

**Decision Notice
and
Finding of No Significant Impact**

**Elk Park Fuels Reduction and Forest Health Project
Coconino Forest Plan Amendment #23**

**Mormon Lake Ranger District
Coconino National Forest
Coconino County, Arizona**

Background

This notice documents my decision for the Elk Park Fuels Reduction and Forest Health project, located approximately 6 miles due southeast of Flagstaff, Arizona. The area affected by the decision includes 6,731 acres of Forest Service land adjacent to and surrounding the entire community of Elk Park Meadows. The project area includes all or portions of T19N, R7E Sections 1 and 12-13; T19N, R8E Sections 3-9 and 15-20; T20N, R7E Section 36; and T20N, R8E Sections 31-33.

Elk Park Meadows is an unincorporated community not serviced by any fire district. Currently, this 160-acre private in-holding is comprised of 65 developed lots; there are an additional 50 undeveloped lots. Most owners are part-time/summer residents. Access into Elk Park Meadows is along Forest Roads 132 and 132D, about 7 miles from the junction with Forest Highway 3.

Fire has been, for the most part, excluded from the project area for over a century. Fire suppression has resulted in increased tree densities, surface fuel accumulation, changes in species composition, a more even-aged forest structure, and pine encroachment in meadows and drainage bottoms. Most of the area is in Fire Regime Condition Class III (a severe departure from the natural historical regime of vegetation characteristics, fuel composition, and fire effects) and a wildfire occurring under existing conditions would result in more severe effects than should occur for the natural fire regime. Therefore, the community of Elk Park Meadows is currently considered at risk from a wildfire and this area was included in the Community Wildfire Protection Plan for Flagstaff and Surrounding Communities (2005).

Decision

After considering information provided in the environmental assessment (EA), public comments, consultation with US Fish and Wildlife Service, and internal Forest Service specialist input, I have decided to select Alternative 2 (Proposed Action) which will implement fuel reduction and forest health treatments on 6,731 acres of Forest Service land in the vicinity of Elk Park Meadows.

My decision includes:

- 4,700 acres of uneven-aged harvesting and thinning of ponderosa pine
- 6,400 acres of prescribed burning

- Up to 4 miles of temporary roads may be constructed to facilitate the removal of cut trees
- Relocating Forest Road 132B out of a meadow and private land in Elk Park Meadows; this involves constructing 0.80 miles of new permanent road west of private land to reconnect near the Hoxworth Spring crossing and decommissioning the former road segment.
- Improving the surface and drainage of Forest Road 132B between Elk Park Meadows boundary and FR 132D and 1 mile of FR 132B south of the Hoxworth Spring crossing.
- A non-significant amendment to the Coconino Forest Plan (Amendment #23) that will allow harvesting of trees up to 16 inches in diameter in the Clark Mexican spotted owl protected activity center (PAC)

Rationale

When compared to Alternative 1 (No Action), Alternative 2 will meet the project's purpose and need by: reducing the threat of severe wildfire in and around the Elk Park project area; changing forest conditions to support desirable fire behavior; and creating a forest structure that more closely resembles the structure that existed prior to interruption of the historic fire regime.

The forest plan amendment will allow us to harvest some ponderosa pine trees up to 16 inches DBH within the Clark PAC. This amendment will allow us greater flexibility to thin a sufficient number of trees so that we can begin to reduce fire hazard and improve ponderosa pine forest structure within the PAC, as well as improving Mexican spotted owl nesting and foraging habitat.

This amendment is considered non-significant given that: 1) it would apply only to the Clark PAC, which is 1 of 182 PACs on the Coconino and represents approximately 0.02% of the total forest; 2) it is being proposed at a time when the current forest plan is 20 years old and Amendment #11 standards and guidelines for Mexican spotted owl are 11 years old; 3) outputs identified in the current Forest Plan are not anticipated to change as a result of the proposed treatments in the Clark PAC and the long-term relationship between levels of goods and services projected by the Forest Plan will not be affected; and 4) reformatting of the Forest Plan is not necessary in conjunction with this amendment.

