

Decision Notice and Finding of No Significant Impact

Gallinas Municipal Watershed Wildland-Urban Interface Project

USDA Forest Service
Pecos/ Las Vegas Ranger District, Santa Fe National Forest
San Miguel County, New Mexico

Decision

Based upon my review of the alternatives and effects described in the Environmental Assessment (EA) and comments submitted, I have decided to select Alternative 3 (More Thinning) for implementation (EA, pp. 21-25). A summary of actions to be taken under Alternative 3 is attached as Table 1 and Map 1.

Reasons for My Decision

In making my decision, I considered several items. First, I weighed the short- and long-term consequences of undertaking an action against not undertaking an action. Next, I looked at the key issues and other environmental effects analyzed in the EA. Finally, I reviewed and considered substantive comments from the public (discussed below under Public Involvement).

Balance of Effects

The balancing of short- and long-term effects to the ecosystem is a concept raised in the newly authorized Healthy Forests Restoration Act of 2003 (HFRA) (Public Law 108-148, H.R. 1904, Title 1, Section 106). It states:

“As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of--

- (A) the short- and long-term effects of undertaking the agency action; against
- (B) the short- and long-term effects of not undertaking the agency action.”

Though this project was developed and analyzed prior to the authorization of the HFRA, I believe the balance of effects applies because this project is a community at risk under the National Fire Plan (Federal Register, Vol. 66, No. 3, January 4, 2001).

New Mexico residents, living in a state prone to drought, are aware of the importance of a stable and uncontaminated public water supply. In Las Vegas, where 90 percent of the domestic water comes from the Gallinas Municipal Watershed, a large-scale, high-intensity wildfire would interrupt the supply and delivery of water. The current state of the watershed presents a clear and present danger for the residents and municipal officials of Las Vegas and San Miguel County (EA pp. 3-4, 54-64). It would be irresponsible for us to take no action to reduce the risk of initiation of high-intensity crown fires. To do nothing poses the greater risk for disrupting a dependable, high-quality supply of municipal water; therefore, Alternative 1 (No Action) is not a suitable choice because it does not meet the Purpose and Need (EA, p. 1). The Council on Environmental Quality’s regulations require us to analyze the No Action alternative as a baseline.

Key Issues and Environmental Effects

Having eliminated Alternative 1 (No Action) as a viable choice, I looked at the environmental effects of the action alternatives analyzed in the EA. Three key issues were identified by the Interdisciplinary Team (ID Team) (EA, p. 8):

Key Issue 1: Water Quality. Using ground-based harvesting equipment, creating skid trails, and blading road surfaces compacts and exposes soil. Compacted and/or exposed soil is more likely to erode; some soil could erode into nearby streams (sedimentation). Sedimentation degrades water quality.

Key Issue 2: Air Quality/Smoke. Prescribed burning, especially broadcast burning, produces smoke. Under certain atmospheric conditions, the smoke could settle in areas where people live, work, or recreate. The smoke could cause respiratory problems for some people, and also create a safety hazard by limiting visibility.

Key Issue 3: Potential for Escaped Fire. Prescribed burns may escape control measures and threaten the water supply and resources in and around the watershed. Burning in unthinned stands may pose the highest risk of fire escape.

For the key issue of Water Quality, I found that all three of the action alternatives would meet the State of New Mexico's Water Quality Standards, thereby satisfying requirements of the Clean Water Act (EA, pp. 34, 39, 42, 44, 46). Though Alternative 3 (More Thinning) is expected to generate the most sediment, I decided that it is not enough to warrant choosing another alternative when weighed against its benefits. Alternative 3 (More Thinning) manages the greatest extent of the live and dead fuels that contribute to wildfire conditions. Thus, it provides the greatest number of acres on which the risk of crown fire initiation and spread would be reduced. Further, the sedimentation generated by Alternative 3 (More Thinning) is minimal compared to the No Action with Wildfire scenario. We did receive several comments about water quality (see Public Involvement Section below).

Emissions from prescribed burns conducted by the Forest Service are regulated by the New Mexico Environment Department's Air Quality Bureau to meet the Clean Air Act. Thus, I decided that the key issue of Air Quality/Smoke would be essentially the same - minimal - for all the action alternatives. The mitigation measures would apply to all the alternatives, so the only difference would be the total number of days of prescribed burning (EA, pp. 31, 34). Weather and season limit the number of days when we are able to conduct prescribed burns, so the number of days of burning per year would likely be the same under any of the action alternatives. Further, residents in or bordering the forest are accustomed to prescribed burns. Finally, we did not receive any comments about air quality or smoke.

