

Decision Notice
& Finding of No Significant Impact
Camp Verde Unified School District
Land Acquisition Under the Educational Land Grant Act
USDA Forest Service
Red Rock Ranger District, Coconino National Forest
Yavapai County, Arizona

Decision and Reasons for the Decision

Background

The proposal is to convey 80 acres of Coconino National Forest land to the Camp Verde Unified School District (CVUSD) under the authority of the Education Land Grant Act (ELGA) of 2000 (P.L. 106-577, 114 Stat 3068; 16 U.S.C. 479a). This 80-acre parcel is located at the east side of Camp Verde south of State Route 260 and mostly west of Verde Park Road. The parcel is also adjacent to the Town of Camp Verde community park project parcel approved for sale earlier this year under the Townsite Act authority. In January 2005, the Forest Service accepted the ELGA application submitted by the CVUSD for the identified 80-acre parcel as complete and indicated the application met the eight requirements of the law. (Requirements: 1) A legal description of the land requested; 2) A statement that the conveyed NFS land will be used for a public or publicly funded elementary or secondary school to provide grounds or facilities for that school; 3) Documentation that the total acreage requested is the minimum amount necessary for the intended purpose; 4) Document other alternatives considered, such as private land, and why they cannot accommodate this need; 5) Documentation that the conveyed land is within the applicant school district; 6) Documentation that the school district is financially capable of completing the proposed project; 7) Reasons why the applicant school district feels that the conveyance for education purposes outweigh the public objective s and values that would be served by keeping the land in the National Forest System; and 8) A development plan that describes the proposed public educational use of the conveyed land, the types of facilities that will be constructed, access, utility routes and estimated construction times. CVUSD has identified that due to current enrollment in the school district as well as projected growth, the existing school facilities are inadequate and non-federal land 60 to 80 acres in size within the Camp Verde community and school district is not available. In addition, the ELGA allows acquisition of National Forest land by primary and secondary school districts for a nominal fee, which allows school district's to better meet their facility needs with the limited available funding. The sale of this site is consistent with direction in the Coconino National Forest Land and Resource Management Plan. The environmental assessment (EA) documents the analysis of one alternative to meet this need.

Legal Description of Federal Land to be Conveyed

GILA AND SALT RIVER MERIDIAN, Yavapai County, Arizona

T. 13 N., R. 5 E.

sec. 9—E1/2NW1/4

SUBTOTAL FEDERAL LAND BY COUNTY: 80 ACRES

Total Federal land: approximately 80 acres

Decision

Based upon my review of the analysis, I have decided to implement Alternative B, which approves the 80-acre sale of Coconino National Forest to the CVUSD as described above.

The sale of this parcel will allow the CVUSD to meet the educational needs of the growing school district for the foreseeable future while minimizing impacts and changes to National Forest uses and activities. CVUSD proposes over the longer term to develop a complete school campus under the requirements described in the State of Arizona Schools Facility Board Policy Book and indicates site size should be a minimum of 60 acres. Due to the presence of a Town of Camp Verde road easement that goes through the property and some topographic and drainage issues, CVUSD requested the additional 20 acres of land to accommodate mitigation of these issues. These issues justify the need for the 80-acre parcel to develop an adequate school campus facility and is consistent with State of Arizona guidelines for the typical size of school campuses. Development of a school at this location is consistent with Town of Camp Verde General Plan direction which describes classification of this land as Open Space, which includes schools in its definition. While selection of this alternative has the potential to change the more natural setting at the site and may displace more recreation uses when considered cumulatively with conveyance of the adjacent community park parcel, it will provide opportunities for shared facilities with the proposed park to better meet the needs of a growing community and school district. The school district has expressed the willingness to consider mitigation of development concerns relating to noise, invasive species, traffic and lighting and the ultimate development of the school campus is managed through the public actions of the school board.

Sale of this parcel to the CVUSD is consistent with the Coconino National Forest Plan standards and guidelines related to land adjustment as this area is identified as base in exchange (Coconino National Forest Plan, Preferred Alternative Map) indicating it has the characteristics that would warrant conveyance, especially since this sale is intended to meet growing community and school district needs.

