

**DECISION NOTICE**  
**AND**  
**FINDINGS OF NO SIGNIFICANT IMPACT**  
**for the**

**Rio Chama Planned Ignitions and Wildlife Management Project**

**INTRODUCTION**

The following is my decision for the Rio Chama Planned Ignition and Wildlife Management Project. This Decision Notice provides a detailed description of the Alternative selected, the reasons and rationale for my decision, including other alternatives I considered, and how the public was involved.

The Environmental Assessment (EA) for the Rio Chama Planned Ignitions and Wildlife Management Project was prepared by an Interdisciplinary (ID) team. The EA discusses the reasons for taking action in the project area, and presents alternatives developed to move the existing conditions of the area towards desired conditions. The EA discusses the environmental effects of the proposed alternatives, and is available for public review at the Coyote Ranger District Office located just west of Coyote, NM along NM State Highway 96, and at the Santa Fe National Forest website: <http://www.fs.fed.us/r3/sfe/projects/index.html>.

**DECISION**

Based upon my review of the alternatives and the analysis in the EA, I have decided to implement the management strategy described under Alternative B. This alternative involves managing approximately 51,000 acres outside of the Chama River Canyon Wilderness by planned and unplanned ignitions, and managing approximately 40,000 acres of the project area (28,242 of which is within the Chama River Canyon Wilderness) through unplanned ignitions. Planned ignitions initiated outside the Chama River Canyon Wilderness will be allowed to spread into the Wilderness under appropriate conditions. There will be no planned ignitions within the Chama River Canyon Wilderness. Planned ignitions will consist of broadcast burns of low to moderate fire intensities with flame lengths generally less than 6 feet.

Planned and unplanned ignitions (i.e. natural starts) outside the Wilderness will be allowed to burn into Wilderness areas except for the Gallina River Canyon. As a mitigation measure to protect the air quality at the confluence of the Rio Gallina and the Rio Chama; planned ignitions will not be allowed to spread into the Rio Gallina Canyon.

There are approximately 4,635 acres of fuel bed preparation units outside the Wilderness. These areas have large quantities (>30 tons) of cull logs and woody material from previous timber sales and thinning. This material will be loosely piled by hand, and/or with tracked heavy mechanical equipment using a boom and bucket with an opposing thumb prior to burning. Burning these large fuels (old stumps and trees from past timber harvest) in a broadcast burn would generate large quantities of smoke for long durations. Large fuels, such as these, tend to burn slowly and inefficiently in a broadcast burn; however, piling the material allows for more efficient combustion and less smoke.

Approximately 110 acres of mechanical thinning using chainsaws and/or grinders will be implemented to provide protection to 4 trick tanks, 12 spring developments with troughs, 3 corrals, approximately 9 miles of fence, two communication sites and private land. Protection of these resources requires thinning of small trees (<9" diameter at breast height) and brush.

Tall-stature Gamble oak (> 4 inch dbh and > 10 feet in height) would be maintained with low severity planned ignitions while short-stature shrubs would be treated with moderate severity fire, to reduce its stature and provide high quality browse for wildlife.

Following initial treatments the project area will be maintained either with fire from unplanned ignitions or through fire from periodic planned ignitions. The proposed project will be implemented beginning as early as April, 2010 and continue until completed. Section 18 reviews will be conducted as necessary throughout the life of this project. Plans are to burn between 2,000 to 6,000 acres a year dependent on weather and fuel conditions, and available funding. The size of the prescribed fires will be determined by forest and fuel conditions, fire behavior and results, terrain, weather, and time of year. No roads will be constructed, nor will roads that are currently closed need to be opened.

## **Mitigation Measures**

### Rangeland/Grazing Management

No more than 30 percent of any given allotment common to the project area will be subjected to fire within a two year time frame. The objective is to implement the project without disruption of on-going rangeland management.

All fence lines and water developments will be protected from prescribed fires by removal of fuels by thinning with chain saws, followed by lop and scatter or pile burning.

Livestock operators will alter grazing strategies (rest and deferment, turn out dates, etc) when possible to allow understory vegetation to become established prior to receiving grazing pressure.

