

Decision Notice and Finding of No Significant Impact

Paliza Prescribed Burn Project

**USDA Forest Service
Jemez Ranger District, Santa Fe National Forest
Sandoval County, New Mexico**

Background

In 1995, approximately 7,000 acres of the current Paliza project area was authorized for prescribed burning as part of the Paliza Vegetation and Road Management Project Environmental Assessment (EA) and Decision Notice (DN). In 2006, the proposed Paliza burn area was enlarged to about 11,000 acres, and the project was re-authorized in a Decision Memo as a categorical exclusion. In 2007, a court order eliminated the agency's ability to use a categorical exclusion for fuel reduction projects, so the project was put on hold. Details and maps are in the Project Record. We recently completed a new EA for this project. The current project area encompasses 14,382 acres, with 11,440 acres on the Jemez Ranger District of the Santa Fe National Forest (Forest) and 2,895 acres on the Pueblo of Jemez (Pueblo), as well as 47 acres of private land that would not be treated without landowner permission.

The proposed burn would be conducted jointly across Forest and Pueblo land. It has been planned in partnership with the Pueblo and the Bureau of Indian Affairs-Southern Pueblos Agency. However, this DN/Finding of No Significant Impact document only applies to the land managed by the Forest Service. The BIA will issue a separate decision and FONSI regarding the proposed actions on Pueblo land in the project area.

This project area is located approximately 5 miles east of Jemez Springs and 4 miles northeast from the Town of Ponderosa, in Townships 16N and 17N, Range 3E (see EA p. iii for map). Ponderosa pine forest covers the vast majority of this area, with smaller patches of mixed conifer forest and piñon-juniper woodlands.

The purpose and need for this project is to reduce the risk of a large, uncharacteristic, high-intensity crown fire, such as the recent Las Conchas Fire that burned directly adjacent to this area. We are also trying to restore low to moderate intensity fire, which is a critical ecological process for improving the long-term resilience of fire-adapted forests.

Decision and Rationale

Based upon my review of the EA, project record, and public comments, I approve the implementation of Alternative 2- the proposed action, as described in the EA, pp.5-11. In summary, Alternative 2 involves:

- Conducting low to moderate intensity prescribed burns using a combination of manual and aerial ignition methods to burn fuels throughout the project area. The burns would be

specifically designed to reduce the continuity and density of the understory trees, surface fuels, and lower branches of the larger trees without becoming a running crown fire.

- Thinning out the smaller trees (3-12 inch diameter) within about 300 yards of the north and east boundaries of the area, to prepare and enhance the burn area boundary, using manual felling and/or tree mastication machines. This will occur about one year prior to conducting the burn to allow time for the public to remove cut wood (through firewood permits) and for the slash to dry out. This fuelbreak thinning will occur along existing dirt roads on up to 929 acres.
- Maintaining roads needed for use by fire engines and other project vehicles by smoothing surfaces and improving water drainage.
- Periodically conducting future maintenance burns in order to maintain the desired fuel conditions that minimize the risk of uncharacteristic wildfires.

This decision includes implementing all the monitoring requirements and mitigation measures listed in the EA Chapter 2 (pp. 8-11). Mitigation measures are expected to minimize potential adverse impacts from proposed actions on water, air, wildlife, historic sites, and other resources.

Compared to the Alternative of taking no action, as evaluated in the EA, Alternative 2 meets the identified need for action while minimizing the risk of significant adverse impacts. The No Action alternative does not meet the need. Alternative 2 will create forest conditions that better support natural fire regimes with significantly lower heat intensities, flame lengths, and rates of spread. Fire behavior modeling and other analyses conducted for the EA indicate that under the No Action alternative, the overly dense and homogenous forest and fuel conditions covering this area would remain highly vulnerable to a fast-moving (active) crown fire that could seriously impact water quality, air quality, wildlife habitat, cultural resources and other resources, and threaten nearby communities including Los Alamos. The EA discloses effects of each alternative in chapter 3, and summarizes the key differences in those effects to provide a clear basis for choice (EA pp. 11-12).

Findings Required by Other Laws and Regulations

Alternative 2 is consistent with the Forest Plan for the Santa Fe National Forest, including the goals and standards/guidelines relevant to the proposed actions and affected area, as described throughout the EA. Alternative 2 is also consistent with and part of the Collaborative Forest Landscape Restoration (CFLR) Strategy for the Southwest Jemez Mountains, and the Sandoval County's Community Wildfire Protection Plan (EA p. 2). It is also consistent with the National Fire Plan and Forest Service fire management policies. The EA and record indicate the interdisciplinary team followed National Environmental Policy Act (NEPA) process requirements in 40 CFR 1500-1508, 36 CFR 220 and FSH 1909.15, along with other environmental protection requirements such as those associated with the Endangered Species Act, Clean Water Act, Clean Air Act, Migratory Bird Treaty Act, and others (EA pp. 23-48). Additionally, the EA and DN adhere to National Historic Preservation Act (NHPA) requirements defined in Appendix J of the First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities (Forest Service, State Historic Preservation Offices, and Advisory Council on Historic Preservation). Because this project will be conducted over more than one year, clearance of the proposed activities will be undertaken using a phased approach as defined in the Agreement. Initiation of work in any phase of the project will be contingent upon completion of the identification and protection of historic properties and compliance with applicable provisions of the NHPA in accordance with the Standard Consultation Protocol, including consultation with

Native American Tribes. If we subsequently determine that adverse effects on historic properties in any phase cannot be avoided, we will consult with the State Historic Preservation Officer, Advisory Council, and other consulting parties in accordance with requirements of 36 CFR 800 and will amend this DN if necessary based on the effects.

