acres. Those areas must be agreed upon by the Lakeside Ranger District, Arizona Game and Fish Dept., and the permittee.

- Treat approximately 600-1,000 acres of woodland stands per year over the next decade {Map 4}. See Table 7 for current, desired, and after-treatment mix of VSS. Treatment costs will be paid for by grants, cooperative agreements, sales of fuelwood, or any combination thereof.
- Treatments will vary depending on soil type and amount and size of trees to be removed. As shown in Table 2, those soil types where soil layers should not be mixed will be treated by means that do not pull the tree roots to the surface. Agri-Axe, which cuts trees off at or just below soil level, or BullHog, which grinds the trees down to soil level on-site, are examples of such methods. One caveat with such methods is that they are best suited for areas with smaller trees, and will be used mostly on old push areas (2,000 acres in seedling stages). Some acres within grassland soil types that show encroachment by junipers are included in the acres shown on Table 7. However, up to another , because they are naturally grassland types, not juniper woodlands.
- In areas with larger trees, commercial fuelwood sales will be used whenever possible to control soil disturbance, lessen amount of time required to treat them, and allow revegetation if necessary. Some areas may be cut under public fuelwood permits. In areas where alligator juniper is present, prescribed burning should take place within the first 4 months after treatment to kill root sprouts, whenever possible. Some areas may be thinned by commercial contracts to remove biomass.
- Treatments will be scheduled in coordination with the grazing schedule. Livestock will not be allowed to graze areas treated by soil disturbing methods (i.e., harvest by commercial contracts, pushing) for at least two years, including two full growing seasons, to allow soil recovery and grass reestablishment.

### **Mitigation Measures**

The following mitigation measures to minimize resource impacts will be implemented with the treatments in Alternative G3 and Alternative V2, respectively. A complete list of Best Management Practices (BMPs) is included in Appendix A of the Environmental Assessment.

**Alternative V2:** All vegetative treatment areas are to be rested a minimum of two growing seasons after treatment; Slash will be left on the ground at least two years after vegetative treatments to discourage use of area by ungulates and vehicles; in areas dominated by Alligator Juniper, burn as soon as possible when conditions are right to kill root sprouts; seeding projects using native seeds should be implemented in areas where native seed is scarce.

### **Reasons for the Decision**

I have chosen to implement Alternative V2 for the following reasons:

When compared to the other alternatives in the environmental assessment, the vegetation treatment alternative provides the best approach to address the site-specific issues and achieve the desired conditions identified for the project area.

- This alternative will maintain or improve soil stability and productivity, although in some areas there may be short term soil disturbance as identified in Chapter 3 of the EA..
- The adoption of BMPs will contribute to the maintenance of satisfactory watershed conditions and water quality where they exist, and aid in improvements where conditions are currently unsatisfactory.
- Alternative V2 will aid improvement of rangeland conditions by removing trees in too dense stands, and allowing grass to become reestablished in the interspaces. In areas where trees are reinvading past treatment areas, small trees can be removed economically before they reduce forage capacity.

The environmental assessment (EA) documents the analysis of the Proposed Action and alternatives to meet these needs.

## **Other Alternatives Considered**

Several alternatives considered but eliminated from detailed study are disclosed in the EA. (pp. 16). In addition to the selected Alternative V2 – Proposed Vegetation Treatments, I considered Alternative V1 - No Action. A comparison of these alternatives can be found in the EA on pages 18-54.

### **Alternative V1 – No Action**

Under the No Action alternative, no vegetation treatments would occur.

## **Public Involvement**

The proposal was listed in the Schedule of Proposed Actions (SOPA) in 2001 – 2007 and is listed on the current SOPA. The proposal was provided to the public and other agencies for comment in a scoping report dated February 27, 2004. The scoping report was sent to 129 interested parties. Numerous Interdisciplinary team meetings were held and attended by the Arizona Game and Fish Department. The Permittee and Ranch Manager for the current grazing permit were kept informed during the process.

Using the comments from the public and other agencies the interdisciplinary team developed a list of issues to address. The Alternatives listed above were designed to meet the Purpose and Need {Doc 34A, EA page 13}.

An Environmental Assessment was sent to interested publics on July 6, 2007 and a legal notice of 30 Day Comment was published in the White Mountain Independent on July 10, 2004.

Several comments on the EA were received. The comments and documentation of consideration of comments is included in the Final Environmental Assessment, which was sent to 15 responding parties.

## Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. The determination is based upon the following findings documented in the EA and the Process Record.

**A. Context** - This project is a site-specific action that does not have international, national, region-wide or statewide importance environmentally. The intended decision is within the context of local importance in the area associated with the Apache-Sitgreaves National Forests.