### Air Quality

Planned ignitions will not be initiated within the Rio Gallina Canyon nor will planned ignitions initiated outside the Rio Gallina Canyon be allowed to migrate into it. The objective is to minimize the potential affects to air quality at the confluence of the Rio Chama and Rio Gallina.

### Non-Native Invasive Weeds

All heavy equipment, engines, snow mobiles, ATVs etc. will be pressure washed of debris and mud prior to moving into the project area. The objective is to minimize the potential for the introduction or dispersal of non-native invasive plants (weeds).

### Watershed/Soil Productivity

Heavy equipment will operate only when soils are relatively dry. Precipitation resulting in pooling of water on roads or rutting of roads will warrant suspension of ground based activities.

Heavy equipment will not be allowed to operate on slopes greater than 40 percent.

Large woody material in all drainages and streams (washes and intermittent) will be left in place to provide effective ground cover and sediment retention.

Fuel bed preparation will use tracked or rubber tired equipment with a boom and bucket with an opposing thumb to pick and pile large woody material. Brush Rakes, skidder-steer equipment, and grapple skidders will not be allowed for bed preparation.

Prescribed fires of low to moderate severity will be allowed to “back down” into riparian areas and drainages. The objectives are to assure the retention of snags and down woody material.

No ground based equipment, heavy equipment, ATVs, engines, nor trucks will use meadow

communities to access project area for preparation of and/or implementation of planned ignitions operations.

#### Heritage Resources

All ground disturbing activities will occur in areas that have received valid survey. Ground disturbing activities not in areas of valid survey will receive cultural resource clearance before implementation.

All sites will be avoided by all ground disturbing activities.

All documented sites within areas to be burned will be evaluated for heavy fuel loading. Heavy fuels will be cut with chain saws and removed by hand from susceptible features prior to the initiation of burning activities.

New sites discovered during activities associated with the burn will be reported to the Forest and/or District Archaeologist. Newly discovered sites will receive the same treatment as previously documented sites.

All fire sensitive sites shown in Table 6 (see analysis file) will be protected as per the conditions of the Agreement dated March 5, 2004.

The Forest and/or District Archaeologist will participate in the decision to use fire for resource benefit using available information to make recommendations to the deciding officer.

#### **Monitoring and Adaptive Management**

Monitoring will be conducted via an interdisciplinary approach. Monitoring activities include, but are not limited to observing the planned ignitions behavior during implementation and evaluating the success at meeting the objectives of the treatments. Smoke management and monitoring will be evaluated by obtaining the appropriate burn permits from the New Mexico Environment Department and documenting that we met the objectives of the permits. Meeting the objectives of using planned ignitions in the Rio Chama Canyon Wilderness will be implemented through an interdisciplinary approach. Strategies will include the use of permanent photo points along FR151 in the Chama River Corridor to evaluate possible changes in the visual character, and evaluation of site specific effects of prescribed fires allowed to spread into the Wilderness, and along the Continental Divide Trail.

Per the terms and conditions documented in the Section 106 report and outlined in the *First Amended Programmatic Agreement Regarding Wildland Urban Interface and Other Large-Scale Hazardous Fuels Reduction Projects*, appropriate post-project monitoring to assess effectiveness of protection measures in accordance with FSM 2361.28.5 will include monitoring 20% of the protected fire-sensitive sites in the prescribed burn areas. In addition, each forest will incorporate into the inventory report, for at least one project each year, the requirement to monitor a minimum of 20% of sites *not considered* fire sensitive within the burn area. The purpose of post-treatment monitoring is to gather data that will be used to improve planning for protection of heritage resources in future projects. Site specific monitoring requirements will be documented in the inventory report and on the IS& A. This list and summary of monitoring results will be included in the annual summary report to the SHPO and the Advisory Council on Historic Preservation.

## **REASONS/RATIONAL FOR THE DECISION**

Alternative B best meets the project purpose and need, and would move the ecological conditions of the forest toward desired conditions (EA pages 10-11) in the following ways.

