

Decision Memo

PS AND GRANDFATHER ALLOTMENT
NEW MEXICO MEADOW JUMPING MOUSE FENCE ENCLOSURES PROJECT
Township 4N; Range 28E; sections 3, 10, and 11
USDA Forest Service
Alpine Ranger District, Apache-Sitgreaves National Forests
Apache County, Arizona

BACKGROUND

This project is located on the PS and Grandfather Allotments of the Apache-Sitgreaves National Forests. (see map) The Alpine Ranger District had proposed to construct fence enclosures on the PS and Grandfather Allotments along the West Fork of the Black River to protect occupied habitat for the New Mexico meadow jumping mouse (NMMJM) from impacts associated with livestock grazing. The New Mexico meadow jumping mouse (*Zapus hudsonius luteus*), was recently listed by the Fish and Wildlife Service (FWS) on July 10, 2014. Livestock grazing has been identified as one of the threats to the recovery of the NMMJM. A 7(d) Determination for all ongoing actions for the NMMJM on the A-S NF was prepared on July 8, 2014 in which 12 Allotments were reviewed in regards to the effects of the current grazing towards the NMMJM and its proposed critical habitat. Through that review, the PS Grandfather Allotments were found to have unprotected NMMJM occupied habitat (defined as the site where a mouse was trapped, and to include a 0.5 mile buffer upstream and downstream from that location).

Decision

PS Allotment

Fence will be located in the Double Bar K pasture along the southern pasture boundary, in the western corner. This proposed fence line will tie in at the southern boundary fence of the Double Bar K pasture, run north across the stream until out of the low lying floodplain area (Approximately 0.1 miles), and then proceed west/northwest and tie in with the western boundary fence of the pasture (Approximately .2 miles), enclosing occupied NMMJM habitat. No trees will be cut for this fence line. A water lane, consisting of an open stretch of the West Fork, will be left that will allow livestock in the pasture access to West Fork for water when in use. The West Fork is the only dependable water source in this pasture. This water lane will leave approximately 150 feet of the stream bank accessible, reduced from the ~0.2 mi. currently available. Up to 45 acres may be fenced. The most southern portion of the NMMJM occupied habitat buffer extends through the Grandfather Allotment and back onto the PS Allotment in the PS North pasture. This portion of the NMMJM buffer is approximately 11 acres in size, and is very similar in character to the habitat described in the Grandfather Allotment. No fencing is proposed for this location, but instead will be monitored over time.

Grandfather Allotment

Fence will be located immediately south of the FR 25 bridge crossing of the West Fork in the Holding 1 pasture, and will tie in to the Allotment boundary with PS Allotment downstream to the southeast. This proposed fence line will fall along the hill top above the stream passing through a small stand of ponderosa pine. A few trees may need to be cut (<2 is expected) during the construction of the fence line (<9" dbh). The West Fork is the only dependable water in this pasture. This water lane will leave approximately 100 feet of stream bank accessible to livestock during use of the pasture, reduced from the 0.1mi currently available. Approximately .2 miles of fence will be constructed. Up to 17 acres of habitat may be fenced.

These fence enclosures will include gates that will allow livestock use of the enclosed occupied habitat outside of the NMMJM active season. Gates in the new fence enclosures will be kept closed during the

NMMJM active season, as well as anytime cattle are not in the pastures outside of the NMMJM active season. The NMMJM active season is June 1 – Sept 30.

The fence will be constructed with hand tools; no motorized equipment will be used. Cement will be mixed on site in either post holes or containers (such as a wheelbarrow), with no discharge into the creek allowed i.e. washing of equipment in the stream, etc. The fence will be constructed with standard t-posts, 4 strand wire with a smooth bottom wire and a minimum of 16” spacing from ground to the first wire. Access to the Grandfather site for construction will be provided by FR 25 and FR 25H. Access to the PS site will be from FR 8944. Maintenance for these fences will be the responsibility of the Forest Service. There are no changes occurring in regards to livestock management on these Allotments except for the exclusion of livestock from these exclosures during the active NMMJM season.

The following are required design elements and operational measures:

- All fence construction activity will take place outside of the NMMJM active season. The active season is June 1 – September 30.
- Fence construction timing will be modified if an active Mexican wolf den is located nearby and it is determined that detrimental impacts may occur.
- No motorized equipment to be used.
- Concrete mixed on site in either post hole or containers with no discharge into the streams, no washing of equipment in the streams.
- Crossing of the stream (West Fork Black River) will be limited to only construction personnel, and will only occur at the fence crossing where the water gaps are located.
- The upper water gap will be 150 feet in length, and the lower water gap will be 100 feet in length; to minimize impacts to stream banks and riparian vegetation.
- Construction will occur from May 1 thru May 31 to minimize impacts from high spring stream flows.

REASON FOR CATEGORICALLY EXCLUDING THE DECISION

This activity falls within a category of actions which normally do not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, may be categorically excluded from documentation in an environmental impact statement or environmental assessment. This category of action is defined in Forest Service NEPA regulations at 36CFR220.6(e)(6), " 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."