For the key issue of Potential for Escaped Fire, I decided that Alternative 3 (More Thinning) would be the optimal balance between affording protection from wildfire at a landscape level while minimizing the potential for an escaped prescribed fire. Alternative 3 (More Thinning) mechanically pre-treats about 2,100 acres more than Alternative 2 (Proposed Action) (EA, p. 21, 23-24), lowering the risk of escaped fire on those acres (EA, p. 71). I arrived at this decision after reading several comments that recommended as much pre-treatment as possible and questioning the efficacy of the "prescribed burn only" units outlined in Alternative 2 (Proposed Action). This alternative will also supply abundant wood products for local community use and consumption.

Only one of the other effects, cost-benefit analysis, differed enough between alternatives to warrant consideration. The cost of implementing Alternative 3 (More Thinning) would be much greater than the other alternatives due to the cost of treating material in or removing material from an inventoried roadless area (EA p. 87, 89 and Errata Sheet). I am convinced that the cost is merited, given the value of the Watershed to the 17,000 people that depend on Gallinas Creek for water - a belief substantiated by the City of Las Vegas.

Alternative 3 will create several shaded fuelbreaks, mostly across the southern side of the Watershed (see Map 1). The Forest Plan provides guidelines for canopy cover in certain vegetative structural stages (VSS) for goshawk habitat (Forest Plan, Appendix D, p. 9 and EA, p. 94). The Forest Service will follow these guidelines where they do not obstruct the purpose and need of this project (EA, p. 1). Three stands that potentially could be managed for old growth, none greater than 40 acres, have been located as required by the Forest Plan (p. 68). Thinning will not occur in these stands if they have achieved the minimum structural requirements for old growth (Forest Plan, pp. 69 - 69A). By thinning the lower VSS classes over the rest of the project area, we will develop, over time, old growth function over the landscape (Forest Plan, p. 69). An analysis of VSS class and canopy cover is located in the project record.

Other Alternatives Considered

In addition to the selected alternative, I considered three other alternatives. The following is a summary of the differences between the selected alternative and the other alternatives. A detailed comparison of these alternatives can be found in Chapter 2 of the EA.

Alternative 1 (No Action)

Alternative 1 would not remove any trees or brush from the watershed via mechanical treatment and/or prescribed burning. Other routine and on-going management activities would continue as they do at present. I did not select Alternative 1 because it does not meet the project's Purpose and Need (EA, p. 1).

Alternative 2 (Proposed Action)

Alternative 2 (Proposed Action) would treat 400 fewer acres than Alternative 3 (More Thinning). It would also have a much larger number of acres (about 2,100) to be treated by prescribed fire only. These acres are situated by Wolf Creek, Bitter Creek, Calf Creek, and Gallinas Creek (see Table 2 and Map 2). Another main difference is that the southwestern boundary of the project area would be thinned from below rather than maintained as a fuel break as prescribed in Alternative 3 (More Thinning). Though this alternative would meet the project's Purpose and Need (EA, p. 1), the comments of many individuals and the City of Las Vegas' Water Department showed that they wanted the assurance of mechanical treatment combined with prescribed fire to lessen the risk of escaped fire.

Alternative 4 (Less Thinning, Less Prescribed Burning)

Alternative 4 would treat 5,400 fewer acres than Alternative 3. Alternative 4 would focus on creating fuel breaks along ridge tops only and not treating as many interior acres (see Table 3 and Map 3). This alternative only partially would meet the project's Purpose and Need (EA, p. 1) because most of the project area's interior acres would be left untreated.

Public Involvement

Public involvement has been extensive and comprehensive throughout the development of this project. The bulk of public involvement conducted is listed below.

- Listing the project on the Santa Fe National Forest's Schedule of Proposed Actions as of November 2001.
- Mailing two scoping notices that provided information and sought public comment, the first in May 2001 and the second in August 2001. The mailing list consisted of about 280 names including Federal and State agencies, Native American tribes, municipal offices, businesses, special interest groups, and individuals. The Forest Service received a total of 26 written responses to the notices.
- Public meetings were held in May 2001 and August 2001 to introduce the project, present the proposed action, and discuss local concerns and interests that should be addressed in the analysis. About 30 people attended the first meeting, and about 10 people attended the second meeting. The meetings generated almost 50 comments about the proposed action.
- The Forest Service met on a regular basis with the Gallinas Watershed Technical Management Group, which is comprised of the City of Las Vegas, San Miguel County, the State of New Mexico Forestry Division, the Office of the State Engineer, the New Mexico Environment Department Surface Water Quality Bureau, the Fish and Wildlife Service, and others.
- Announcements about the project were printed in the Santa Fe New Mexican. Press releases were forwarded to the Las Vegas Optic.
- Met with homeowners in Calf Canyon (September 2, 2001) to present the project and answer questions.
- Presented the project at two Las Vegas City Council meetings (May 2001 and March 2004).
- Presented the project at two San Miguel County Commissioner's meetings (July 2001 and March 2004).
- Met with New Mexico Wilderness Alliance on September 17, 2001 to go over the proposed action in detail and solicit comments.
- Held several meetings with the City of Las Vegas. Information from these meetings was used to develop Alternative 3 (March 2002).
- Invited the City of Las Vegas to attend a prescribed burn on the Pecos/Las Vegas Ranger District (October 2002).
- Conducted a field trip with the United States Fish & Wildlife Service to describe the project (April 2003).
- Environmental Assessment made available on February 28, 2004.
- Were interviewed on KFUN in Las Vegas about the project and the Open House.
- Held an Open House on March 10, 2004 to solicit comments on the EA.
- Described the project at the San Miguel County Commissioner's meeting on March 16, 2004.