Implementing Alternative B will provide for healthy forested ecosystems across the landscape with the varied ecological structure and composition necessary to limit the potential for ground fires to grow into crown fires with catastrophic affects. When compared to Alternative A (No Action), Alternative B promotes sustainable stand composition and structure in the near to mid-term without the risk of catastrophic wildfire over the long-term as with Alternative A. Implementation of Alternative A (No Action) would leave much of the landscape, its forest resources and wildlife habitats susceptible to crown fire.

Implementation of Alternative B will provide for a forest structure and composition that will promote a strong herbaceous understory of perennial grasses and forbs, and a shrub component with a stature that provides a suitable source of quality browse for wildlife. These conditions would favor big game as well as most wildlife common to the project area. Implementation of Alternative A would allow continued closure of the forest through normal succession and growth of the forest long-lived species of Ponderosa pine, Douglas-fir and white fir which would continue to limit the expression of the understory species. Implementation of Alternative A would leave the landscape susceptible to the probability of catastrophic crown fire event.

Implementation of Alternative B will move the existing forest structure and composition found in the Rio Chama Canyon Wilderness toward desired conditions more quickly by allowing planned ignitions to migrate into it, than with Alternative A, which will not provide the opportunity to use planned ignitions. Implementation of Alternative B will not restrict activities to those few and relatively rare occasions when an unplanned fire event happens to be burning under conditions favorable to meeting the desire future conditions of the project, as would Alternative A.

Implementation will also allow for the protection of important wildlife and range management resources such as fence lines, water developments, corrals, etc. Often facilities as these cannot be adequately protected during an unplanned ignition event during extreme fire behavior. The protection of private land within the Forest boundary can be more adequately addressed through the planned physical removal of fuels by thinning followed by planned ignitions under appropriate conditions.

Overtime, implementation of Alternative B will allow for unplanned lightning caused ignitions to dominate fire occurrence across the landscape without catastrophic affects. The stand structures and ground fuel characteristics across the landscape will provide limited opportunity for ground fires to access the canopy. Canopy conditions will ultimately not facilitate crown fires. Planned and unplanned ignitions will primarily be surface fires burning through fine fuels provided by grasses. The effects of which will be of low severity fire, both within and outside the Wilderness.

Without active implementation of planned ignitions along with allowing unplanned ignitions to burn under appropriate conditions; this landscape will not move appreciably toward desired conditions over the near or long-term. Active implementation of planned ignitions would allow sufficient amount of land to be treated with fire across the landscape to meet the conditions described above.

## **Santa Fe National Forest Land Management Plan**

Alternative B is consistent with the Santa Fe National Forest Land Management Plan as amended direction (Forest Plan, p 25-86). The project was designed in conformance with Standards, and guidelines for Management Areas A, C, D, G, H, P and R (Forest Plan, pp. 87-158).

Forest Plan goal statements for:

Wilderness, pg 19

1. Provide a wilderness management program that achieves the intent of the Wilderness Act of 1964.
2. Maintain enduring, high quality wilderness values while providing for quality wilderness recreation experiences.
3. Allow wildfire to play a natural role.
4. Protect air quality related values in Class I wilderness areas.

Fire Management, pg. 22

1. Protect life and property from wildfire.
2. Protect forest resources from wildfire at a level commensurate with the value of the resource.
3. Utilize planned ignitions as a tool where it can effectively accomplish resource management objectives.

Forest Plan, pgs 74-75

Planned ignitions may be used:

- a. on areas with suitable fuel types,
- b. on areas where the proper vegetative response can be expected,
- c. where the fire will not pose a threat to human safety or surrounding property,
- d. on slopes greater than 40 percent, with careful resource consideration.
- e. on soils with moderate or high revegetation potential.
- f. soils with low revegetation potential, as long as 40% of the vegetative cover remains.
- g. on piñon-juniper retreatment areas with adequate fine fuels to carry fire throughout the stand. 80 percent of the trees are 4 feet in height or less, with more than 60 trees per acre. Areas must have viable grass cover after treatment;

Forest-wide S&Gs, pgs 92

Prescribed fire, using planned and unplanned ignitions, will be used to enhance and accomplish resource objectives, particularly in fire dependent ecosystems.

