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Department of  
Agriculture

Forest  
Service

Cibola  
National  
Forest

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File Code: 1950-3

Date: December 19, 2003

Dear Friends of the Cibola National Forest:

Enclosed you will find a copy of the Bluewater Ecosystem Management Project Record of Decision (ROD). I have decided to implement Alternative C (Preferred Alternative) as identified in the FEIS. The purpose of this project is to reduce the potential for catastrophic fire and restore ecological processes within the Bluewater watershed. Most of the fuel reduction work will occur within a wildland-urban interface zone, in a fuelbreak around the community of Bluewater, and in overstocked ponderosa pine stands. I am sending you a copy of the ROD because of your past expressed interest in the Bluewater Ecosystem Management project and to keep you informed of the final outcome of this project.

The official 45-day comment period for the Draft Environmental Impact Statement (DEIS) ended on September 2, 2003. During that time no substantive comments expressing concerns or issues were received from the public and only supportive comments were received during that comment period. A Notice of Availability for the FEIS was published in the *Federal Register* on October 3, 2003. Pursuant to 40 CFR 1506.10 (b)(2), a 30-day waiting period has passed prior to my signing the ROD. Thus, implementation may begin immediately following the publication of the legal notice for this decision in the *Albuquerque Journal*, which is expected to occur on or about December 23, 2003.

Since no substantive comments were received, this decision is not subject to appeal in accordance with 36 CFR 215.12. If you have any questions regarding this decision, please contact Chuck Hagerdon, Mt. Taylor District Ranger, 1800 Lobo Canyon Road, Grants, New Mexico 87020, or by phone at (505) 287-8833.

Sincerely,

*/s/ Liz Agpaao*

**LIZ AGPAOA**  
**Forest Supervisor**

Enclosure





United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region



# **RECORD OF DECISION**

## **for**

# **Bluewater Ecosystem Management Project**

***Cibola National Forest***

**McKinley County, New Mexico  
Cibola County, New Mexico**

December 2003





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# **Record of Decision for Bluewater Ecosystem Management Project**

*USDA Forest Service  
Cibola National Forest  
McKinley and Cibola Counties, New Mexico*

## **Decision and Reasons for the Decision**

It is my decision to implement Alternative C, as described in the Final Environmental Impact Statement (FEIS) for the Bluewater Ecosystem management project. Alternative C is the best approach for achieving the goal of restoring the ecological integrity of these stands within this area. This alternative will reduce the threat of destructive crown fires and return stands to a condition where ecological processes, such as fire and insects, can exist without having catastrophic effects. This alternative will fully meet the stated purpose and need as described in the FEIS to improve stand health by thinning overstocked stands of junipers, piñon pine, and ponderosa pine, and create conditions where fire can resume a more manageable and less destructive role in the ecosystem.

My decision is partly based on a review of the Geographic Area Assessment for Mount Taylor completed in 2000, which compared existing conditions and identified a desired condition for the landscape. The Bluewater Ecosystem Management EIS evaluated opportunities for reaching the desired condition through the use of thinning and prescribed burn treatments. After thorough evaluation of public comments received during scoping, I considered the comparison of effects for each alternative identified in the FEIS (Chapter 3) and how each alternative addressed significant issues. I also considered additional comments received on the DEIS (Appendix H) and I have determined that this decision is consistent with the Cibola National Forest Land and Resource Management Plan as amended and is consistent with all applicable laws and regulations.

The premise for this analysis relies heavily on principles outlined in the study *Ecological Restoration of Southwestern Ponderosa Pine Ecosystems: A Broad Perspective* (Allen, et. al., 2002) that examines the role of fire in the ecosystem and the impacts of more than 50 years of fire suppression. In order to create conditions where fire can once again be included in the landscape, stands must be treated to remove fuel build-up by means of both mechanical treatment and prescribed burns. The Federal government has also recognized the need to restore southwestern forests to conditions that are not conducive to catastrophic wildfire, and have proposed the 2001 Federal Fire Policy and the President's Healthy Forests Initiative that support the treatment of stands in a high fire risk. The Bluewater Ecosystem Management project meets the intent of this new direction in resource management and applies the theory outlined in the above mentioned study.