- Described the project at the City of Las Vegas' city council meeting on March 17, 2004.
- Met with City of Las Vegas Water Department to hear their concerns and commit to a Memorandum of Understanding (MOU) during implementation (March 2004).
- After the close of the comment period, met with Las Vegas Citizens on March 31, 2004 to discuss their concerns.

Substantive Comments

In reading the comments, I noted that all were in favor of some kind of action; none asked us to do nothing. Four supported Alternative 3 (More Thinning), two supported Alternative 2 (Proposed Action), one supported Alternative 4 (Less Thinning, Less Prescribed Burning), and one supported any of the action alternatives.

We received a petition titled "Gallinas Watershed Petition to Stop Commercial Logging in the Gallinas Watershed" signed by 209 people. We are fairly certain that most folks on the petition have not read the EA, which states that most of the work will be to remove the smaller trees (EA, p. 16-17). Some larger trees will be removed if they pose a fire hazard (EA p. 16), to create fuel breaks (EA, p. 19), and as part of contracting options. The great majority of people who wrote comments or attended the meetings were supportive of the project, in part because it will provide wood products to the public.

Several commenters expressed concern about the predicted amount of sedimentation the project would generate, especially since this is a municipal watershed. As stated earlier, the mitigation measures would prevent a violation of the Clean Water Act (EA, p. 29 and Errata Sheet). Nonetheless, we took the extra step of inviting the City of Las Vegas' Water Department to participate in the implementation of the project through an MOU (project record). Through this MOU, the City would assist the Forest Service in laying out units to be thinned and prescribed burned, ensuring that sufficient buffers exist along perennial and intermittent streams.

One letter signed by several people and organizations insinuated that we would use herbicides to maintain fuel breaks. Nowhere in the EA are herbicides mentioned or prescribed for use. This same letter suggested that there are a number of uninventoried roads that should be closed. We contacted one of the individuals three times and sent another one a map of roads in the area (EA, p. 16) to find out where these roads are located; we did not receive a definitive answer at the time of this decision. The letter also stated that we had neglected to do a required Roads Analysis Process (RAP). A RAP is not needed because neither the maintenance level of nor the access to any of the roads will change (see project record). The letter also stated that we had not adequately disclosed the number of landings and their environmental effects; we did elaborate on this in our review of comments (see project record).

This same letter submitted an alternative, called the "Citizen's Alternative", late in the comment period. The Citizen's Alternative suggested reducing hazardous fuels without heavy machinery, road maintenance, or commercial logging, relying primarily on pruning existing trees. This alternative was analyzed but not considered for two reasons. First, it was submitted well after the analysis in the EA was completed. Second, we did consider a similar alternative submitted in a timely manner (a "restoration only" alternative) and eliminated it as explained in the EA on page 12. Even so, several elements of the "restoration only" alternative were incorporated into

our action alternatives, such as the re-introduction of fire and small tree removal by permits for fire wood.

Other substantive concerns raised in the comment letters and answered by the EA or in specialists' analysis of substantive comments were: the claim that removing trees increases fire hazard, the efficacy of fuel breaks, pollution by petrochemicals, adaptive management, protecting home sites and communities, invasive plants, bats, effects of heavy equipment on soil, stream crossings, peak flows, management indicator species, designating more of the Gallinas project area as part of the Pecos Wilderness, the re-introduction of beaver and native trout, grazing, full range of economic benefits and cost, Federal Wildland Fire Management Policy, seed trees, large-diameter standing and downed dead and dying trees, use of local mills and contractors, water yield, and design of skid trails (see project record).

Findings Required by Other Laws and Regulations

This decision to implement Alternative 3 (More Thinning) is consistent with the intent of long-term goals and objectives of the Forest Plan (Forest Plan, pp. 17-24, 34, 46-49). This project was designed in conformance with the Land and Resource Management Plan's standards and guidelines for Management Areas C and J (Forest Plan, pp. 106-111, 139-142).

The project is in compliance with the National Forest Management Act and other applicable laws and regulations guiding National Forest System land and resource management. A detailed discussion of NFMA compliance points, as outlined in the Code of Federal Regulations (CFR) 36 CFR 219.27(a) through 219.27(g), is found in the project file.