Management Area H - Wilderness

Management Emphasis: Management emphasis in these areas is to preserve wilderness character and values. They will be managed to retain their “primeval wild character and influence, without permanent improvements or habitation and ...protected ... to preserve [their] natural conditions.” Primitive recreation opportunities, wildlife habitat management, grazing, and fire management will occur only when consistent with these values and where historically established.

Management Area - H Standards & Guidelines, pgs 128, 129

Low Intensity fires will have no size limitations, but will be monitored to insure they remain within wilderness resource objectives.

Prescribed fire, using either planned or unplanned ignitions may be used to break up unnaturally large areas of continuous fuels to create a more natural mosaic. Natural fires can then be allowed to play

their ecological role with minimal intervention from protection forces. The historical mosaic of fuels created by fires is estimated to be 50 to 150 acre.

## **PUBLIC INVOLVEMENT**

Scoping required by FSH 1909.15 and by 36 FR 215 was accomplished in September, 2007 when we mailed scoping letters to interested individuals and organizations. Originally, this project was scoped as the Rio Chama Wildlife Management Prescribed Fire Project; however, as planning and analysis progresses, both the level of analysis and project name changed to better reflect the purpose and need. The project title now is the *Rio Chama Planned Ignitions and Wildlife Management Project*.

The New Mexico Environment Department water quality bureau and homeowners in the area were included on the mailing lists. Area Native American Tribes, Nations and Pueblos were consulted along with New Mexico Game and Fish, the Wilderness Society, and the Continental Divide Trail Alliance among others. The project has been included in the Forest Schedule of Proposed Actions since October, 2007. The formal comment period for the proposed action was conducted from September 1 through October 5, 2009.

We met with local residents who expressed concerns about effects to air quality and the possibility of escaped prescribed fire. Mitigation measures were adopted to address site specific concerns by local land owners. We met with livestock grazing permittees common to the project area to brief them on the project and resolve any concerns they may have. Mitigation measures designed to limit effects to rangeland management operations were adopted. The Navajo Nation responded with concerns of possible effects to Traditional Cultural Properties. Subsequent correspondence with the Navajo Nation resolved those concerns. The Continental Divide Trail Alliance responded with concerns of the effects to the Continental Divide Trail (CDT) that crosses through the project area with a reminder of the intent and character of the CDT must be preserved. The Sangre de Cristo Audubon Society responded with support for the project; however, they expressed concern about the apparent focus on “big game species” and large tree removal. The US Fish and Wildlife Service submitted comments which expressed to the Forest that requirements of the Endangered Species Act, Clean Water Act and the Migratory Bird Treaty Act are completed. All concerns expressed were resolved through project design or adoption of mitigation measures. Considering the nature and scope of the project, no additional public contact was deemed necessary.

## **FINDING OF NO SIGNIFICANT IMPACT**

After considering the context and intensity of 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 as defined in the Council on Environmental Quality implementing regulations at 40 CFR 1508.27. Thus, an environmental impact statement will not be prepared. I base my finding on the following:

### **Context**

The action is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. Minor short-term effects are limited to the locale of the Rio Chama Planned Ignitions and Wildlife Management Project Area, and the surrounding landscape.

Intensity: The intensity of effects was considered in terms of ten significance criteria described in the National Environmental Policy Act (NEPA) regulations at 40 CFR 1508.27.

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial were considered in the analysis (EA, Chapter 3, pp. 20-73). Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. Unplanned ignition will result in improved forest structure and composition across the landscape while limiting the potential for catastrophic fire behavior. Ladder fuels will be reduced thereby limiting the potential for surface fire becoming catastrophic crown fires. Implementation of activities in bed preparation units will limit the impacts of smoke on air quality while reducing the amount of large woody material on the forest floor. Existing capital improves in the form of fence lines, water developments (earthen tanks and trick tanks), spring developments, private land and communication sites will be protected by thinning and removal of fuels adjacent to the instillation.

2. The degree to which the proposed action affects public health or safety. There will be no significant effects on public health and safety because. The scope of the project is limited to the implementation planned and management of unplanned ignitions, and the activities necessary to protect capital improvements, air quality and human safety. These actions are not expected to present significant hazards to workers or the public. Concerns for public safety and the potential of loss of control is unlikely (EA pp. 36-37).

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There will be no significant effects on unique characteristics of the area. The project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics.

