

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

**Amendment to the Tonto National Forest
Land and Resource Management Plan
Regarding Wildland Fire Management**

**U.S. Department of Agriculture, Forest Service
Tonto National Forest
Maricopa, Gila, Yavapai, and Pinal Counties, Arizona**

Decision and Reasons for the Decision

Background

The Tonto National Forest (TNF) Land and Resource Management Plan (Forest Plan) was approved in 1985 and amended over time. Its goals, standards and guidelines are derived from agency management policy in place at the time of its approval, or the approval of its amendments. The Standards and Guidelines for the management of wildland fire within the current plan reflect agency fire management policy at that time. Under the current Forest Plan, suppression of wildland fire is the only choice available to Forest Service decision-makers, with the exception that wildland fire use is permissible in designated wilderness areas.

In 1995, the U.S. Department of Agriculture and the U.S. Department of the Interior developed a joint-agency fire management policy. The collaborative effort produced the Federal Wildland Fire Policy and Program; which was updated in 2001. The policy has since been incorporated into Chapter 5100 of the Forest Service Manual. The policy supports the need to re-establish the role of fire within fire-dependent ecosystems. The new fire policy rendered the TNF Forest Plan fire management direction outdated, thus the TNF proposes an amendment to make the Forest Plan reflective of current Federal fire management policy. Planning for this amendment has focused on expanding the policy of total suppression to include an appropriate management response of either suppression or wildland fire use¹. The goal of the amendment is to assist Forest Service resource managers with the restoration of the natural fire cycle and its role in defining the vegetation and ecosystems of the TNF. The amendment also would allow increased use of prescribed fire, and emphasizes suppression tactics that minimize resource damage in Sonoran Desert ecosystems.

¹ This refers to the appropriate management response that allows naturally-ignited wildland fire to burn, with careful monitoring, to accomplish specific resource objectives.

In January 2003, the TNF completed a National Environmental Policy Act (NEPA) review of the proposed action to amend the Forest Plan Wildland Fire Amendment (WFA) and an environmental assessment (EA) that publicly discloses the results of this review. The NEPA review began in early 1997. The EA was prepared in accordance with the President's Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), and the environmental policy and procedures established in Forest Service Manual (FSM) 1950 and Forest Service Handbook (FSH) 1909.15. In the EA, the TNF documents the results of an analysis of the potential impacts of two alternatives: no action and the proposed action. Public involvement in the NEPA review commenced in November 1998 and included a 30-day public comment period in early 2003 on the EA. At that time, uncertainty about how best to address threatened and endangered species precluded the finalization of the process. Regional direction has since clarified that issue and the EA was completed afterwards with insignificant corrections on March 2006.

Based on my review of the EA and various reports and analyses contained in the Administrative Record² for this NEPA review, I am issuing this Decision Notice (DN), with a Finding of No Significant Impact (FONSI).

Decision and Rationale

After a careful and complete review of the impacts analysis reported in the EA, it is my decision to approve Alternative A (see below), the primary objective of which is to amend the Forest Plan to allow both suppression and/or wildland fire use on a Forest-wide basis as an appropriate management response to wildland fire. As disclosed in the FONSI below, the environmental effects of implementing Alternative A would not be significant. In addition, the implementation of Alternative A would result in a non-significant amendment to the Forest Plan, pursuant to FSH 1909.12 §5.32. This decision meets requirements under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the National Forest Management Act of 1976 (NFMA), and implementing regulations found in 36 CFR Part 219.

The WFA is a programmatic action that is not directly related to a specific project, and it would, in and of itself authorize no ground-disturbing actions.

Actions allowed under the WFA would still be constrained by implementation compliance processes already in place. Adoption of Alternative A would best satisfy the purpose and need for the proposed WFA, which is to restore the natural fire regime on the TNF and to allow the Forest Plan to reflect the new Federal Wildland Fire Policy and Program. Adoption of Alternative A would grant managers the discretion to use wildland fire to achieve resource benefits and/or apply least cost suppression. Alternative A will also provide for increased protection of Sonoran Desert ecosystems, give emphasis to threat

² The EA, Administrative Record, and Forest Plan are available for public review at the TNF Supervisor's Office, 2324 E. McDowell Rd., Phoenix, AZ, 85006; telephone (602) 225-5200.

reduction in the wildland/urban interface, and improve the evaluation process for post-burn management needs.