My decision also includes a determination that the other actions proposed by Alternative 2 are consistent with the Coconino Forest Plan (1987, as amended). Furthermore, design features and mitigation measures listed in Chapter 2 of the EA will be applied when implementing this project to avoid and/or minimize environmental impact.

A project record document (PRD) located at the Peaks Ranger District contains supporting information and reference materials related to this Decision Notice and Finding of No Significant Effect. In reviewing the project record, I have determined the analysis considered the best available science.

Alternatives Considered

Two alternatives were considered in detail: No Action and the Proposed Action. Alternatives to the proposed action were not developed because there were no significant issues identified during scoping or the official 30-day comment period.

Alternatives Considered but Eliminated from Detailed Study

During development of the proposed action, other alternatives were considered in concept and eventually dropped from further analysis, as summarized below. Three additional alternatives were also requested during scoping; however they were not considered in detail because they either did not meet the project's purpose and need or the requested actions were already integrated into proposed design features or mitigation measures. Additional detail and rationale for eliminating these alternatives from further study are provided in Chapter 2 of the EA.

Alternative Timber Hauling Route

In order to avoid the impacts of using Forest Road 296 on bald eagle, other existing roads as well as the construction of new roads were looked at for hauling logs. The forest was unable to find a feasible alternative haul route either because the Agency lacks right of way or because the location of other system roads in the area were in conflict with numerous Mexican spotted owl PACs potentially resulting in greater impacts to threatened species. New roads were considered, but the potential effects to sensitive species, the increase in road density and the expense associated with road construction eliminated the need for further analysis.

No Forest Plan Amendment

An alternative to include the same proposed treatments for the project area, minus a Forest Plan amendment for the Clark PAC, was not analyzed in detail. Since the majority of overstocked ponderosa pine within the Clark PAC ranges in size from 12-16 in. DBH, adhering to a 9 in. diameter restriction (Forest Plan standard) would result in few to no trees being removed in this PAC; essentially, the same net effect as not treating (no action) in the Clark PAC. It was determined that the potential effects of this alternative were already being analyzed in detail under the No Action and Proposed Action alternatives.

Alternatives Suggested During Public Scoping

An "alternative without machine piling" was not analyzed in detail because it was determined that hand piling 4,700 acres could not be done in a timely or cost-effective manner. Furthermore, the effects of machine piling can be mitigated through design features and best management practices described in Chapter 2 of the EA.

An alternative that would have "limited actions to Firewise precautions around structures" was not analyzed in detail because it would not meet the purpose and need of this project (reducing fire hazard on Forest Service lands).

An alternative that requires "manually removing all invasive plants before thinning and prescribed burning" was not analyzed in detail because it would be very labor intensive and expensive to require only manual removal (i.e. by hand) of all invasive plants. The Proposed Action includes weed treatments (e.g. hand pulling musk thistle, biocontrol insects for diffuse knapweed and Dalmatian toadflax, and best management practices to contain/control populations of cheat grass) to limit the spread of existing populations of noxious or invasive weeds within the project area.

Public Involvement

This project was first listed in the Coconino National Forest Schedule of Proposed Actions (SOPA) in October 2006 and consultation with 13 Native American tribes began in February 2006. In October 2006, a description of the Proposed Action and a series of maps were mailed to approximately 180 individuals and organizations who were determined to be affected (adjacent landowners) or otherwise expressed interest in similar past projects. Thirteen comment letters were received during this public scoping period and no significant issues were identified. Most residents responded favorably to reducing wildfire risk in the area and asked to be kept informed about the project. Other comments requested additional information or clarification of specific actions to be included in the EA. One letter suggested additional alternatives to consider, as discussed earlier.

An EA was prepared and a legal notice of opportunity to comment was published in the *Arizona Daily Sun* on February 21, 2007. The 30-day comment period ended on March 23, 2007. One letter containing several different comments was received in response to the EA. These comments did not present any new issues or concerns requiring changes to the EA. The comments are summarized below in bold text along with my response.

