



**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
TOWN OF PAYSON – CRAGIN WATER PIPELINE AND TREATMENT
PLANT PROJECT**

**FOREST LAND USE MANAGEMENT AND SPECIAL USE MANAGEMENT
TOWN OF PAYSON–CRAGIN WATER PIPELINE
AND TREATMENT PLANT PROJECT
PAYSON RANGER DISTRICT
TONTON NATIONAL FOREST
GILA COUNTY, ARIZONA**

DECISION

This Decision Notice documents my decision and reasons for this decision. The Cragin Water Pipeline and Treatment Plant Project purpose and need for action provides the focus and scope for the Proposed Action and alternatives. Given the purpose and need, I have reviewed the alternatives and carefully considered the public comments received from the comment copy of the environmental assessment (EA). Public feedback, the analysis disclosed in the EA, information contained in the Project Record, and management direction and policy considerations contributed collectively to determining the selected alternative.

It is my decision to implement the Alternative 2 alignment for the water pipeline and the Alternative 7 water treatment plant location for this project. The implementation of this water pipeline alignment alternative provides the most direct route while minimizing the impact to the public and forest resources during construction, operation, and maintenance. The water treatment plant alternative location for this project was suggested by a member of the public during the public comment period of the EA and deemed a viable alternative by the Town of Payson (Town) engineers. The location of this water treatment plant may also more easily serve the future needs of the community of Mesa Del Caballo when they are allocated some of the remaining available water rights under the Arizona Water Settlements Act of 2004. The combination of these alternatives provides the greatest opportunity for water transportation and treatment for the Town while providing for the possibility of any other future community needs along the pipeline route.

The Alternative 2 water pipeline route is:

- The pipeline would originate at the tailrace conduit east of Forest Road (FR) 32B and travel southerly through undeveloped land for approximately 900 feet.
- The pipeline would then turn south and follow Harvest Lane for approximately 600 feet within the community of Rim Trails Estates.
- The pipeline would then follow Box Elder Lane for approximately 225 feet.

- At the end of Box Elder Lane, the pipeline would begin the route along FR 32.
- The pipeline would then follow FR 64 (Control Road) east to FR 1563 and FR 1564 south. Following these latter 2 road alignments where possible to the junction of FR 199 (Houston Mesa Road) south to Payson.

The Alternative 7 water treatment plant location will be located:

- On the east side of Houston Mesa Road and along the southeast boundary of the community of Mesa Del Caballo.

All practical means have been employed to avoid and/or minimize environmental harm. Detailed descriptions of mitigation measures can be found in the Project Record. The Project Administrator will be responsible for overseeing that all actions are implemented as designed.

INTRODUCTION

The Town of Payson (Town) has applied to the U.S. Department of Agriculture Forest Service (Forest Service) for a utility corridor special use permit for the construction of a proposed water pipeline and an associated water treatment plant (WTP) (herein called the Town of Payson–Cragin Water Pipeline and Treatment Plant Project, or project) located on National Forest System lands within the Payson Ranger District of the Tonto National Forest (TNF). Under the National Environmental Policy Act (NEPA), the TNF must perform an environmental analysis to evaluate and disclose any environmental effects of the project prior to issuing authorizations. The Forest Service would also ensure that any impacts of the project on adjacent lands and/or resources are described and considered in the TNF’s decision to issue the utility corridor special use permit.

The proposed project is being designed to provide a means to transport and treat surface water from C.C. Cragin Reservoir to the Town, made available as a result of the Arizona Water Settlements Act (AWSA). The proposed project would begin at the existing Salt River Project (SRP) generating station tailrace and end at the intersection of Houston Mesa Road and Highway 87 (see Environmental Assessment [EA] Figure 1, Project Location).

An EA was prepared to evaluate the proposal.

The purpose of the Proposed Action, as described during initial project scoping, is to issue a special use permit to the Town to allow for the construction, operation, and maintenance of the proposed water pipeline and WTP that would enable the delivery of potable water to the Town. The Town has access to 3,000 acre-feet (af) per calendar year (average) of surface water from the C.C. Cragin Reservoir as a result of the AWSA of 2004, Town agreements with the SRP, and ST-10-001. Northern Gila County has access to an additional 500 af per calendar year.