My decision will implement fuel reduction treatments on approximately 31,190 acres of National Forest System lands. Activities included in the decision are:

- ☞ Reducing high fire hazards on 885 acres of Wildland Urban Interface between the Cibola National Forest and the private property found along the northern boundary of the project area, and adjacent communities surrounding Bluewater Lake. Fuel reduction treatments will include mechanical thinning and pile burning.
- ☞ Create a 400-foot wide fuelbreak 10 miles long (475 acres) to reduce the continuity of crown fuels and provide protection to the Bluewater Lake communities. Fuel reduction treatments will include mechanical thinning and pile burning.
- ☞ Remove junipers and piñon pines on 2,565 acres in areas where they have encroached into conifer control units, in order to enhance the grass/shrub plant diversity and reduce fuel continuity. Treatments will be accomplished using mechanical thinning without the use of prescribed burns, since fuel loads are considered to be minimal.
- ☞ Restore 1,900 acres of upland meadows to a pre-fire suppression condition by removing encroaching conifer trees. Mechanically thin these areas and use minimal broadcast burn operations where necessary to reduce fuels.
- ☞ Restore ponderosa pine ecosystems on 25,365 acres by reducing stand density and utilize prescribed fire to reduce fuel loads. Stands will be pre-commercially and commercially thinned and prescribed burn activities will include broadcast burns as well as pile burns. An uneven-aged silvicultural system will be applied to create a multi-aged stand structure with the majority of trees retained in the larger diameter classes. Utilize existing roads as burn control lines and reduce the amount of handline construction to approximately 18 miles.
- ☞ Construct approximately 33 miles of temporary roads to gain access to stands that are inaccessible by the existing transportation system. These roads will be obliterated once it has been determined that they are no longer needed for administrative use.
- ☞ Reduce fuel loads on 425 acres of Mexican Spotted Owl Protected Activity Center (PAC) through removal of trees less than 9 inches in diameter and the use of pile burning to eliminate slash.
- ☞ Provide an opportunity for public fuelwood on more than 19,000 acres through both personal and commercial permit sales.

Based on recent scientific literature and research, much of the southwestern pine ecosystems are out of balance with historic conditions that formerly shaped the characteristics of the landscape. The Bluewater watershed is no exception to these findings and in many ways typifies conditions that are leading to a decline in forest health and sustainability. With the influx of urban development adjacent to National Forest System lands, the need for fuel reduction has never been greater. Limited fire suppression forces and overstocked stand

conditions make protection of private property even more difficult, especially in times of drought. Protection of water quality and habitat for threatened and endangered species provides additional compelling reasons for making a decision to take action at this time. The need to reduce fire threat by reducing fire hazard in Bluewater is clearly evident under these circumstances, and implementation of Alternative C will help to achieve this need. Returning fire to the landscape in a safe and effective manner requires the use of both mechanical manipulation and prescribed burning in succession in order to meet the goal of restoration and forest protection as described in the FEIS.

I have determined that Alternative C is the most appropriate approach for managing the Bluewater project area and for reducing the threat of catastrophic wildfire across the landscape. I have made this decision as a result of reviewing much of the scientific information regarding management of southwestern ponderosa pine stands and by reviewing the conditions and effects of implementing this alternative.

### ***Location of the Project Area***

The Bluewater Ecosystem Management Project is located approximately 15 miles west of Grants, New Mexico (see Figure 1 for general location). The project area is bounded by the Zuni River to the west, the Bluewater Lake community and tribal trust lands to the north, and the Agua Fria watershed to the east. Within and adjacent to the Bluewater project area are approximately 55 miles of private, State, and other Federal land boundaries that interface with National Forest System lands.