Comment #1: Comments on the EA cannot be provided until 1) formal Section 7 consultation under the Endangered Species Act has been completed and 2) environmental disclosure and analysis of the proposed Coconino Forest Plan amendment is completed.

There is no requirement for Section 7 consultation to be completed before the official EA comment period begins; consultation must only be completed before the Agency issues its decision. Formal consultation on this project was underway during the 30-day comment period and has since been completed. Direct, indirect and cumulative impacts of the proposed action and forest plan amendment on Mexican spotted owl were discussed in the “Wildlife-Threatened and Endangered Species” section of Chapter 3 of the EA. An analysis of the significance of this amendment was provided in Appendix A of the EA.

Comment #2: The agency has failed to comply with the Forest Plan’s requirement to provide timely recovery schedules for proposed, threatened, endangered, or sensitive plant or animal species.

This comment is outside the scope of this project. Recovery schedules are not required to be developed for projects. Recovery schedules or implementation plans are included in recovery plans developed for federally listed species. The Forest Service participates on or provides input and information to recovery teams that develop recovery plans. The Forest reviews and uses existing recovery plans, existing plans for sensitive species, and other relevant information for projects. The Forest Service has conducted inventory and monitoring for threatened, endangered, or sensitive species that may occur within the area analyzed for this project. Southwestern Region protocols were used for species that have had standardized protocols developed for inventory or monitoring. Monitoring will also occur after implementation as disclosed in Chapter 4 of the EA.

Comment #3: Under the Migratory Bird Treaty Act (MBTA), the Forest Service must obtain a “take” permit from the US Fish and Wildlife Service for any protected migratory birds that may be harmed by the proposed action.

Potential impacts to migratory birds were analyzed for this project and effects were disclosed in the EA. This complies with E.O. 13186 requirements to disclose the effects of unintentional take, reasonably attributable to agency action, on migratory bird populations. Other provisions of E.O. 13186 are at the agency level and are thus outside the scope of this decision.

Finding of No Significant Impact

After considering the context and intensity of environmental impacts described in the EA, I have determined that the proposed action will not have a significant effect on the quality of the human environment. An environmental impact statement will not be prepared. My determination is based on criteria outlined in the implementing regulations for the National Environmental Policy Act (40 CFR 1508.27).

Context

This project is a site-specific action that by itself does not have statewide, regional, national, or international importance. The context of this action is that 6,731 acres of Forest Service land will be modified to reduce fire hazard and improve the ponderosa pine forest structure; this project area represents approximately 0.3% of the total acres on the forest. Within the Coconino National Forest, environmental impacts will be limited to those resources contained within the project area and watershed area and will have little influence upon state or regional resources.

Intensity

1) Both beneficial and adverse effects have been considered in my decision. Benefits include decreasing the fire hazard rating and Fire Regime Condition Class of the entire project area, ultimately reducing the threat or impacts of a wildfire. Mechanical harvesting will leave groups of trees in a more uneven-aged forest structure that will move the area closer to desired forest conditions. The remaining trees will have decreased inter-tree competition and increased tree vigor and the remaining forest will have improved health, increased understory production and increased natural regeneration. Treatments will also improve long-term habitat quality for wildlife species. These improved conditions will last several decades. I also recognize that the Proposed Action will result in some adverse effects. For instance, mechanical harvesting and prescribe burning will likely increase instances of bare soil, which can contribute to increased sedimentation and runoff from recently disturbed areas. However, understory grasses and vegetation are expected to rebound after 1-2 growing seasons. Some wildlife will likely leave the area temporarily to avoid noise and disturbance; however, they will return after implementation concludes. Design features and mitigation measures listed in Chapter 2 of the EA will be applied when implementing this project to avoid and/or minimize adverse impacts. These impacts are considered short-term in nature and will not impair long-term productivity and as thus, they are not considered to be of significant intensity.