The decision is in compliance with Executive Orders addressing floodplains (EO 11988) and wetlands (EO 11990). No floodplains or wetlands will be impacted by this project (EA p. 29, 37).

No group of people, including racial, ethnic, or socio-economic, would be expected to bear a highly disproportionate share of negative consequences from this action EO 12898, Environmental Justice (EA, p. 89).

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that implementing Alternative 3 (More Thinning) 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. My decision is based on the findings described in the next two sections.

Context

The environmental context of this project is the Gallinas Municipal Watershed on the Pecos/Las Vegas Ranger District and Gallinas Creek from its headwaters to the Las Vegas diversion. The societal context of this project is within the zone of influence of the Santa Fe National Forest Plan, and as such, does not have regional or national effects.

Intensity

1. Impacts that may be both beneficial and adverse.

There will be no significant beneficial or adverse effects associated with this project (EA pp. 37-107 and project record, specialists' reports).

2. The degree to which the proposed action affects public health or safety.

There will be no significant threat to public health and safety with Alternative 3 (More Thinning) (EA, pp. 86-87). Alternative 3 would lessen the risk of large-scale, high-intensity wildfire that could threaten public health or safety (EA, p. 71). Such a wildfire could directly threaten the lives of the public and/or firefighters, and would negatively affect the quality of the public water supply (EA, p. 40, 86). Alternative 3 would not prevent wildfires from occurring, but would lessen their severity and size.

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. Historic and cultural resources will be protected (EA, p. 32). The project is not located near park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. Wetlands and riparian soils will be protected by mitigation measures (EA, p.29) and by participation from the City of Las Vegas in laying out treatment areas.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment will not be highly controversial because there is ample scientific evidence that reducing forest fuels in certain forest types will lessen the risk of a high-intensity crown fire (EA, pp. 3-4).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

We have 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 (EA, Chapter 3, pp. 37-107).

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.

This project does not establish a precedent for future actions that may have significant effects; nor does it represent a decision in principal about a future consideration. This project is similar to other fuels reduction projects, such as the Santa Fe Municipal Watershed, that have been implemented by the Forest Service for the last several years. Any future actions proposed by the Forest Service not specifically identified and analyzed in this EA would be evaluated separately through the NEPA process to determine the site-specific environmental effects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

As disclosed in Chapter 3 of the EA (pp. 47-48, 53, 71-72, 76, 80, 83, 89, 93, 97-98, 100, 102-103, 106-107), the project will not result in any cumulatively significant impacts. No other past, present, or reasonably foreseeable future actions in the area will combine with the effects of Alternative 3 to cause any cumulatively significant impacts.

8. The degree to which an action may affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Alternative 3 will not adversely affect properties listed in, or eligible for listing in, the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historical resources (EA, p. 82-83). Appropriate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act for this project has been completed (project record).

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 project will not adversely affect any listed or proposed Endangered or Threatened species or their habitats (EA, pp. 89-107). In addition to the EA, a biological assessment/biological evaluation (BA/BE) that supports this finding has been prepared for this project (project record).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for protection of the environment.

Alternative 3 will not violate any Federal, State, or local laws or requirements imposed for protection of the environment. For example, effects from this action will meet or exceed state water and air quality standards (EA, pp. 43-44, 52).

Implementation Date

Implementation of this decision may occur five business days after the close of the appeal filing period if no appeal is filed. If an appeal is received, implementation may not occur until 15 days following the date of the disposition of the last appeal filed.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215. A notice of appeal must be in writing and fully consistent with 36 CFR 215.14. Appeals must be filed within 45 days following the date of publication of the legal notice of this decision in the Albuquerque Journal. The publication date of the legal notice in the Albuquerque Journal is the exclusive means for calculating the time to file an appeal; those wishing to appeal should not rely upon dates or timeframes provided by any other source. Individuals or organizations that submitted substantive comments during the comment period may appeal this decision (36 CFR 215.6). The appeal must be filed by regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service with the Appeal Deciding Officer.

Please submit appeals to:

Gilbert Zepeda
Appeal Deciding Officer / Forest Supervisor
Santa Fe National Forest
P.O. Box 1689
1474 Rodeo Road
Santa Fe, NM 87504-1689
Fax: (505) 438-7834
E-mail: appeals-southwestern-santafe@fs.fed.us (.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. 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 no appeal is filed within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period.

Contact

For additional information about this decision or the Forest Service appeal process, contact Julie True, Pecos/Las Vegas Ranger District, Santa Fe National Forest, P.O. Drawer 429, Pecos, NM 87552, 505-757-6121.

JOSEPH G. REDDAN
District Ranger
Pecos/ Las Vegas Ranger District

Date

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