Other Alternatives Considered

In addition to the selected alternative, Alternative B, I considered the No Action alternative. A comparison of these alternatives can be found in the EA on pages 8-10.

Alternative A - No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. The 80-acre parcel would remain in federal ownership and managed as it is currently. No school district facilities would be constructed at this site. New school facilities would need to be developed on non-federal land throughout the community

instead of a single campus as there is not an alternative location available of the required size needed for a full campus or that has the required elements for a school site.

Alternative B

The Forest Service would sell the 80-acre site as requested by the CVUSD. A school district campus would be developed as approved through the State of Arizona and CVUSD School Board. The site must be used for primary or secondary schools under the law or the property would revert to the United States.

Public Involvement

As described in the background, the need for this action was identified in the CVUSD application dated November 1, 2004. The application was submitted by the CVUSD Superintendent after approval by the CVUSD Governing Board. The proposal to consider sale of the property has been listed in the Coconino National Forest Schedule of Proposed Actions since April 2005. Information on sale of the 80 acre parcel was provided to the public and other agencies for comment during scoping in August 2005. As part of the public involvement process, the agency sent letters to adjacent landowners and interested parties describing the possible sale of the 80-acre site as well as developed a news release asking for comment. A public open house was held on August 10, 2005 with Forest Service and school district staff present to answer questions and accept comments. Seventeen responses were received from the mailing, news release and public meeting.

Using the comments from the public, adjacent landowners and other agencies, including the CVUSD, the interdisciplinary team developed a list of issues to address (see EA page 6-7). Many comments fall outside the scope of the Forest Service's decision as they relate to actions under the authority of the CVUSD and other agencies, such as those activities and facilities development that occur at the site after conveyance of the property. Development of the site would be managed through the CVUSD and State school facilities development process. Concerns were expressed about property values, changes in natural setting, noise, lighting, traffic, flooding and loss of recreation opportunities.

A Draft Environmental Assessment (EA) of the Camp Verde Unified School District Land Acquisition under ELGA project and opportunity to comment on the proposal was announced through a legal notice in the Arizona Daily Sun on April 19, 2006 providing for the formal 30-day comment on the proposal. Letters and copies of the Draft EA document were sent to those that had commented in the past or otherwise indicated interest in this project (a total of thirty individuals/agencies/organizations). A news release was sent out to local Verde Valley media announcing the 30-day comment period. Five comments were received during the 30-day comment period all expressing support for the project. Comments are in the project record for both the August 2005 and April 2006 comment periods.

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. I base my finding on the following:

Context: The setting of the selected alternative and proposal is local in regards to long and short-term effects on both human and natural resources. The effects of this action are limited to a very limited area of Yavapai County in the Town of Camp Verde.

Intensity:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Both beneficial and adverse effects were considered in the environmental analysis.
2. There will be no significant effects on public health and safety, since potential development of the property will be done under ordinances and laws that require compliance with health and safety standards. No specific safety or health issues were raised as significant issues.
3. There will be no significant effects on unique characteristics of the site. This site area is surrounded by highway and private land on three sides and the site does not contain unique features. There are no other sensitive resources or unique characteristics on the site, including farmlands, rangelands or adverse impacts to minority groups, civil rights, women, or consumers relative to environmental justice (see EA pages 25-26).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project and the ultimate development of school facilities and change in use of the property will be through a subsequent planning with the CVUSD Governing Board and State of Arizona requirements.
5. There is 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. The Forest Service has completed many land exchanges in the Verde Valley area as well as sales to communities for public purposes, including schools and wastewater facilities. Development on the 80- acre property to be sold will likely be similar to what is seen at existing CVUSD school campus on Apache Trail. Effects of development are typical and not uncertain.
6. The action is not likely to establish a precedent for future actions with significant effects, because sale of this property is a separate action and decision. No other activities or decisions are necessary as a result of this decision. There is approval for the conveyance of an adjacent parcel to the Town of Camp Verde for a community park; however conveyance of this parcel does not require the conveyance to the Town. However, conveyance of both properties would result in a more manageable National Forest boundary and also shared facilities between the Town and school district.
7. The cumulative impacts are not significant (see EA pages 11-26).