The WFA would establish policy for the approximately 2,869,500 acres of National Forest System lands of the TNF in Central Arizona.

Fire management strategies would range from aggressive suppression (e.g., the use of aerial retardant) to no suppression (i.e., monitoring/managing wildland fire). Specific response actions would depend, in part, on the cause of the fire (human vs. natural), the risk to firefighters, public safety, resources at risk, time of year, location of the fire, direction of its potential spread, and current and expected fire intensity.

Alternatives Considered

Two alternatives were evaluated: the proposed action and no action.

Alternative A – Proposed Action.

Amend the Forest Plan Management Direction to be consistent with the revised Wildland Fire Policy and Program to incorporate the following:

- Revise text to allow fire, both natural and prescribed, to be used as a tool for resource management both within and outside Wilderness Areas.
- Revise the text of management prescriptions to place an emphasis on reducing the threat of wildland fire within wildland/urban interface.
- Include new Standards and Guidelines that would allow the use of prescribed fires in all ecosystems, but limit applications in Sonoran desert and riparian areas, and in specific Research Natural Areas.
- Include new Standards and Guidelines for suppression strategies that would reduce the potential for resource damage within Sonoran Desert and riparian ecosystems.
- Revise text in Wilderness and Wild and Scenic River Management Areas to be more consistent with language in the laws that established the designated units.
- Revise text to address the need to return natural fire to fire-dependent ecosystems.
- Include new Standards and Guidelines that will require post-burn evaluation of management needs.

Alternative B – No Action.

This is the "No Action" alternative required by the National Environmental Policy Act and implementing regulations. This alternative represents continuation of the existing management. The Forest Plan would not be amended to reflect the new Federal Wildland Fire Policy and Program. Therefore, natural ignitions could not be managed for resource benefit outside of Wilderness Areas, and prescribed fire could not be used as a tool inside Wilderness Areas to allow the return of a natural fire regime. This alternative serves as a baseline for predicting environmental effects, but does not meet the purpose and need.

Alternatives Considered But Eliminated From Detailed Study

The interdisciplinary team identified four possible alternatives in response to public scoping. Two of these alternatives were carried forward, as discussed above. Two of these alternatives were dropped from detailed analysis. These were:

- An alternative was considered which would add/change standards and guidelines in the Forest Plan specifically pertaining to range management. These standards and guidelines would specify time periods for excluding grazing from burned areas in order to maximize vegetative recovery. This alternative was outside the scope of the purpose and need for action. However, new standards and guidelines in the proposed action, Alternative A, will address the need for post-burn evaluations.
- An alternative was considered in response to social concerns that would prohibit the use of prescribed fire and would not allow the management of natural ignitions. It was determined that this alternative would not meet the intent of the Federal Wildland Fire Policy and Program, and as such would not meet the purpose and need for action.

Public Involvement and Scoping

In November 1998, a Scoping Letter³ was distributed to a total of 413 individuals, agencies, and organizations to inform the public of the project and to solicit comments on the scope of the NEPA analysis. Seven written comment letters were received⁴. Comments received in response to the notice were fully considered in the design of the proposed action. Disposition of public comments is described in the Administrative Record.

Following the preparation of the Environmental Assessment, the document was forwarded to 33 individuals, agencies, and organizations⁵. These were a subset of the original mailing who indicated they wished to remain informed of the project. One written comment letter was received following this mailing⁶. The commenter was fully supportive of the proposed action.

Public involvement in this NEPA review will continue with the distribution of this DN and FONSI to those who advised the TNF of their continued interest in the WFA and NEPA process. A legal notice will be published in the newspapers of record, the *East Valley Tribune*, that a DN with a FONSI has been signed by the TNF Supervisor.

