

Decision Notice and Finding of No Significant Impact

RIO PEÑASCO II

COMMERCIAL AND PRECOMMERCIAL THINNING AND CONNECTED ACTIVITIES

**Otero County
Lincoln National Forest
Alamogordo, NM 88310**

An environmental assessment (EA) that documents the analysis of commercial thinning (timber harvest) on approximately 32,715 acres and precommercial thinning on approximately 29,298 acres of National Forest Land in the Rio Peñasco II project area has been prepared. This document is available for review in the Forest Supervisor's Office of the Lincoln National Forest at 1101 New York, Alamogordo, New Mexico 88310, or the Sacramento Ranger District, 61 Curlew, Cloudcroft, New Mexico 88317.

Decision: Based on the analysis and evaluation described within Alternative E of the environmental assessment, I have decided to harvest an estimated 8 million board feet of saw timber by commercially thinning (cut trees greater than 9" in diameter but less than 24 inches in diameter) from approximately 4,347 acres over a five-year period. This decision includes precommercially thinning (cut trees less than 9" in diameter) on 352 acres within the same acres during this same time period, as well as all appropriate slash treatments described in the EA. The Lincoln National Forest Roads Analysis identified no need for additional permanent roads for the transportation system. However, approximately 10 miles of temporary road construction will be required. Temporary roads will be scarified, seeded, and closed after use. The net result will be no change from the current Forest road inventory. I am also deciding to amend the Forest Plan based on analysis and evaluation described in the EA. The associated Forest Plan replacement page is attached. The plan amendment is needed to study the three levels of thinning, described in the EA, within selected and occupied Mexican spotted owl (MSO) habitat. The study would provide an opportunity to incorporate data gained from scientific research into the design of the treatments in owl habitat, and apply it to the management of future watershed projects within similar habitat. Specific mitigations appropriate to phased activities (See Appendix A in the Environmental Assessment) and detailed monitoring requirements are also a part of this decision.

Rationale: The primary purpose of this project is to perform vegetation treatments that reduce fuel loadings (activity created) and reduce vegetation density through precommercial and commercial timber harvest and associated fuels treatment activities. These activities would reduce the risk and intensity of stand-replacing wildfire, beginning with treatment in the wildland-urban interface and other at-risk areas. The proposed treatments would make wildfire suppression more effective and safer for firefighters. Prescriptions also treat units affected by insect/disease epidemics; and subsequently, move the landscape toward more historic and sustainable conditions.

During the environmental analysis, Alternative E (preferred alternative) was developed to study the effects on MSO prey-base at three levels of thinning (within selected 1,000 meter buffer around 100 acre nest areas for Mexican spotted owl) while maximizing both commercial and precommercial treatments within and beyond the wildland-urban interface. While commercial treatments will occur within MSO Protected Areas (PACs), no treatments will occur within the 100-acre nest areas. Treatments will reduce conifer overstocking and treat fuels from harvest-created and natural accumulations within units totaling 929 acres. The study incorporated in this decision will compare results in treatment and non-treatment areas.

My decision incorporates scientific research into the design of treatments in MSO habitat so data and knowledge gained from treatment activities can be applied to management of future watershed projects with similar MSO habitat.

The action described above is a site-specific project. The environmental assessment considered the local social, traditional, and economic setting in which the proposed action occurs, as well as the potential impact to natural resources in the area. There were no issues identified that are linked to regional or national levels of concern which are within the scope of this decision.

The following laws, regulations, policy, and guidance were specifically referred to during the environmental assessment:

1. The National Fire Plan (2000)
2. 36 CFR 800 –Protection of Historic Properties
3. Lincoln National Forest Land and Resource Management Plan (1986)
4. Record of Decision for Amendments of Forest Plans, Arizona and New Mexico USDA Forest Service, 1996. USDA Forest Service, Southwest Regional Office. Albuquerque, NM.
5. Recovery Plan for the Mexican spotted owl: Vol. I. USDI Fish and Wildlife Service, 1995.
6. National Environmental Policy Act of 1969, (NEPA)
7. National Forest Management Act, 1976

I have compared desired conditions for the watershed to the effects that the no action and action alternatives may have, as displayed on pages 3-1 to 3-129 of the EA. I considered the issues and how they were addressed by each alternative. I reviewed and considered public and agency comments provided throughout the analysis. I paid particular attention to USDI Fish and Wildlife Service (USFWS) input and suggestions concerning mitigation of impacts to the Sacramento Mountain Checkerspot Butterfly.