Finding of No Extraordinary Circumstances

The following resource conditions have been considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS pursuant to 36CFR220.6(b)(1):

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. Project will protect critical habitat.
2. Floodplains, wetlands, or municipal watersheds. Floodplains and wetlands may occur in the general vicinity of the project area but would not be affected by the proposed activity.
3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas. There are no congressionally designated areas within the project area.
4. Inventoried Roadless Areas. The project is not an Inventoried Roadless Area.
5. Research Natural Areas. There are no Research Natural Areas within the project area.

6. American Indians and Alaska Native religious or cultural sites. There are no known American Indian or Alaska Native religious or cultural sites within the project area.
7. Archeological sites, or historic properties, or areas. Surveys have been completed and no archeological features were identified and the archeologists have reached a finding of "no historic properties affected."

I find the proposed action can be categorically excluded because it is within the scope of 36CFR220.6(e)(6) and there are no effects to the above extraordinary circumstances,

FINDINGS REQUIRED BY OTHER LAWS

My decision is in accordance with all applicable laws, regulations, policies, and plans. This project is specifically consistent with the following:

The National Forest Management Act – This decision is consistent with management direction and standards and guidelines contained in the Apache-Sitgreaves Forests Plan of 1987, as amended, specifically those for Management Area 1 – Forested Land, within which the project is located.

The Endangered Species Act of 1973, as amended and Migratory Bird Treaty Act of 1918, as amended - No threatened or endangered species are present, therefore there are no concerns and no additional action is needed.

Clean Water Act of 1972, as amended; Executive Order 11988 of 1977 (Floodplains); and Executive Order 11990 of 1977 (Wetlands) - This project is not located in or near any floodplains, wetlands, riparian areas, or municipal watersheds.

The Wilderness Act of 1964 - No congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas exist in the project area. None will be affected.

The Organic Act of 1897 - No research natural areas exist in the project area. None will be affected.

The American Antiquities Act of 1906, the National Historic Preservation Act of 1966 (specifically Section 106), and Archaeological Resources Protection Act of 1979 - The project area was surveyed on March 13, 2015 for cultural resources. The project should have a No Adverse Effect to religious, cultural, or archaeological sites, or historic properties.

Executive Order 12898 of 1994, Environmental Justice - The project area does not contain a higher percentage of minority or low income populations; none will be disproportionately affected.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990) - This activity will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands.

Invasive Species (E.O. 13112) - Executive Order 13112 directs Federal agencies to identify actions which may affect the status of invasive species; prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species; monitor invasive species populations; and to provide for restoration of native species and habitat conditions in ecosystems that have been invaded. An invasive plant risk assessment has been completed for this project. The risk of invasive plant species is expected to be minimal.

PUBLIC INVOLVEM ENT


The public was involved as follows. The project has been included on the Schedule of Proposed Actions and a site visit was conducted with the range permittee.

IMPLEMENTATION

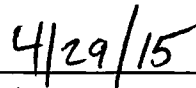
Projects completed under a categorical exclusion are no longer subject to appeal periods per the Consolidated Appropriations Act, which was signed January 17, 2014, and the Agricultural Act (the Farm Bill), signed February 7, 2014. Implementation of this project may begin immediately upon issuance of this decision.

CONTACT PERSON

For additional information concerning this decision please contact Ed Holloway, District Ranger, Alpine Ranger District, 42634 US 180, P.O. Box 469 Alpine, AZ 85920 phone: 928-339-5010.



Ed Holloway
Alpine District Ranger



Date

NEPA Categorical Exclusion Checklist

Proposal Date: April 29, 2015

Project Name: PS and Grandfather Allotment NMMJM Fence Project

Project Leader: Loren LeSueur

Job Code: NFRR0115

Response Due Date: April 30, 2015

A) Proposed Action:

1. What is the proposed action?

The Alpine Ranger District of the Apache-Sitgreaves National Forest is proposing to construct fence enclosures in PS and Grandfather Allotments along the West Fork of the Black River to protect occupied habitat for the New Mexico meadow jumping mouse from impacts associated with livestock grazing.

In the PS Allotment, the fence will be located in the Double Bar K pasture along the southern pasture boundary, in the western corner. This proposed fence line will tie in at the southern boundary fence of the Double Bar K pasture, run north across the stream until out of the low lying floodplain area (Approximately 0.1 miles), and then proceed west/northwest and tie in with the western boundary fence of the pasture (Approximately .2 miles), enclosing occupied NMMJM habitat. No trees will be cut for this fence line. A water lane, consisting of an open stretch of the West Fork, will be left that will allow livestock in the pasture access to West Fork for water when in use. The West Fork is the only dependable water source in this pasture. This water lane will leave approximately 150 feet of the stream bank accessible, reduced from the ~0.2 mi. currently available. Up to 45 acres may be fenced. Additionally, the most southern portion of the NMMJM occupied habitat buffer extends through the Grandfather Allotment and back onto the PS Allotment in the PS North pasture. This portion of the NMMJM buffer is approximately 11 acres in size, and is very similar in character to the habitat described in the Grandfather Allotment. No fencing is proposed for this location, but instead will be monitored over time.