³ Project Record #17

⁴ Project Record #18

⁵ Project Record #37

⁶ Project Record #39

Finding of No Significant Impact (FONSI)

The context of the proposed action is local, as its effects would be limited to the TNF and adjacent lands in central Arizona. No regional, state-wide, national, or international impacts are foreseen.

After thorough consideration of the analysis reported in the EA and public comments received during the scoping period and a 30-day comment period on the EA, I have determined that approval of this proposed amendment to the Forest Plan would not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. My determination is based on the following findings showing how Alternative A addresses the 10 significance factors identified in 40 CFR 1508.27(b). These findings are derived from the analysis reported in the EA and supporting technical reports contained in the Administrative Record.

Within the context of significance, it should again be noted that the proposed amendment is a programmatic action that is not directly related to a specific project, and will not, in and of itself authorize ground-disturbing actions. Prescribed burning projects will still require site-specific NEPA analysis and Prescribed Fire Burn Plans. Wildland fire use responses to wildfires will require development of Wildland Fire Implementation Plans with associated decision criteria.

(1). The finding of no significant environmental effects is not biased by the beneficial effects of the action. The purpose of the proposed action is to align fire management direction within the Forest Plan, with current Federal Wildland Fire Policy and Program. The beneficial effect of re-establishing a more natural fire regime in short interval fire adaptive ecosystems, and to allow lightning caused fire to play, as nearly as possible, did not bias the finding. There will be short-term negative impacts (smoke, visual quality, modification of wildlife habitat, soil disturbance). Again, these will occur as a result of authorized future projects, not the amendment itself. Long-term impacts will be to promote more sustainable and healthy forest conditions and reduce the risk of an uncharacteristically large and intense wildfire. Cumulatively, allowing the natural role of fire shall return many parts of the TNF to its more historic conditions. The short-term, long-term and cumulative impacts on the human environment⁷ did not influence the FONSI process.

(2). Degree to which the actions affect public health or safety. Public health can be affected through impacts of smoke from prescribed burning and/or wildfires⁸. A managed wildland fire would temporarily degrade local air quality in the short-term. The amount of smoke that is generated from the combustion of organic material, i.e., burning grasses and trees, can degrade ambient air quality over a given impact area. Particulates and gases contained in smoke may adversely affect respiratory function in humans and wildlife in the

⁷ Project Records #23, #24, #25, #26.

⁸ Project Record #26, #38.

fire zone and downwind depending, in part, on the intensity of the burn, the distance over which the smoke is dispersed, and the relative sensitivity of the affected organism.

Potential effects of smoke on residents would be factored into each decision on whether to allow wildland fire use in a specific location. Each decision to manage or suppress would be based on resource-specific criteria. With regard to air quality, maintenance of national ambient air quality standards, which were established by the Clean Air Act to protect human health, would be one of the primary criteria used. The Forest Plan provides that all management practices will be planned so that air quality will meet local, State, and Federal standards. As such, effects are not expected to be significant.

Wildland fires to be managed for resource benefits would likely be low-intensity fires that tend to produce less smoke than those of higher intensity. Implementation of the proposed action would return much of the landscape to historical fire-return intervals and would thus decrease the potential for catastrophic wildland fires and the massive amount of smoke that accompanies them.

Use of prescribed fire can generate a concern by some local people regarding safety to them and their property. All prescribed burning that takes place will adhere to all applicable laws, regulations and policies. Personnel involved will be trained and qualified, and there will be adequate fire-fighting forces present and/or available to manage the fire. Prescribed burns will only take place when predicted weather conditions will allow fire managers to safely meet objectives.

(3). Unique characteristics of the geographic area. The Project area is described as part of the central Arizona mountains and basin region. Steep mountains, deep narrow canyons and mesas characterize topography. The two main drainage basins are the Salt and Verde rivers. With the exception of many Sonoran Desert habitats, most of the vegetative composition of the TNF has been shaped through time by periodic wildfire. Vegetative associations have adapted to a regime of periodic wildfire, and such fires serve to maintain the distribution and vigor of the plant communities. Periodic lightning-caused fires, which were once part of the natural ecological processes that helped maintain the vegetative communities and habitat diversity, have been suppressed (to protect property and timber value) to the extent that ecological benefits are not being realized. A lack of natural fire influences over the past century has changed the character of the vegetative communities within the TNF. The natural role of fire has been virtually eliminated from much of the vegetative communities within the TNF. The proposed action will help to return many of these areas to a fire regime more typical of pre-settlement conditions, and as such, will help maintain the unique characteristics of the geographic area.