To use its 3,000-af water right, the Town proposes to construct a pipeline to transport the water from the terminus of the C.C. Cragin powerhouse tailrace facility to the Town. Lands surrounding the reservoir and the Town are predominantly National Forest System lands; therefore, delivering water to the Town would not be possible without crossing these public lands and would require issuance of a special use permit. Upon consideration of scoping

comments received, the capacity of the pipeline has been increased to accommodate delivery of the entire 3,500 af per calendar year (average) from the C.C. Cragin Reservoir, 500 af of which was set aside in the AWSA for use by northern Gila County communities.

As a result of the AWSA, the project is needed because there is currently no mechanism to deliver, or treat for potable use, C.C. Cragin surface water to the Town or surrounding communities in northern Gila County. Thus, the Town needs a means to transport its allocated 3,000-af water right from the reservoir to the Town and treat it for potable use.

Three water pipeline alternatives and seven WTP alternatives were analyzed in detail by an interdisciplinary team: Water Pipeline Alternative 1, Water Pipeline Alternative 2, Water Pipeline Alternative 3, and WTP Alternatives 1 through 7. Water Pipeline Alternative 1 would generally follow and would not deviate from the existing roadways. Water Pipeline Alternative 2 includes two areas in which the pipeline is proposed to depart from the existing roadways for engineering preference, to avoid resources or both. Water Pipeline Alternative 3 would bypass the Second and Third crossings of the East Verde River in order to address public health and safety concerns. WTP Alternative 1 (WTP1) would be located on the east side of Houston Mesa Road south of Shoofly Ruins. WTP Alternative 2 (WTP2) would be located on the west side of Houston Mesa Road on the northern side of the Mesa del Caballo subdivision. WTP Alternative 3 (WTP3) would be located on the west side of Houston Mesa Road southwest of the Mesa del Caballo subdivision. WTP Alternative 4 (WTP4) would be located on Forest Road 32B adjacent to the SRP generating station. WTP Alternative 5 (WTP5) would be located on West Houston Mesa Road, West of Highway 87 and north of the existing Home Depot. WTP Alternative 6 (WTP6) would be located on Highway 87 south of the existing Home Depot. Further description of alternatives can be found in Chapter 2 of the EA. A copy of the Final EA is available for public review at the following locations:

Website: Tonto National Forest website at www.fs.usda.gov/tonto. Click 'Forest Projects' under the 'Quick Links' column.

Tonto National Forest Supervisor's Office: 2324 E. McDowell Road, Phoenix, AZ 85006

Tonto National Forest Payson Ranger District: 1009 East Highway 260, Payson, AZ 85541

Planned Activities for Selected Alternative

The following activities are summarized descriptions. Complete descriptions can be found in Chapter 2 of the EA.

Pipeline Alternative 2 just south of the tailrace was rerouted north of, and off of, Box Elder Lane in the Rim Trails Estates subdivision in response to public comments on the Draft EA. Pipeline Alternative 2 just west of Whispering Pines was also redesigned after public comments to the Draft EA to avoid a constricted corridor. In addition, in the area where Pipeline Alternative 2 crosses through Mexican spotted owl designated critical habitat, construction would be limited to a designated time of the calendar year to correspond with the Mexican spotted owl's breeding season.

WTP Alternative 7 (WTP7) was developed in response to public comments to the Draft EA. An archaeological monitor would be present during construction.

Monitoring of Resources

The Forest Service would monitor implementation of the selected alternative. Other resource specialists would be involved in monitoring of specific measures relating to their particular resource area. Monitoring items are listed below.