In the Grandfather Allotment, the fence will be located immediately south of the FR 25 bridge crossing of the West Fork in the Holding 1 pasture, and will tie in to the Allotment boundary with PS Allotment downstream to the southeast. This proposed fence line will fall along the hill top above the stream passing through a small stand of ponderosa pine. A few trees may need to be cut (<2 is expected) during the construction of the fence line (<9" dbh). The West Fork is the only dependable water in this pasture. This water lane will leave approximately 100 feet of stream bank accessible to livestock during use of the pasture, reduced from the 0.1mi currently available. Approximately .2 miles of fence will be constructed. Up to 17 acres of habitat may be fenced.

These fence enclosures will include gates that will allow livestock use of the enclosed occupied habitat outside of the NMMJM active season. Gates in the new fence enclosures will be kept closed during the NMMJM active season, as well as anytime cattle are not in the pastures outside of the NMMJM active season. The NMMJM active season is June 1 – Sept 30.

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Grandfather site for construction will be provided by FR 25 and FR 25H. Access to the PS site will be from FR 8944. Maintenance for these fences will be the responsibility of the Forest Service. There are no changes occurring in regards to livestock management on these Allotments except for the exclusion of livestock from these exclosures during the active NMMJM season.

2. Where? Generally, the proposed fences are near the bridge crossing of Forest Road 25 as it crosses the West Fork of the Black River. More specifically, these proposed fence locations are in Township 4N; Range 28E; sections 3, 10, and 11. The Grandfather fence is on the south side of the bridge, while the PS fence is approximately .5 mi upstream from the bridge crossing.

When will it take place? May-June, 2015

3. How long will the project take to implement or what is the duration of the project? Duration of project implementation could take 15-30 days dependent on equipment used.

4. Is the project consistent with the Apache-Sitgreaves National Forest Plan as amended? Yes
Explain how project is consistent. What management area and guidelines apply? This project lies within Management Area # 15 – East and West Fork of the Black River. This project falls in line with the Forest Plan guidance to “Identify and protect areas that contain threatened, endangered, and sensitive species of plants and animals.”

B) Purpose and Need

- 1. Existing Condition and History:** The New Mexico meadow jumping mouse (*Zapus hudsonius luteus*), recently listed by the Fish and Wildlife Service (FWS) on July 10, 2014, occurs on the Alpine and Springerville Ranger Districts of the Apache-Sitgreaves National Forest. The Alpine Ranger District of the Apache-Sitgreaves National Forest is proposing to construct fence exclosures in PS and Grandfather Allotments along the West Fork of the Black River to protect occupied habitat for the New Mexico meadow jumping mouse from impacts associated with livestock grazing.
- 2. Desired Condition:** Fenced exclosures to protect occupied habitat of the New Mexico meadow jumping mouse while still maintaining permittees access to water for livestock.
- 3. Project Objectives (Purpose):** The purpose of this project is to construct 2 exclosures, one on the PS and one on the Grandfather allotments. These fences will be constructed such that a water lane will be created that allows livestock access to water while protecting NMMJM habitat at the same time.

CATEGORICAL EXCLUSION CHECKLIST

Project: PS and Grandfather allotment NMMJM fence exclosures

District: Alpine

Project Description: Construct two fence exclosures to protect NMMJM from grazing impacts while providing for water access for livestock.

A proposed action may be 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 if:

- The proposed action is within one of the categories in the Dept of Agriculture NEPA policies and procedures in 7 CFR Part 1b, or
- The proposed action is within a category listed in section 31.12 or 31.2 of FSH 1909.15.

Resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or EIS are:

Extraordinary Circumstances (From FSH 1909.15, sec. 30.3)		Specialist Signature & Date	Comments/Determination
Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or FS sensitive species.	Wildlife	Loren LeSueur 4-24-15	NLAA on the NMMJM No effect on others.
	Fisheries	Jerry Ward 4-24-15	NLAA on Apache Trout NLAA on Narrow-headed Gartersnake No effect on others.
	Plants	Loren LeSueur 4-28-15	No effect.
Flood plains, wetlands, or municipal watersheds.		Loren LeSueur 4-28-15	No effect.
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.		Loren LeSueur 4-28-15	N/A
Inventoried roadless areas or potential wilderness areas.		Loren LeSueur 4-28-15	N/A
Research natural areas.		Loren LeSueur 4-28-15	N/A
American Indians and Alaska Native religious or cultural sites.		Annmarie Kmetz 4-28-15	No effect.
Archaeological sites, or historic properties or areas.		Annmarie Kmetz 4-28-15	No effect.

* The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

* Scoping is required on all proposed actions, including those that would appear to be categorically excluded.

* Projects that fall into certain categories are subject to notice, comment & appeal under CFR 215.

Category 6 Reasons 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.

Reviewed by: 
NEPA Coordinator

April 29, 2015
Date

Approved by: 
District Ranger

4/29/2015
Date