2) There will be no significant impacts to public health and safety. Impacts to air quality from prescribed burning will be mitigated by selecting favorable weather conditions in which to burn and controlling the size of the area burned on any given day. Smoke impacts are estimated to be 72 hours or less, depending on the type of burn (initial, pile, or maintenance). Prescribed burning plans must be approved by ADEQ in advance and public notification of burning would take place prior to ignition. Implementation of this project will also reduce the threat of severe wildfire affecting the Elk Park Meadows community, thereby improving public safety in the area.

3) There will be no significant adverse effects on wild and scenic rivers, research natural areas, designated wilderness areas, inventoried roadless areas, or designated parklands or prime farmlands since these areas do not exist within or adjacent to the project area.

4) The public generally supports the project and understands the project need. The effects on the quality of the human environment are not highly controversial, because there is no substantial dispute as to the size, nature or effects of the proposed action among resource specialists.

5) The forest has ample experience with implementing the proposed activities. The environmental effects analysis (EA, Chapter 3) demonstrates that the effects are not uncertain and do not involve unique or unknown risk.

6) These site-specific actions do not establish a precedent for future actions, which may have significant effects; nor does it represent a decision in principle about a future action. The forest plan amendment would apply only to the Clark PAC and would not affect or set precedent for treatments in other MSO PACs on the forest. The proposed thinning of trees up to 16 inches dbh is driven by the current condition of ponderosa pine and risk of wildfire in this particular area. The change in management prescription does not, of itself, change the desired condition for Mexican spotted owl nesting habitat; it will merely assist in achieving the desired condition in a different way. The proposed treatments will reduce wildfire hazard and improve the pine/oak forest structure, thereby improving Mexican spotted owl nesting habitat. The desired condition of the overall forest landscape would not be altered through implementation of this amendment.

7) Past, present and reasonable foreseeable future actions have been considered and analyzed in conjunction with the proposed action and there were no cumulative effects determined to be significant. Cumulative effects are disclosed in the EA (Chapter 3).

8) The State Historic Preservation Office has reviewed this project and agreed that the project will have “No Adverse Effect” on sites eligible for listing in the National Register of Historic Places. All known sites will be excluded and protected from burning and mechanical harvesting activities.

9) The degree to which this project could adversely affect endangered or threatened species or their habitats was determined through the development of a Biological Assessment and Evaluation and formal consultation with the U.S. Fish and Wildlife Service (USFWS). The USFWS provided a Biological Opinion based on the Forest Service’s determination of “may affect, likely to adversely affect” for Mexican spotted owl (MSO) and “may affect, likely to adversely affect” for bald eagle (Biological Opinion AESO/SE22410-2007-F-0371).

The Forest Service’s “may affect, likely to adversely affect” determination for MSO is based on short-term effects such as disturbance and modified prey habitat associated with project implementation. These effects may last for several years during project implementation. Currently, habitat conditions found in the Clark PAC do not provide high-quality MSO nesting or roosting habitat and there are no known MSO nests in the PAC. In their Biological Opinion, USFWS determined that the removing trees up to 16 inches dbh within the Clark PAC or in adjacent restricted habitat will not result in incidental take. In the long-term, the proposed treatments will improve the potential of the Clark PAC to support nesting MSO and will also reduce the intensity and severity of a wildfire should one occur within the PAC. Furthermore, implementation of the proposed action is not expected to impede the survival or recovery of MSO within the Upper Gila Mountains Recovery Unit.

The Forest Service’s “may affect, likely to adversely affect” determination for bald eagles is based on disturbance associated with log hauling near a historic winter roost area along FSR 296. To mitigate disturbance to breeding eagles, the Forest Service has stipulated that this portion of the haul route will not be used when nesting or breeding eagles are present. In their Biological Opinion, USFWS determined that “there are ample roost sites available in the general area that will be free from project-related disturbance” and therefore the use of FSR 296 as a haul route would not result in incidental take. Furthermore, the population status of the eagle both within its entire range and within the action area has substantially improved. On June 28, 2007 the Secretary of the Interior Dirk Kempthorne announced the removal of the bald eagle from the list

of threatened and endangered species. The removal of the bald eagle from the Federal List of Endangered and Threatened Wildlife and Plants will become effective 30 days after publication in the Federal Register. It is expected that the bald eagle will no longer be listed as a threatened species by the time the Elk Park Project is implemented.