Site specific unique features such as cultural resource sites or ecologically critical areas will receive protection at the time of implementation through mitigation and avoidance processes already in place.

(4). Degree to which the effects on the human environment are likely to be highly controversial. Public response was highly positive and supportive to goals and objectives

identified in the Proposed Action. These responses came from direct mailings of the proposal⁹ and the EA¹⁰. There is currently a strong consensus that it is the responsibility of the U.S. Forest Service to take action and reduce the risk and threat of catastrophic wildfires. There is also public sentiment that increased use of wildland fire use is appropriate. Public concerns regarding the need for increased fuels management have strengthened with the onset of the drought conditions that produced such localized events such as the Rodeo-Chediski Fire (2002), Pack Rat Fire (2002), Webber Fire (2004), Willow Fire (2004), and Cave Creek Complex (2005).

(5). Degree to which the possible effects on the human environment is highly uncertain or involves unique or unknown risks. The WFA proposes use of wildland fire use and prescribed fire to meet the objectives of the analysis. The U.S. Forest Service has been involved in prescribed burning since the early 1900's. A great deal of scientific research has been conducted in application and effects of such treatments. Wildland fire use is a more recent development. Management of a wildfire for resource benefits combines technologies developed for both wildfire suppression and prescribed burning.

Use of fire as a tool in managing forest lands goes back to prehistoric times. There is strong evidence to support that prehistoric Americans used fire in managing forest lands. Implementation of the proposed WFA will not involve any unforeseen or unique risks.

(6). 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 proposed WFA does not establish a need for future actions that may have significant effects and does not predicate a need for future considerations. There is national emphasis for land management agencies to move forward with the increased use of wildfire for resource benefit. Future treatments (either prescribed burning or wildland fire use) are not only expected, they are essential to moving the area toward its desired condition with regard to natural fire effects¹¹.

(7). Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Specialists identified no significant adverse cumulative impacts¹² in evaluating effects of the proposed treatments. The only action identified that may cause a significant cumulative impact is that of a large, high-intensity, catastrophic wildfire. Alternative A (Proposed Action) was designed to reduce the potential for such an event to occur and should help to reduce the amount of negative impacts if one does occur. No additional actions were identified that when combined with the proposed actions will cause significant cumulative impacts.

(8). Degree to which the action may adversely 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 historic

⁹ Project Record #17.

¹⁰ Project Records #36.

¹¹ Project Record #38.

¹² Project Records #23, #24, #25, #26.

resources. As mentioned, the proposed WFA is a programmatic action not related to a specific project or location. Prescribed burning projects will still require site-specific NEPA analysis and Prescribed Fire Burn Plans. Wildland fire use responses to wildfires will require Wildland Fire Implementation Plans with associated decision criteria. It is in these secondary processes that potentially adverse impacts to these kinds of resources are identified and mitigated¹³.

Past archaeological surveys and investigations have identified a myriad of prehistoric or historic sites within the TNF, including some that have been listed on the National Register of Historic Places. Adoption of the wildland fire-management policy change in an amendment to the Forest Plan is not considered an undertaking as defined in the National Historic Preservation Act. Accordingly, the proposed action would have no direct effect on heritage resources.

Indirect effects of approval of the amendment may include the increased exposure. However, such sites are more likely to be protected during a low- or moderate-intensity fire managed for resource benefit than during a high-intensity, catastrophic wildland fire. The decision makers would be aware of heritage resource concerns prior to a decision to allow a wildland fire to burn and have time to apply mitigations..