The Rio Chama Wild and Scenic River corridor exists immediately east and adjacent to the project area. There would be no effect to the river's attributes for which the wild and scenic designation was given. The effects to this and the Rio River Corridor Wilderness were considered in the Chapter 3 pages 55-59.

Wetlands less than 0.10 acre in size, as characterized by the presence of landform, hydric soil or facultative or obligation wetland vegetation, occurs near perennial and ephemeral springs, and riparian areas along very narrow and short segments of perennial and ephemeral creeks occur within the project area. They are insufficient in size to be mapped via the Terrestrial Ecosystem Survey (TEU). No wetland areas are proposed for treatment with planned ignitions, and all springs and water developments would also be protected from planned ignitions. Riparian areas within the project area are proposed for planned and unplanned ignitions. The effects of which would be beneficial. Effects to soil and watershed conditions were addressed in the EA pp 59-65.

4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented the expected environmental effects of the proposed action and no action alternatives. These effects have been disclosed in Chapter 3 of the EA and the selected alternative has been designed and mitigated to address the various issues raised. The analysis represents the judgment and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past.

The management practices proposed are commonly-used resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies. The low and moderate severity of the proposed planned and unplanned ignitions is consistent with the best available science and current direction. While some members of the public are opposed to planned (prescribed fire) and unplanned ignitions (wildland fire-use) on public lands, others view the Forest Service as too restrictive in its management of planned and unplanned ignitions. This action is not highly controversial within the context of the National Environmental Policy Act.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. The effects analysis indicates the effects are not uncertain, and do not involve unique or unknown risk. The Forest Service has considerable experience with planned ignitions, and the management of unplanned ignitions (both wildfire and wildland fire-use). The effects described in the EA are based on the judgment of experienced resource management professionals using the best available information.

6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration. The action is not likely to establish a precedent for future actions with significant effects, because the decision to implement planned and unplanned ignitions within the project area, as described, does not establish a precedent for future actions with significant effects. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The cumulative impacts are not significant. The cumulative impacts of the action on soils, vegetation, and terrestrial and aquatic wildlife resources were considered and disclosed in the EA, and in a variety of specialist reports. The direct and indirect effects of the proposal are expected to be minor in the short term and beneficial or neutral over the long term. None of the effects are considered significant for reasons described herein. No past or future actions have been identified that will combine with the effects of the proposed action to cause cumulatively adverse significant effects.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. 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, because the action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA pp. 65-66). Mitigation measures included as part of the selected alternative are designed to preclude adverse effects to these resources (EA

pp. 9 & 10). A Heritage Resources Evaluation report was prepared and submitted to the State Historic Preservation Office (SHPO) with a determination of no adverse effect to cultural resources. Concurrence from SHPO was received on August 3, 2009.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. 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, because there are no known occurrence of listed species (EA pp, 37-49), and there is no critical habitat for listed species in the project area. No formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act was required.

10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment. 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 Santa Fe National Forest Land Management Plan. This selected alternative is in full compliance with all federal, state and local law requirements imposed for environmental protection. Best Management Practices (Mitigation Measures) to protect air quality are included in the selected alternative (EA pp. 15-16).

## **FINDINGS RELATED TO OTHER LAWS**

**National Forest Management Act:** Low to moderate severity planned and unplanned ignitions, and prescribed mitigation measures will meet the Forest Plan goals for range, wildlife, wilderness, soil, water and riparian resources. There are no identified effects to management indicator species or sensitive species that will affect their Forest-wide populations or long-term viability (EA, pp. 37-49).

Other National Forest Management Act (NFMA) consistency findings relate to the management of suitable timberlands. The project area does contain suitable timberlands and the proposed activities are consistent with NFMA requirements.

My conclusions regarding the effects of the proposed action are based on a thorough review of the relevant scientific information and the effects disclosed in the EA, and in consideration of responsible opposing views; and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. Proposed planned and unplanned ignitions along with the associated activities and mitigation measures were developed using data obtained and interpreted according to accepted monitoring and land management practices.