1. Noxious weed spread prevention: prior to entering or leaving the project area, all earth-moving and hauling equipment will be cleaned of all plant parts and soil to help prevent the spread of noxious weeds.
2. Seeding: All disturbed soils will be seeded with native species. Seed lots to be used in revegetation will be tested at a state laboratory for the presence of TNF noxious weed species' seed before the lots are mixed. Seeding shall be implemented on all finished slopes as they are completed.
3. Water use: Water would be used throughout the construction period from one of three sources, or a combination of the three sources, as necessary, to reduce fugitive dust and particulate matter. Daily water needs would depend on ambient conditions and activities that require abatement.
The three potential sources are the allocated 3,000 af of C.C. Cragin Reservoir water, reclaimed water from the Northern Gila County Sanitary District, and/or private wells located in the residential areas along the project alignment.
4. Equipment emissions: All equipment used for the Proposed Action will meet all applicable emissions standards.
5. Heritage resources: Archaeological sites will be avoided at all times; if avoidance is not possible (i.e., the site is in the project footprint and cannot be avoided because of engineering constraints), under Section 106 of the National Historic Preservation Act (NHPA), the site will be mitigated to Secretary of the Interior and Forest Service standards prior to construction, as appropriate.
6. Staging areas will avoid cultural resources. If cultural resources have been identified during the preconstruction survey, the site(s) will be avoided within the staging area and/or the staging area will not be used.
7. For any infrastructure tie-ins, if the U.S. Bureau of Reclamation and the Forest Service deem it necessary an archaeological survey of the tie-in footprint (including project segments on private land) will be conducted prior to construction.
8. Archaeological sites will be avoided at all times. An archaeological monitor may be present to ensure sites are avoided during construction.
9. If avoidance is not possible (i.e., the site is in the project footprint and cannot be avoided because of engineering constraints), in accordance with Section 106 of the NHPA, the site will be mitigated to Secretary of the Interior and Forest Service standards prior to construction, as appropriate.

10. During pipeline construction, an archaeologist will monitor all ground disturbance with the potential to disturb buried cultural resources within 100 feet of a known archaeological site.
11. In the areas where the pipeline is located, ground disturbance consists of the pipeline trench only; according to the current engineering plans, no facilities other than the pipeline would be installed near the affected sites.
12. The pipeline is to be buried at least 5 feet deep and no more than 15 feet deep. In the area around AR-03-12-04-1414, the archaeologist will ensure that any phone trees near the proposed pipeline remain undisturbed.
13. Archaeological site locations will be flagged to identify avoidance areas, as needed.
14. Construction crews will not park vehicles or other equipment within flagged site boundaries.
15. The archaeologist will monitor pipeline trench excavation until sterile soil is reached. The backdirt will be inspected for artifacts during excavation.
16. If features are encountered within the pipeline trench, the archaeologist will contact the Forest Service archaeologist immediately.
17. Construction work in the area of the discovery will cease until the Forest Service archaeologist can assess the significance of the discovery.
18. All features encountered during trenching will be thoroughly recorded by the archaeological monitor.
19. Clearing limits: Limits of clearing shall be made irregular by varying the width of the area to be cleared or by leaving selected clumps of vegetation near the edge of the clearing limit.
20. Slope rounding: Slope rounding shall occur at the intersection of cuts and natural grades to blend two surface edges for a natural-appearing transition.
21. Slope roughening: All cut-and-fill slopes will be roughened by tilling or ripping 12 inches deep parallel to the contour.
22. Vegetation: Vegetation outside the specified clearing limits will be preserved and protected. Vegetation inside the specified clearing limits, if of merchantable value, will be purchased from the Forest Service.
23. Paint: All culverts that are visible to the public will be painted with a color that matches the native soil.
24. All materials and building finishes will blend in with the surrounding natural landscape.
25. All water storage tanks will be painted a color that matches the surrounding natural landscape.

26. After use, staging areas will be obliterated and put back into as near natural conditions as possible. Obliteration will include roughening, recontouring, and seeding.
27. Fencing surrounding the WTP will have a dull metal or dark green or brown finish.
28. Prior to construction, surveys for noxious weeds will be completed. The Forest Service will coordinate with the Town and the contractor regarding the best manner of treatment.
29. Mexican spotted owl: Construction activities would be conducted outside the Mexican spotted owl breeding season (March 1 through August 31) in Mexican spotted owl habitat, north of Wonder Valley.
30. Chiricahua leopard frog: Construction activities would be conducted outside Chiricahua leopard frog monsoon dispersal period (July 1 through September 30) in Chiricahua leopard frog dispersal habitat from Pieper Springs, north of Third Crossing campground.
31. During construction of the East Verde River crossings, the protection of fish species will be accomplished by:
 - Maintaining flow through or around the river crossing during construction.
 - Performing the construction during a period of low flows.
 - The method of construction proposed and materials proposed have low sedimentation potential.
 - The use of best management practices (BMPs) to reduce the sedimentation in the river due to construction activities.
32. The following mitigation measures will be utilized to minimize effects on the East Verde River during construction:
 - Contractor shall follow BMPs to reduce sedimentation and prevent spills (oil, gas, etc.) from entering the flow of the East Verde River during construction activities.
 - The method being proposed maintains flow within the river.
 - Sandbags are being used to create the diversion and will not cause excessive sedimentation when placed or removed.
 - The construction will take place during low flow conditions reducing the sediment transport capabilities of the river.
33. Erosion control: Temporary and permanent erosion control measures will be incorporated. Erosion, including runoff, of excavated material would be managed under a stormwater pollution prevention plan (SWPPP) and an Arizona Pollutant Discharge Elimination System (AZPDES) permit. Coverage under AZPDES may be obtained either through issuance of an individual permit, or under one of the five general permits issued by the Arizona Department of Environmental Quality. As part of the AZPDES permit, a SWPPP is required to be developed that identifies areas of stormwater discharge and the BMPs that will be used to prevent pollutants from entering the stormwater. General requirements of the AZPDES permit include additional details and are located in Appendix A of the biological assessment.
34. Reclamation: After use, staging areas will be obliterated and put back into as near natural conditions as possible. Obliteration will include roughening, recontouring, and seeding.
35. Access and travel management: Traffic control measures shall be communicated to the public, local officials, and the media prior to and during construction activities.