### **B. Intensity** -

1. Impacts from this project are both beneficial and adverse. Implementation of Alternative V2 may result in some localized impacts through disturbance from thinning contracts or public fuelwood sales. The selected alternative will aid in improving the unsatisfactory range which occur on portions of the allotment. Unsatisfactory riparian conditions will also be aided as sedimentation lessens where grass becomes established on currently bare soils. Any adverse effects are minor and short term in nature when compared to the beneficial long-term and cumulative effects. (EA Chapter 3, Environmental Consequences).
2. These activities do not constitute a threat to public health and safety. This proposal does not involve National Defense or Security and will result in no significant effects on public health and safety. (EA, Chapter 3, Environmental Consequences).
3. There will be no significant irreversible resource commitments or irretrievable loss of vegetation production, wildlife habitat, soil productivity, or water quality. There are no wetlands, floodplains, wild and scenic rivers or other unique characteristics within the geographical area which would be significantly affected. (EA Chapter 3, Environmental Consequences). BMPs will provide protection of riparian areas and protection of ephemeral drainages and wet meadows (EA, Appendix A).
4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. (EA, Chapter 3, Environmental Consequences).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA Chapter 3, Environmental Consequences).
6. The action is not likely to establish a precedent for future actions with significant effects, Implementation of a decision to authorize thinning treatments is not a new type of decision for the Lakeside Ranger District or the Forest Service, so it does not establish a precedent. Proposed actions do not predetermine any future decisions regarding authorization of uses of lands within this planning unit.

7. Cumulative effects were considered in the environmental assessment. There will not be a significant cumulative impact from this action individually or in concert with other related actions, past, present, or in the foreseeable future (EA, Chapter 3, & Resource Specialist Reports included in the Process Record).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because project implementation will be managed for a no adverse effect to heritage resources. This project is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (EA page 43).
9. There are no foreseeable significant adverse impacts that are likely to jeopardize the continued existence of any threatened or endangered species or their habitat as a result of this decision (EA Chapter 3, Environmental consequences; Biological Assessment for the Carlisle Complex; USFWS Biological Opinion, for the Carlisle Complex, AESO/SE 22410-1995-F-0290, May 22, 2007).
10. The actions implemented by this decision do not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment (EA, Chapter 2, Alternatives; Chapter 3, Environmental consequences; Resource Specialist Reports; Biological Assessment for the Carlisle Complex Allotments; USFWS Biological Opinion, for the Carlisle Complex Allotments, AESO/SE 22410-1995-F-0290, May 22, 2007).

## **Findings Required by Other Laws and Regulations**

### **A. Compliance with the Forest Plan**

This project is located in Management Areas 7-01 (Forested Land), 7-02 (Woodland), 7-03 (Riparian), and 7-04 (Grassland) of the Apache-Sitgreaves Forests Land Management Plan (FLMP).

This decision is consistent with the intent of the forest plan's long term goals and objectives listed on pages 13-43. The project was designed in conformance with Forest plan standards.

This action is consistent with 36 CFR 219.19 for Management Indicator Species. Impacts to sensitive species are not likely to result in a trend toward listing or loss of viability for the species.

This analysis incorporates the EIS for the Apache-Sitgreaves National Forests, Chapters 3 and 4 by tiering, 40 CFR 1508.28. This proposed project is consistent with the Forest Land Management Plan as amended for the Apache-Sitgreaves National Forests and is consistent with management required by the National Forest Management Act of 1976 (NFMA, 16 USC 1600 et seq.; FSM 1922.41; and FSH 1909.12, Sec. 5.3). This project was developed in consideration of the best available science.

## **B. Compliance with Other Laws and Regulations**

National Environmental Policy Act – The Forest Service involved members of the public, interested private groups, grazing permittees and County, State and Federal agencies in the environmental analysis. The environmental assessment discloses the direct, indirect and cumulative effects of the proposed action. This decision is in compliance with the National Environmental Policy Act of 1969 as amended.

Endangered Species Act. The United States Fish and Wildlife Service (USFWS) has concurred with the following effects determinations to threatened and endangered species on the project: “may effect, not likely to adversely effect” the Mexican spotted owl and its critical habitat and the threatened Chiricahua leopard frog. In addition, it is the USFWS opinion that the proposed action is not likely to jeopardize the continued existence of the threatened Little Colorado spinedace and its critical habitat. This decision is in compliance with the Endangered Species Act of 1973, as amended.

Clean Water and Air Acts. Implementation of Best Management Practices will ensure compliance with the Clean Water Act. The ADEQ has indicated that the airsheds within the Lakeside Ranger District are currently in attainment (satisfactory condition). The alternative does not provide any additional actions that would detrimentally affect air quality.