10) This action does not violate any Federal, State, or local laws or requirements designed for the protection of the environment. Applicable laws and regulations were reviewed and considered in the EA and are summarized hereafter.

Findings Required by Other Laws

Clean Water Act of 1948, as amended: By implementing best management practices (BMP), this project complies with Arizona State laws regarding water quality.

Clean Air Act of 1955: Proposed prescribed burning is not anticipated to cause disproportionate adverse human health or environmental effects to air quality.

National Historic Preservation Act (NHPA) of 1966, as amended: A cultural resources clearance report was completed and concludes that the proposed treatments would have no adverse effect on historic properties and values. Native American tribes and communities were consulted and concurrence has been obtained from the Arizona State Historic Preservation Office (SHPO).

Endangered Species Act (ESA) of 1973, as amended: The Forest Service completed formal consultation with the U.S. Fish and Wildlife Service. Biological opinion AESO/SE22410-2007-F-0371 concludes that the implementation of the Elk Park Fuels Reduction Project will not likely jeopardize the continued existence of the bald eagle and MSO, and is not likely to destroy or adversely modify designated critical habitat for MSO.

National Forest Management Act (NFMA) of 1976, as amended: This project, and its associated design features and mitigation measures, addresses Coconino National Forest Plan standards and guidelines and management area direction as they apply to the project area.

American Indian Religious Freedom Act of 1978: This project would not deny American Indians access to land within the project area for traditional and cultural purposes nor would it infringe upon the rights of Native Americans to worship through ceremonies or traditional rights within the project area. The tribes have been consulted on this project and no concerns were expressed.

Executive Order 13007 (Indian sacred sites): Access to and ceremonial use of sacred sites by Indian religious practitioners would be accommodated with this project, and activities associated with this project would avoid adversely affecting the physical integrity of such places.

Executive Order 12898 (environmental justice): Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations.

Executive Order 13186 (migratory birds): This project is consistent with the Migratory Bird Treaty Act of 1918, as well as Agency guidelines for conformance with the act. The project analysis evaluated the effects of actions on migratory birds.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to regulations at 36 CFR 215. Individuals or organizations who submitted comments or otherwise expressed interest during the official 30-day comment period may appeal this decision. The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer. Submit appeals to: Regional Forester, Appeal Deciding Officer, 333 Broadway SE, Albuquerque, NM 87102 or fax to (505) 842-3173.

If hand-delivered, the appeal must be received at the above address during business hours (Monday-Friday 8:00 a.m. to 4:30 p.m.), excluding holidays. Electronic appeals may be submitted to appeals-southwestern-regional-office@fs.fed.us (.doc, .rtf, or .txt formats only). The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. When emailing an appeal, you will receive an automated reply if the message is received. If you do not receive this automated reply, it is the responsibility of the appellant to ensure the appeal is received by the deadline (36 CFR 215.15).

Appeals, including attachments, must be in writing, fully consistent with 36 CFR 215.14, and , filed (postmarked) within 45 days following the date this notice is published in the *Arizona Daily Sun*, the newspaper of record. The publication date in the *Arizona Daily Sun* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

Implementation

This project may be implemented 5 business days following the close of the appeal filing period established in the legal notice of decision published in the *Arizona Daily Sun*. If an appeal is filed, implementation may begin 15 business days following a final decision on the appeal. Implementation is defined as actually doing the ground-disturbing actions described in this notice.

Contact Person

For additional information concerning this decision, contact Skye Sieber, Peaks and Mormon Lake Ranger District NEPA Specialist, (928) 527-8216 or ssieber@fs.fed.us.

/s/ Nora B. Rasure
NORA B. RASURE
Forest Supervisor

6-29-07
Date