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36. Access and travel management: construction notice to residents and businesses in the project area shall be provided at least two weeks prior to construction.
 37. Access and travel management: Advance warning signs shall be placed at locations designated by the Forest Service to notify motorists and pedestrians of construction-related delays.
 38. Fuels/fire and public safety: Local emergency services (hospital, fire, and police) shall be notified of any traffic control measures at least two weeks in advance so that alternate travel routes can be arranged (if needed).
 39. Noise: Notice to residents and businesses in the project area shall be provided at least two weeks prior to construction involving blasting.

PUBLIC INVOLVEMENT

To date, the public has been invited to participate in the project in the following ways.

Collaboration With Other Agency Officials – The Proposed Action for this project was developed by the Town in collaboration with local agencies identified as being directly affected or impacted by the proposed project. See Chapter 5 of the EA for a list of people and agencies. The draft Proposed Action was modified to address the needs and concerns identified during these collaborations and prior to its presentation to the public.

Public Mailings – On August 4, 2009, a scoping letter, providing information and seeking public comment, was mailed to approximately 44 individuals and groups. This included Federal and State agencies, American Indian tribes, municipal offices, businesses, and local fire departments, as well as local radio and television stations and the local newspapers, the *Arizona Capitol Times* and *Payson Roundup*. Hard copies of the letter were also left on the Mesa del Caballo, Freedom Acres, Beaver Valley, Wonder Valley, Whispering Pines, Rim Trail Estates, Washington Park, and Verde Glen Public Notice Boards. Forty comments were received in response to this mailing, and all were generally positive for the project proposed. The Proposed Action at this time was the Alternative 1 alignment for the water pipeline and the Alternative 1 water treatment plant location (WTP1).

On February 4, 2011, the Comment Copy of the EA, seeking comments on the Proposed Action, was mailed to 480 recipients. Of the 178 non-duplicate comments received, 158 commenters expressed opposition to the new Proposed Action Alternative 2 water treatment plant location (WTP2). The primary reasons for this opposition included concerns about impacts (decreases) on property value, limiting access to Forest Service lands, and changes to quality of life. Commenters opposing the WTP2 were also concerned that WTP2 was not presented during scoping in 2009.

As is shown between the two time periods between public mailings, interest in the project had increased as the process progressed.

Local News Media – Information was provided to the people residing in and around the Payson/Mogollon Rim area through notices and news articles in the *Payson Roundup*, a local newspaper.

Public Meeting – On August 26, 2009, an “Open House” was held at the gymnasium of Julia Randall Elementary School on Payson. In total, 23 members of the public attended the meeting. Project comments from the public, including any issues and concerns, were all provided in written format.

This action was originally listed as a proposal on the TNF Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review and comment on the proposal through public meetings, field meetings, mailings, and newspaper releases.

In addition, the Draft EA was posted to the Forest Service website on February 4, 2011, for a 30-day public review and comment period. Subsequent public outreach meetings with regard to

public comments and concerns were conducted by the Town and the project engineer in March and April 2011. The EA lists agencies and people consulted on page 139.