(9). 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 proposed action would not have a direct effect on wildlife. There may be some short-term indirect effects on many TNF wildlife species as a result of the potential changes on the ground implemented from the occasional use of wildland fire instead of suppression. However, the long-term effects of the amendment are expected to be beneficial to all species. The return to a more historical, natural fire regime would be expected to allow the TNF to receive the periodic, low-intensity fire disturbance needed to keep accumulated floor and ladder fuels in check. This would be expected to minimize the occurrences of high-intensity, potentially catastrophic events that could have serious adverse effects on most species and their habitats. In fact, the return to a more historic, natural fire regime may even restore habitat for species that have been extirpated from the TNF.

Typically, Forest Service projects that might affect species listed as endangered or threatened under the Endangered Species Act are subject to consultation with the U.S. Fish and Wildlife Service (FSM 2671.45) regarding potential environmental impacts to those species. In the case of any fire occurrence, however, consultation with the FWS is neither predictable nor possible. Thus, FWS consultation may or may not be required at the time decisions are being made to manage a wildland fire, depending on the location, time of year, presence or absence of threatened and endangered species, and whether or not management may affect threatened and endangered species. When a wildland fire occurs, emergency consultation would take place after site specificity is established and it is determined that management of the fire may impact Federally listed species. In many

¹³ Project Record #38.

instances, there would be no need for consultation because there would be no substantial suppression actions or extensive human presence on the ground.

In addition a wildfire use guidance document was produced with the assistance of the FWS to provide direction for TNF biologists in making their recommendations.

(10). Whether the action threatens a violation of Federal, State, or local law or other requirements imposed for protection of the environment. No actions are proposed that will threaten a violation of Federal, State, or local law or other requirements imposed for protection of the environment. They are consistent with management requirements identified in the National Forest Management Act (1976), 30 CFR 219.17, and TNF Land and Resource Management Plan (1985) and all of its amendments.

Findings Required By Other Laws

National Forest Management Act

Consistency with the Forest Plan

NFMA significance: This decision to amend the Forest Plan is consistent with the intent of the Forest Plan's long-term goals and objectives. The proposed changes are additions to, alterations, or clarification of goals and existing standards and guidelines. This amendment will not significantly alter the long-term relationship between levels of multiple-use goal and objectives originally projected.

Significance Determination

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act of 1976 and NFMA implementing regulations in 36 CFR Section 219. This amendment is being made primarily in response to new information regarding Federal fire policy. I followed the direction found in 16 U.S.C. 1604(f)(4), 36 CFR 219, FSM 1922.5, and FSH 1909.12 (5.32) and determined that this is not a significant amendment to the Forest Plan because it does not meet the required definition of significance found in FSH 1901.12 (5.32). Details of the analysis that supports my determination concerning this amendment have been placed in the Administrative Record.

Endangered Species Act and National Historic Preservation Act

Refer to discussion under Finding of No Significant Impact heading (#8 and #9).

Implementation Date

Amendment of the Tonto National Forest Land and Resource Management Plan, relative to this decision, may take place the day following notice of this decision in the newspaper of record, the East Valley Tribune, Mesa, AZ.

Appeal Rights

This decision is subject to appeal pursuant to 36 CFR 217. Any appeal of this decision must be fully consistent with 36 CFR 217.9 and be filed in duplicate with the Regional Forester within 45 days after the date of the published legal notice. Appeals should be sent to the following address:

USDA Forest Service
ATTN: Regional Forester
333 Broadway SE
Albuquerque, NM 87102

The Appeal Deciding Officer is Harv Forsgren, Regional Forester. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m., closed on federal holidays. Any notice of appeal must include at a minimum:

- A statement identifying the document as a Notice of Appeal pursuant to 36 CFR Part 217.
- The name, address, and telephone number of the applicant.
- Identification of the document in which the decision is contained, by title and subject; date of the decision, and name and title of the Deciding Officer.
- Identification of the specific portion of the decision to which the appeal is being made.
- The reason(s) for appeal, including issues of fact, law, regulation, or policy.
- Identification of the specific changes(s) in the decision that the appellant seeks.

Information Contact Person

This document is available for public review at the Tonto National Forest, Supervisors Office, 2324 E. McDowell Road, Phoenix, AZ. For additional information concerning this decision, contact:

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Gene Blankenbaker
Forest Supervisor
Tonto National Forest

Date

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