The effects analysis for listed, sensitive and management indicator species is based on the most recent information. Soil and riparian effects analyses were conducted in accordance with accepted Forest Service techniques and are based on both the TEU (Terrestrial Ecosystem Unit) and site-specific data collected within the project area. Based on the documentation in the record and the analysis provided in the EA, I conclude the best available science was considered in developing and analyzing the proposal.

**Endangered Species Act:** No formal consultation with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act was required because there are no known occurrences of listed species (EA 37) and there is no critical habitat for listed species within the project area.

**National Historic Preservation Act:** A Heritage Resource Investigation was completed with a finding of no adverse effect on cultural resources. Concurrence from SHPO was received on August 3, 2009.

There would be *no adverse effect* to historic properties provided recommendations for bed preparation, planned ignitions (prescribed burning) and managing wildfire with multiple objectives (unplanned ignitions) for resource benefits are followed. A variety of activities are proposed within the Rio Chama Planned Ignitions And Wildlife Management Project. The intent of a heritage resources evaluation, (*SFNF Report #2008-10-006; Rio Chama Prescribed Burn and Fuels Treatment Project-Phase 1 Bremer et al.* March 15<sup>th</sup>, 2009) is to provide a management strategy and clearance recommendations for those activities that can be conducted given the amount of previous valid survey and the current understanding of the nature of cultural resources in the project area.

Initiation of work will be accomplished in phases in compliance with applicable provisions of the National Historic Preservation Act (NHPA) for the protection of historic properties. The clearance recommendations associated with this project are made in compliance with the provisions of the First Amended Programmatic Agreement. Regarding Wildland Urban Interface and Other Large-Scale Hazardous Fuels Reduction Projects dated March 5, 2004 executed in compliance with the implementing regulations (36 CFR 800.14) of NHPA. Implementation of 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 this Agreement. Please see mitigation measures below.

In compliance of this agreement and the recommendations made in the clearance report completed for this project, planned ignitions (prescribed fires) outside the blocks targeted by the District (phase 1) would receive clearance during additional phases of this project.

Implementation of planned ignitions, or ground based or ground disturbing activities will be implemented contingent upon completion of identification and protections of historic properties in accordance with provisions of the NHPA in accordance with 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 Agreement.

**Executive Order 13186 (Migratory Birds):** There are no identified effects on migratory birds, Birds of Conservation Concern and Important Bird Areas (EA, pp. 48 and 51).

**Executive Order 12898 (Environmental Justice):** This decision does not impose disproportionately high adverse human health or environmental effects on minority or low-income populations (EA p. 74 - 75).

## **ADMINISTRATIVE REVIEW OR APPEAL**

This decision is subject to appeal in accordance with regulations at 36 CFR 215. Individuals or organizations that provided comments or otherwise expressed interest in the proposed action during the September, 2009 comment period may appeal. A notice of appeal must be in writing and clearly state that it is a Notice of Appeal being filed in pursuant to 36 CFR 215. Appeals must be filed (regular mail, email, fax, hand-delivery, or express delivery) with the Appeals Deciding Officer, Daniel J. Jirón, Forest Supervisor, Santa Fe National Forest, 11 Forest Lane, Santa Fe, New Mexico, 87508 or fax: (505) 438-5390, email: [appeals-southwestern-santafe@fs.fed.us](mailto:appeals-southwestern-santafe@fs.fed.us) (email message, .doc, rtf or .txt formats only). If hand-delivered, the appeal must be received at the above address during business hours (Monday-Friday 8:00 am to 4:30 pm), excluding holidays. Appeals, including attachments, must be in writing, consistent

with 36 CFR 215.14 and filed (postmarked) within 45 days of the date of legal notice of this decision in the *Albuquerque Journal*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely on dates or timeframes provided by any other source.

**IMPLEMENTATION DATE**

If no appeals are filed within the 45-day filing period, implementation of the decision may occur on, but not before, five business day 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.

*/s/ Francisco B. Sanchez*

*January 12, 2010*

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FRANCISCO B. SANCHEZ  
District Ranger

DATE

**CONTACT**

For additional information concerning this decision or the Forest Service appeal process, please contact Francisco Sanchez, Coyote District Ranger at (575) 638 -5526 or John C Phillips, Resource Planning Staff at (575) 638 -5526.