During the 30-day public comment period, 214 letters were received. The vast majority of comments were from residents of Mesa del Caballo expressing concerns over the locations of Alternatives WTP1 and WTP2 and their potential adverse effect on the existing quality of life. Other comments expressed concerns and inquired regarding the water availability to the surrounding northern Gila County communities. Where appropriate, changes were made to the analysis to include concerns raised during the 30-day public comment period. A new alternative (WTP7) was derived from the 30-day public comment period.

Tribal consultation was conducted with the Tonto Apache Tribe, Fort McDowell Yavapai Nation, Pueblo of Zuni, Yavapai-Prescott Tribe, Yavapai-Apache Nation, San Carlos Apache Tribe, White Mountain Apache Tribe, Salt River Pima-Maricopa Indian Community, Hopi Tribe, and Gila River Indian Community. No issues were identified during tribal consultation.

DECISION RATIONALE

I have decided to implement Water Pipeline Alternative 2 and Alternative WTP7 because it best meets the purpose and need for this action as determined from management direction and conditions on the ground, and because it responds well to key issues and public comments.

Reason(s) for Not Selecting Other Alternatives

I did not select Water Pipeline Alternative 1 because it would result in increased traffic delays, cause inadequate emergency response access, and would adversely impact private landowners. I did not select Water Pipeline Alternative 3 because it would require extensive vegetation and ground disturbance in steep, forested areas that have not experienced surface disturbance or development.

I did not select Alternative WTP1 because it would result in adverse impacts to Shoofly Ruins Interpretive Site and affect the quality of life for the residents of Mesa del Caballo. I did not select Alternative WTP2 because it would also adversely affect the quality of life for the residents of Mesa del Caballo. I did not select Alternative WTP3 because it would not meet the purpose of providing surface water access for the northern Gila County communities and would require extensive trenching to run a treated water pipeline to the communities along Houston Mesa Road. I did not select Alternative WTP4 because it would result in disturbance to an area used for dispersed recreation and would not be in compliance with existing visual quality objectives. I did not select Alternative WTP5 because it would not meet the purpose of providing surface water access for the northern Gila County communities and would require extensive trenching to run a treated water pipeline to the communities along Houston Mesa Road. I did not select Alternative WTP6 because it would not meet the purpose of providing access to surface water for the Northern Gila County communities and would require extensive trenching to run a treated water pipeline to the communities along Houston Mesa Road.

FINDING OF NO SIGNIFICANT IMPACT

I have determined through the EA process that this is not a major Federal action that will significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. There were no significant, adverse, or controversial impacts to the human environment identified in this review. This determination is also based on the following findings and criteria listed below.

CONTEXT

The significance of effects of my decision has been analyzed in several contexts. My decision is consistent with the requirements of the Forest Plan and contributes to meeting the goals of the Forest Plan. The analysis considers and discloses cumulative effects on the resources within the project area and associated resource areas. In addition, direct and indirect effects on the project area have been considered in this determination.

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. The EA considers and discloses both beneficial and adverse effects.
2. **The degree to which the proposed action affects public health or safety. There will be no significant effects on public health and safety.** Construction of the water pipeline would have short-term impacts on traffic on West Houston Mesa Road. These impacts include inconveniences from temporary traffic delays, increased construction traffic, and fugitive dust. Traffic delays along a rural route can generate a concern by some local residents regarding the residents' safety and the safety of their property. All traffic control measures and construction activities that take place would adhere to all Gila County, Town, and Forest Service applicable laws, regulations, and policies.
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, because no unique characteristics of the geographic area would be disturbed by the project. The project area is located south of the Mogollon Rim and includes part of the East Verde River, one of the few permanent sources of surface water in the area. These attributes attracted early settlers and were focal points for prehistoric occupants.

The proposed action alternatives would not adversely impact any historical or prehistoric archaeological sites if required mitigation measures are implemented. All laws and regulations pertaining to surveying and protecting historical, prehistoric, and ethnohistoric sites would be adhered to during all phases of treatment implementation.

There are no known prime farmlands, wetlands, or ecologically critical areas within or immediately adjacent to the proposed project area.

