

DECISION MEMO

**USDA FOREST SERVICE
Apache-Sitgreaves National Forest
Clifton Ranger District
Greenlee County, Arizona**

T-Links Pipeline and Troughs Project

Decision

I have reviewed the project file and it is my decision to authorize a livestock water system on the Pigeon Allotment: ***T-Links Pipeline and Troughs Project***, located in Township 2 South, Range 29 East, Sections 18, 23, 24, 25, 26; Township 2 South, Range 30 East, Sections 17, 19, 20, 30. This project is needed, because permitted livestock within these pastures rely heavily upon seasonal precipitation and stock tanks for retaining water resources. With highly variable precipitation patterns that occur on the Clifton Ranger District, many pastures are unable to graze permitted livestock to allowable use levels due to lack of water, therefore, pastures are used minimally or not at all when water isn't available.

T-Links Pipeline and Troughs Project consists of pumping water from a private well through an above ground pipeline approximately 2.5 miles adjacent to existing road from the WJ Property to a 10,000 gallon tank near Wing Tank. Water would then be piped above ground from the storage tank 4 miles cross country servicing 4 water troughs. The water troughs are spaced approximately 1 mile apart to service both the Pigeon and HL Canyon pastures of the Pigeon Allotment. Troughs would have year-round water available to wildlife when livestock are not in the pasture. The permittee will be assigned maintenance responsibility.

Public Involvement

The proposal was listed in the Schedule of Proposed Actions on July 1, 2010. The proposal was provided to the public and other agencies for comment during scoping from July 30, 2010 to August 15, 2010. In addition, a scoping letter providing information and seeking public input was mailed to 17 Tribes, for Native American Consultation, who have historic ties and an interest in the Apache-Sitgreaves National Forests. A total of three comments were received. Arizona Game and Fish Department provided a supportive comment citing a benefit for increasing water availability to wildlife. Three Tribes commented on archaeological sites, cultural resources, and Traditional Cultural Properties.

Issues

The Forest Service separated the issues into two groups: significant and non-significant issues. Significant issues were defined as those directly or indirectly caused by implementing the proposed action. Non-significant issues were identified as those: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations require this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review

(Sec. 1506.3)...” No significant issues were identified internally or raised during scoping. A list of non-significant issues and reasons regarding their categorization may be found at Clifton Ranger District in the project record.

Findings Required By Other Laws and Regulations

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below:

Forest Plan Consistency (National Forest Management Act) - The Apache-Sitgreaves National Forest Plan (as amended 2008), as required by this Act. The amended plan provides for guidance for all natural resource management activities on the forest. The Act requires all projects and activities be consistent with the forest plan. The forest plan has been reviewed in consideration of this project and this decision is consistent with the standards and guidelines contained in the forest plan.

Endangered Species Act - The Clifton Ranger District Biologists (Fisheries and Wildlife) have determined that the proposed action will have no measurable effect on any threatened or endangered species or designated critical habitat. Documentation is included in the Project Record.

Sensitive Species (Forest Service Manual 2670) – The Clifton District Biologists (Fisheries and Wildlife) have determined that the proposed action will have no measurable effect on sensitive species. Documentation is included in the Project Record.

Migratory Bird Treaty Act, 1918 and Executive Order 13186, 2001- Protection of migratory birds, nests and eggs. EO requires environmental analysis of actions on migratory bird species of concern.

Clean Water Act - This Act is to restore and maintain the integrity of waters. This decision ensures protection of soil and water resources.

Clean Air Act – In accordance with the Clean Air Act (CAA), quality requirements specified by the AZ-DEQ will be complied with during implementation.

Federal Cave Resources Protection Act, American Indian Religious Freedom Act 1978, National Historic Preservation Act, 1966, 1976, 1980, 1992 as amended, Antiquities Act, 1906, Archaeological Resources Protection Act, 1979, Executive Orders 11593 (1971), 13007 (1996), 13175 – These acts requires consideration for impact to cave resources, tribal cultural practices, and protection of cultural resources, Indian sacred sites, consultation and coordination with Indian Tribal Governments. A cultural resource inventory was performed by an Apache-Sitgreaves National Forest Archaeologist with a determination of no effect from the proposed project.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. This decision is not expected to adversely impact minority or low-income populations.

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.

Reasons for Categorically Excluding This Decision

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 (1) the proposed action is within one of the categories established by the Secretary at 7 CFR part 1b.3; or (2) the proposed action is within a category identified by the chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 section 31.1b or 31.2.

It is my decision that this project is categorically excluded from documentation in an Environmental Impact Statement or an Environmental Assessment due to that the proposed action falls within categories established by the Chief of the Forest Service as not requiring a Decision Memo buy may be prepared under Section 31.12. for the following reasons:

- A. Follows the intent of Section 31.12(9) of the Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15) as amended 04/17/2009:

(9) Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place. Examples include but are not limited to:

- (i) Rebuilding a fence to improve animal distribution;
- (ii) Adding a stock watering facility to an existing water line; and
- (iii) Spot seeding native species of grass or applying lime to maintain forage condition.

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 an EIS are as follows:

- B. The analysis in this project file and previous experience with this type of short-term construction activity indicate that there would be no adverse effects upon extraordinary circumstances, which may occur on the Clifton Ranger District. These extraordinary circumstances included:

- 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.
- 2. Flood plains, wetlands, or municipal watersheds.
- 3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.
- 4. Inventoried roadless areas.
- 5. Research natural areas.
- 6. American Indians and Alaska Native religious or cultural sites.
- 7. Archaeological sites, or historic properties or areas.

The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is (1) the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and (2) if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

This action, pursuant to 36 CFR 220.6(e)(9), has been categorically excluded from documentation in an EA or EIS pursuant to FSH 1909.15, Chapter 30, section 31. This decision is not subject to appeal pursuant to 36 CFR 215.12(f) and may be implemented immediately.

Responsible Official

The responsible official for this project is Carol Telles, District Ranger, Clifton Ranger District, 397240 AZ 75, Duncan, AZ 85534. The telephone number is (928) 687-8600.

Signature and Date

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, 36 CFR 220.6(d)(5) and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the Project Record.

/s/ Carol Telles

September 15, 2010

Carol Telles
District Ranger

Date

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