Scoping: Extensive scoping was conducted for this and a previous similar project. The Forest Service jointly held local collaborative meetings to inform other agencies and the public, and to solicit comments and concerns about the proposal. Twenty six (26) comment letters and e-mails were received as a result of scoping and are filed in the project record for public review. Responses to comments received during the formal EA comment period, September 5, 2002 through October 7, 2002 were sent to all interested parties on November 15, 2002 in association with a decision made by Sacramento District Ranger Frank R.

Martinez. Additional copies can be obtained by contacting this office, or visiting our website at www.fs.fed.us/r3/lincoln (Planning and NEPA Documents)

Alternatives Considered: The environmental assessment documents the examination of four issues during the project design phase. The issues analyzed were landscape-level sustainability, contributions to the economic sustainability of the local community, improvement of habitat for the Mexican spotted owl, and improvement of watershed health. The following alternatives were considered:

Alternative A (No Action) – was developed to display the consequences of not completing commercial or precommercial thinning, fuels treatment, or connected activities and to provide a comparison for the action alternatives.

Alternative B - was developed to maximize both commercial and precommercial treatments within the Wildland-Urban Interface (WUI) and Mexican spotted owl (MSO) habitat within the WUI, while following all recovery plan standards and guidelines. Commercial treatments occurring outside WUI and within MSO threshold stands were developed to maintain threshold structure. Treatments proposed in other areas outside of WUI are to promote stand health and vigor and for fire protection.

Alternative C - was developed to maximize precommercial thinning and minimize commercial thinning. Only threshold stands within the WUI are commercially thinned. This alternative reduces conifer overstocking and reduces fuels from harvest-created and natural accumulations within units totaling 33,982 acres.

Alternative D - was developed and submitted for consideration by the Lincoln National Forest Working Group, which has grown into a community-based collaborative working group. This alternative maximizes treatment of stands across the landscape. Mexican spotted owl PAC's and threshold stands within and outside of WUI are treated. Steep slopes outside PAC's are treated with advanced logging systems (helicopter or skyline logging). This alternative reduces conifer overstocking and reduces fuels from harvest created and natural accumulations within units totaling 46,453 acres.

Other alternatives were considered but dropped from detailed analysis, in particular a pre-commercial only alternative and a noxious weed alternative, which were discussed in the EA in Chapter 2, page 2-1.

Findings: I have determined, based on the environmental assessment, that this action, individually or cumulatively, will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

1. There are no significant irreversible resource commitments or irretrievable loss of resources.
2. There are no significant risks to public health and safety.

3. There are no known unique characteristics of the geographic area affected by this proposal.
4. There are no known effects that are likely to be highly controversial.
5. There are no known effects that are highly uncertain or involve unique or unknown risks.
6. There are no significant cumulative effects.
7. There are no precedents established for future actions with significant effects.
8. No known cultural resource sites are affected.
9. There are no significant impacts to threatened or endangered plants or wildlife species.
10. This project is consistent with the Environmental Impact Statement for the Lincoln National Forest Plan, USDA – 1986, and with the objectives and Standards and Guidelines contained in the Forest Plan. All Federal, State, and local requirements have been met for the protection of the environment.

Consultation with the U.S Fish and Wildlife Service for WUI and non-WUI activities was completed and is documented under Consultation # 2-22-02-F-397 dated September 27, 2002. Tribal councils were also consulted regarding their concerns and potential impacts to traditional cultural properties. A written response was not received, and no concerns were voiced verbally during meetings with the tribes on this and other subjects.

The analysis and other evidence compiled for this site-specific project did not reveal any potential for significant environmental effects. The District Ranger will be responsible to take whatever actions are necessary to maintain environmental effects on National Forest System land below significance thresholds, and prepare required implementation plans.

This decision is subject to administrative review in accordance with 36 CFR 215.7. A notice of appeal must be in writing and clearly state it is a Notice of Appeal being filed pursuant to 36 CFR 215. Appeals must be fully consistent with 36CFR 215.14, "Contents of an Appeal," and be filed with Harv Forsgren, Southwest Regional Forester, 333 S. Broadway, Albuquerque, NM 87103, within 45 days of the date of legal notice of this decision in the Alamogordo Daily News. This project will not be implemented sooner than five business days following the close of the appeal filing period established in the notice of decision in the Alamogordo Daily News. If an appeal is filed, implementation will not begin sooner than 15 calendar days following the final decision on the appeal.

For additional information concerning this decision or the Forest Service appeal process, contact Jose M. Martinez, Forest Supervisor, 1101 New York Avenue, Alamogordo, New Mexico 88310, or phone (505) 434-7200.

/s/ Jose M. Martinez
JOSE M. MARTINEZ
Forest Supervisor

Date: December 6, 2002