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. One potentially eligible cultural resource site was identified on the parcel. Testing and mitigation the site have been completed and clearance granted on October 30, 2006. There are no other effects that would occur as a result of the sale of the property. Cultural resource surveys and reports were completed and the Arizona State Historic Preservation office has concurred with the implementation of this project as a result of testing and evaluation. Consultation has also occurred with local tribal entities and concerns were addressed. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because no other resources were identified on the property. (see EA pages 12-13).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. A Biological Assessment and Evaluation was completed on May 1, 2006 for the sale of the property. This document states that the sale and likely school development of the property in the future would not adversely affect any endangered or threatened species or its habitat. No consultation with Fish and Wildlife Service was required. Federal Species of Concern were evaluated as well as sensitive species. While habitat for the peregrine falcon, bald eagle, yellow-billed cuckoo, and Maricopa tiger beetle could be affected by the sale and likely development of the parcel, the habitat was determined marginal and degraded and prime, suitable habitat is available in the surrounding area, therefore the project would result in inconsequential loss of habitat. The heathleaf wild buckheat population could be lost after sale and during development of school facilities however loss of these individual plants would not result in a trend toward listing this species. (see EA pages 17-29 and the Biological Assessment and Evaluation in the project record).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Coconino National Forest Land and Resource Management Plan. It is also consistent with the Town of Camp Verde's Community Plan that identifies this site as open space. (See EA page 6).

Findings Required by Other Laws and Regulations

This decision to sell the 80 acres of Coconino National Forest land (Alternative B) is consistent with the intent of the Coconino Forest Plan's long term goals and objectives listed on pages 22-26. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for providing conveyance of federal lands for community purposes and in areas identified as appropriate for conveyance (base for exchange) (Coconino Land and Resource Management Plan: pages 85-86).

A Biological Assessment and Evaluation (BA&E) was completed for Camp Verde Unified School District Land Acquisition under the Education Land Grant Act project dated May 1, 2006 to ensure compliance with the Endangered Species Act.

An archeological clearance has been granted in coordination with the State Historic Preservation Office for this project on October 30, 2006.

The project area is not located in an active grazing allotment or used for grazing activities.

Minerals and water rights are not conveyed under this authority and therefore reports are not necessary. There are no mining claims in the project area.

A Hazardous Material Examination of the project area was completed to ensure compliance with Forest Service Manual 2166. No hazardous substances or petroleum products exist at the site and no further investigation is required.

A Water Resources Evaluation was completed for the project area to ensure compliance with Forest Service Manual 2527.03 and Executive Orders 11988 (floodplains) and 11990 (wetlands). No wetlands or floodplain will be lost as a result of the sale of the property.

Revocation of a Powersite Withdrawal has been requested for the project area by the Federal Energy Regulatory Commission and through the Bureau of Land Management. Revocation for this area will be completed prior to conveyance of the property to the school district or the deed will contain appropriate wording to address this withdrawal.

Sale of the property will be subject to easements to the Town of Camp Verde/Yavapai County for Verde Park Drive and Quarterhorse Lane. Relocation of Verde Park Road could occur after conveyance through agreement between the Town of Camp Verde and the CVUSD. There are no other special use permits on the property.

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.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer, USDA Forest Service, 333 Broadway Boulevard SE, Albuquerque, New Mexico, 87103 or FAX (505)842-3110.

The office business hours for those submitting hand-delivered appeals are: 8:00 am to 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-regional-office@fs.fed.us In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the *Arizona Daily Sun*, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *Arizona Daily Sun*, 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.

Individuals or organizations who provided comment or otherwise expressed interest in the proposed action by the close of the comment period may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Judy Adams, Lands Staff, Red Rock Ranger District, PO Box 20429, Sedona, AZ 86341 (mailing address) or at 7780 E. Beaver Creek Ranger Station Road, Rimrock, AZ 86335 (physical address), (928) 203-7506.

/s/ Mark Sensibaugh (for)

NORA B. RASURE
Forest Supervisor
Coconino National Forest

Nov. 3, 2006

Date