Furthermore, preparation of the EA included the following public involvement efforts: widely distributing notices requesting public comment on the proposed action and scoping report (February 2011); holding public meetings and a workshop (March 2011); publishing the proposed action in the Schedule of Proposed Actions (April 2011); meeting with representatives from BIA, Jemez and Santa Clara Pueblos, U.S. Fish and Wildlife Service, State Game and Fish, and grazing permittees; and providing another opportunity for public comment on the proposed project under 36 CFR §215 while the draft EA was on the Web (June 17-July 18, 2011). We received eight email responses during the scoping in February expressing only supportive comments about the proposed actions. Two comments asked us to include mitigation measures for Jemez Mountain salamander and cultural resource site protection, which we did because they were standard practices for this type of project. Another project supporter asked us to consider some specific ways to help maintain tourism in Jemez Springs during the burn activity, which we are considering. No additional comments were received during the second comment period.

Finding of No Significant Impact

Based on the environmental effects described in the EA and supported by the project record, I have determined the actions in the selected alternative will not have a significant effect on the quality of the human environment (40 CFR 1508.27). The activities and estimated effects described in the EA for Alternative 2 are of limited geographic extent, duration, and intensity (EA pp. 5-11). Thus, an EIS will not be prepared. I also base my finding on the following factors:

1. I considered both the beneficial and adverse impacts of Alternative 2 as disclosed in the EA. Beneficial effects were not used to minimize the possible severity of adverse effects. None of the adverse effects predicted for Alternative 2 are significant, even when considered apart from the beneficial effects, based on effects disclosed in the EA (pp. 11-59).
2. There will be no significant impacts to public health or safety. The EA discloses effects of anticipated smoke emissions of relatively short duration and magnitude, and includes mitigation measures to reduce potential adverse impacts to public health and safety related to smoke (pp. 9-10, 43-45, 56). Compared to no action, Alternative 2 will reduce the risk of possibly more serious smoke impacts from a running crown fire (EA pp. 42-43).
3. There will be no significant effects on unique characteristics of the area. There are no park lands, prime farmlands, jurisdictional wetlands, congressionally designated areas, or other ecologically critical areas in the affected area (EA pp.1, 13-51).
4. Effects on the quality of the human environment are not likely to be highly controversial. Throughout the NEPA process and public involvement activities, there was no evidence of any scientific controversy over the impacts of the project (EA and project record). The EA and record demonstrate the team's consideration of the best available science in analyzing the environmental effects.
5. The effects on the human environment are not highly uncertain and do not involve unique or unknown risks, as evidenced in the environmental consequences sections of the EA (pp. 13-59). The Forest Service has considerable experience with thinning, road maintenance, and prescribed burning, including use of the aerial and manual ignition methods proposed for this

project. There is a large body of research about the effects of these activities in southwestern forests.

6. The actions would not establish any precedent for future actions with significant effects, or represent a decision in principle about a future consideration. The prescribed burn and pre-burn activities have been successfully implemented throughout the Forest and on other national forests, and are designed in accordance with well-established policies and plans.
7. The actions will not result in significant cumulative impacts when considering the effects of Alternative 2 together with effects of other past, present, or reasonably foreseeable actions. The EA considered the potential for significant cumulative effects for each affected resource (EA pp. 21-59 and Appendix A-Cumulative Effects Framework). After reviewing the EA, I am satisfied that none of the cumulative effects will be significant.
8. The actions will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural, or historical resources. This is due to the required mitigation measures (EA pp. 10, 45-48) and adherence to procedures in the Programmatic Agreement, Appendix J for Large Scale Fuel Reduction, Vegetation Treatment and Habitat Improvement Projects. Alternative 2 will reduce the risk of damage to cultural resources from a running crown fire that could occur without treatment, as in the no action alternative.
9. The actions may affect, but are not likely to adversely affect the Mexican spotted owl, which is the only federally listed species under the Endangered Species Act that is present or has suitable habitat in the affected area. This is due to the design features included in Alternative 2 and adhering to all mitigation (conservation) measures for spotted owl habitat contained in the Forest Plan and Recovery Plan, as described in the EA (pp. 8, 23-27) and the Biological Assessment in the project record).
10. The actions will not violate Federal, State, or local requirements for the protection of the environment. The EA and project record provide sufficient evidence that there would be no violation of the Clean Water Act, Clean Air Act, Endangered Species Act, National Forest Management Act, Executive Orders for protection of wetlands, floodplains and migratory birds (#11990, 11988 and 13186), and other applicable laws and regulations (EA pp. 13-59).

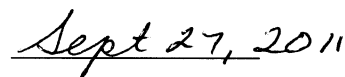
Administrative Review and Implementation

During the initial scoping period in February, only supportive comments on the proposed action were received. We provided another 30-day comment period, as published in a legal notice in the *Albuquerque Journal* pursuant to 36 CFR §215.5, and no additional comments were received. Thus, based on 36 CFR §215.12, this decision is not subject to administrative review (appeal), and implementation may begin immediately after publication of this DN [§215.9(c)(1)].

For additional technical information concerning this decision, contact William Armstrong, Fuels Specialist, Santa Fe National Forest, 11 Forest Lane, Santa Fe, NM 87508, 505-438-5434.



Linda Riddle
District Ranger
Jemez Ranger District



Date