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 are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the Proposed Action. U.S. Fish and Wildlife Service (USFWS) consultation was conducted and resulted in a “not likely to adversely affect” determination for the Mexican spotted owl and Chiricahua leopard frog and a “no effect” determination for Mexican spotted owl designated critical habitat.
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 project proposes the location, construction, and operation of a 3,500-af capacity underground pipeline, as described in Chapters 1 and 2 of the EA. The Forest Service has been involved in numerous pipeline projects throughout the TNF. Surface water conveyance via pipeline is a common water transmission method used throughout Arizona; therefore, there is a high degree of certainty regarding project impacts.
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 this decision is limited to this specific project, and any future decisions would require separate NEPA analysis. Public response was highly positive and supportive to purpose and need of the project identified in Chapter 1. These responses came from 1) collaborative meetings, discussions, and responses from cooperating agencies; 2) direct mailings of the scoping letter and Proposed Action; 3) a public “Open House” meeting; 4) newspaper articles in communities within and adjacent to the project area; and 5) public review of the Draft EA. The Draft EA (released to the public in February 2011) included a WTP alternative (WTP2) that was developed after public scoping, which was highly controversial based on its proximate location to Mesa del Caballo and Shoofly Ruins. Subsequent changes in project design have alleviated the controversy WTP2 presented (quality of life and property value concerns).
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are limited to the local area and are not significant. TNF specialists identified no significant adverse cumulative impacts in evaluating effects of the proposed action alternatives. No additional actions were identified that when combined with the proposed action alternatives would cause significant additive cumulative impacts.

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 (NRHP), because no designated or listed districts, sites, highways, structures, or objects are within the Proposed Action. Past archaeological surveys and investigations have been limited and confined to small areas scattered around the project area. Known use of the area goes back to 10,000 to 12,000 years ago with more recent habitation occurring mostly between A.D. 900 and 1300. There are no recorded sites within the project area currently listed in the NRHP; however, the majority of known and potential sites around the project area are considered eligible for inclusion in the NRHP for management purposes. The Proposed Action would have no effect on any historical, prehistoric, or ethnohistoric sites with implementation of mitigation measures identified. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because no known significant scientific, cultural, or historical resources are located within the project area.
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 the primary constituent elements needed for Mexican spotted owls and Chiricahua leopard frog, respectively, are not present within the project area and implemented mitigation measures would decrease the likelihoods of adverse indirect impacts. The biological assessment and evaluation identified two threatened or endangered species that are known to occur or whose habitat may occur in the project area: Chiricahua leopard frog and Mexican spotted owl. Suitable habitat for Chiricahua leopard frog is present. Critical habitat has been designated for the Mexican spotted owl. Concurrence with the USFWS concluded that the Proposed Action is “not likely to adversely affect” the Chiricahua leopard frog. Concurrence with USFWS also concluded that the Proposed Action is “not likely to adversely affect” the Mexican spotted owl and that the Proposed Action will have “no effect” on the Mexican spotted owl designated Critical Habitat.
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. No actions are proposed that would threaten a violation of Federal, State, or local law or other requirements imposed for protection of the environment. The proposed actions are consistent with management requirements identified in the National Forest Management Act (1976), 30 Code of Federal Regulations (CFR) 219.17, and the Forest Plan (1985) and all of its amendments.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The action is consistent with the Tonto National Forest Land and Resource Management Plan (Forest Plan). Planned activities are consistent with management area direction, comply with Forest Plan standards, and contribute to Forest Plan goals and objectives.

My decision is also based upon consideration of the best available science. I have reviewed the project records, which shows thorough review of relevant scientific information, consideration of responsible opposing views, and acknowledgement of incomplete or unavailable scientific information, scientific uncertainty, and risk.

IMPLEMENTATION

Implementation of the selected alternative will occur under the authority of this Decision Notice, subject to the appropriate appeal and implementation procedures cited below.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.

Individuals or organizations who provided comment or otherwise expressed interest in the Proposed Action during the 45-day comment period may appeal. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing for appeal purposes. The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer. Submit appeals to: Corbin L. Newman, Jr., Regional Forester/Appeal Deciding Officer, USDA Forest Service, 333 Broadway SE, Albuquerque, NM 87102, Fax: 505-842-3173. 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. Electronic appeals may be submitted to: **appeals-southwestern-regional-office@fs.fed.us** (.doc, .rtf, .pdf, or .txt formats only). The appeal must have an identifiable name attached or verification of identity will be required. Names and addresses of appellants will become part of the public record. A scanned signature may serve as verification on electronic appeals.

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

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days 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.



CONTACT

For additional information concerning this decision, contact:

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Thomas J. Klebenik

11/2/2011

for:

Gene Blankenbaker
Forest Supervisor

Date

Tonto National Forest

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