National Historic Preservation Act: With the implementation of BMPs for the selected alternative, thinning impacts should will be reduced. Ground cover should increase, minimizing the effects of wind and water erosion to heritage resources, provided that wildlife numbers do not increase significantly.

Alternative V2 includes proposed thinning as funding becomes available. These activities can be considered undertakings or non-undertakings, depending on whether they are in areas likely to contain heritage resources or mechanical clearing is required. Any ground-disturbing activity associated with the proposed thinning on these allotments will be surveyed prior to implementation and an archeologist consulted to ensure that the requirements of the National Historic Preservation Act are met. All historic properties will be avoided during the implementation of this project.

No concerns have been expressed by Indian tribes or other interested parties regarding traditional uses or significant places within the project area. The proposed project activities are not expected to result in negative effects to heritage resources. This project is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and with Section 101 (b)(4) of the National Environmental Policy act of 1969. Project Specific concurrence by the Arizona State Historic Preservation Officer is not required, per SHPO letter to Regional Forester dated June 1, 1993. Effects on Heritage Resources are disclosed in the EA (EA Chapter 3, Environmental Consequences).

Executive Order (E.O.) #11988 (Floodplain Management) and #11990 (Protection of Wetlands)  
The selected alternative addresses the intent of both orders by promoting improvement in watershed and riparian conditions on the project area.

E.O. # 12898 – Environmental Justice: The proposed action is not expected to cause

disproportionately high and adverse human health or environmental effects on minority and low-income populations. Effects of the proposal on socio-economics have been addressed in the environmental analysis. (EA, Chapter 3).

E.O. # 12962 – Aquatic Systems Recreational Fisheries: Site specific BMPs are expected to result in improved riparian and upland conditions. The proposed thinning strategy should reduce indirect effects to aquatic species by improving watershed conditions and limiting sediment contribution to stream habitats from both riparian and upland range. Best Management Practices will be implemented to minimize soil movement and ground disturbance during treatments. (EA, Chapter 3 & Resource Specialist Reports included in the Process Record).

E.O. #13186 – Protection of Migratory Birds: The effects of the proposal on migratory birds were considered in the analysis. No significant effects will occur to range-wide populations of migratory bird species because the proposed action will only minimally affect the suitability of migratory bird habitat and will not result in intentional take. Unintentional take may occur in the project area to some migratory bird species but will not be detrimental to the range-wide population of the species (Migratory Bird Effects Analysis, Wildlife Specialist Report, and Process Record).

E.O. #13352 - Facilitation of Cooperative Conservation: Cooperation occurred with the Arizona Game and Fish Department; Department of the Interior, United States Fish and Wildlife Service; and Navajo County as described in the EA and Process Record.

E.O. #13175 - Consultation and Coordination with Indian Tribal Governments: Consultation with twelve Indian Tribal Governments occurred and is documented in the process record.

## **Implementation Date**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. As required in 36 CFR 222.4 (8), a one year notification of the decision will be given before implementation of any changes in the grazing permit.

## **Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision.

The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Individuals and organizations eligible to appeal must provide the following:

(a) It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed (b) The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, an appeal must include the following:(1) Appellant's name and address, with a telephone number, if available;(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);(3) When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;(4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251; (6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes; (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and (9) How the appellant believes the decision specifically violates law, regulation, or policy.

Written appeals, including any attachments, must be filed with the Appeal Deciding Officer within 45 days following the publication date of the legal notice of the decision in the newspaper of record. It is the responsibility of appellants to ensure that their appeal is received in a timely manner.

The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at Appeal Deciding Officer, Elaine Zieroth, Forest Supervisor, Apache-Sitgreaves Forest Supervisor's Office, P.O. Box 640, 30 South Chiricahua Drive, Springerville, AZ. 85938. Appeals should be mailed to the above address or faxed to (928) 333-5966. Appeals, including attachments, must be filed within 45 days from the Legal Notice of Decision in the White Mountain Independent, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the White Mountain Independent, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.



The office business hours for those submitting hand-delivered appeals are: 8:00AM – 4:30 PM Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-southwestern-apache-sitgreaves@fs.fed.us](mailto:appeals-southwestern-apache-sitgreaves@fs.fed.us). Please put the project name in the “subject” line.

**Contact**

For additional information concerning this decision contact Genice F. Froehlich, Planning Team Leader, Lakeside Ranger District, 2022 W. White Mountain Blvd., Lakeside, AZ 85929, or by telephone at 928-336-5111.

/s/ Edward W. Collins  
Edward W. Collins  
District Ranger  
Lakeside Ranger District

9/07/2007  
Date

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