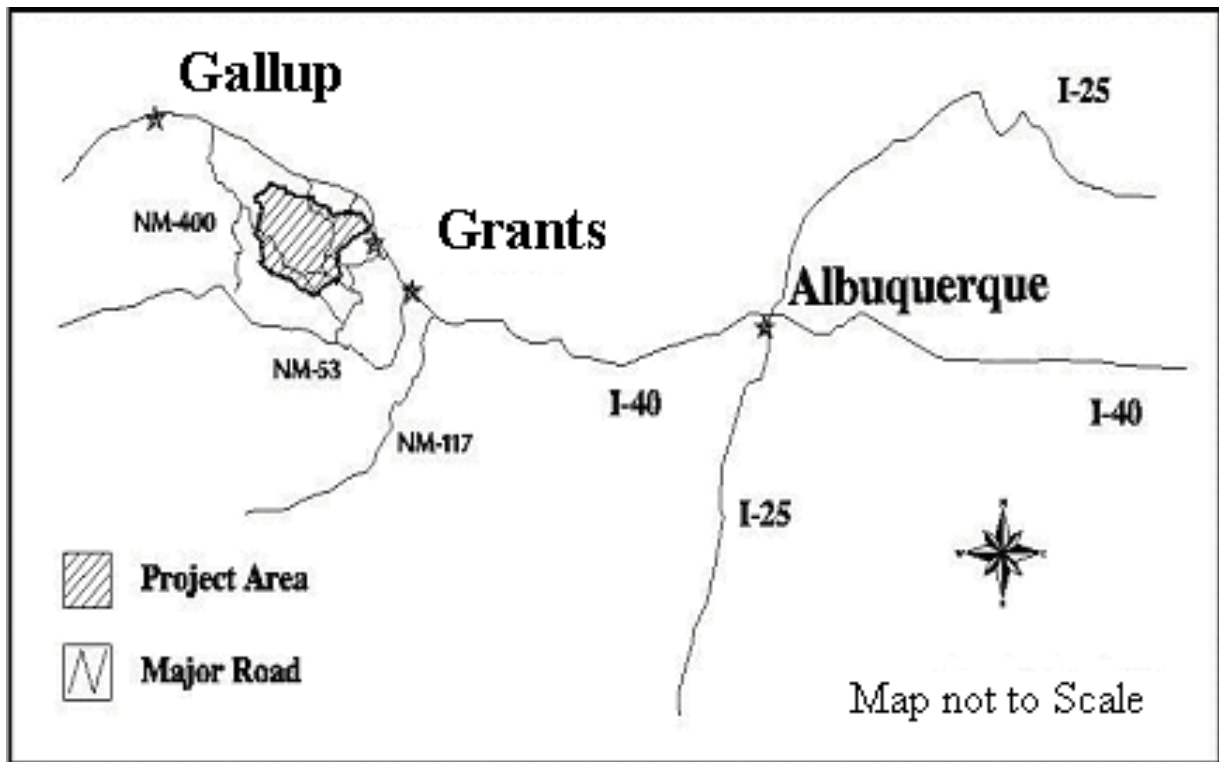
### ***Mitigation Measures***

Mitigation measures have been incorporated into Alternative C in order to avoid, minimize, or compensate for potential adverse environmental impacts that may occur from implementing proposed activities. These measures have been developed through means of both internal and external collaboration in order to address issues identified during development of the proposed action, alternatives and from public involvement. A complete list of these measures, in addition to Forest standards and guidelines, and Best Management Practices (BMPs) can be found in the FEIS, Appendix C. The Mount Taylor District Ranger will be responsible for ensuring the project is implemented on the ground as described in the FEIS, including the use of mitigation measures. By incorporating these requirements with the treatment activities, I believe that all practical means to avoid or minimize environmental harm have been adopted.

### ***Monitoring and Evaluation***

This decision incorporates the monitoring plan found in the Bluewater project record. That plan specifies what steps will be taken to ensure effective implementation of project activities and to validate Forest Plan standards and guidelines. The purpose of monitoring is to inform the Responsible Official, Interdisciplinary Team members, and interested public of the progress in meeting the goals and objectives of restoring the landscape to a more resilient condition. By monitoring and evaluating the effects of treatments, we can make appropriate modifications, determine trends and apply this knowledge to future projects.

Figure 1. General location of the Bluewater Ecosystem Management project.



### ***Permits and Authorizations Required***

The FEIS lists three permits or authorizations that must be obtained prior to implementing the project. Two of those authorizations have already been obtained: 1) Concurrence from the U.S. Fish and Wildlife Service on the Biological Assessment; and 2) Clearance from the State Historic Preservation Office and Advisory Council on Historic Preservation as approved by the Cibola National Forest, Forest Supervisor, based on the heritage resource report. The final permit that must be obtained is a burn permit from the New Mexico Environment Department Air Quality Bureau. Applications for this permit would be submitted prior to implementation.

### **Public Involvement**

Discussions with the public and other interested parties began in the summer of 2001, when local tribal governments were notified of the proposal to reduce the threat of wildfire around the Bluewater Lake area. Later that fall field discussions were held with a local forest ecologist and restoration scientists to identify the problem and compare this area to sites across the southwest that are experiencing similar problems.



Also beginning in January 2001, the Bluewater Ecosystem Management project was published in the Cibola Schedule of Proposed Actions, which is a list of all projects proposed on the Forest and distributed to a wide range of interested publics. This project has appeared in each quarterly report since.

A Notice of Intent (NOI) to prepare an EIS for the Bluewater Ecosystem Management Project was published in the Federal Register on July 26, 2002. The NOI asked for public comments on the proposed action over a 30-day comment period.

In addition to the above mentioned efforts, on March 13, 2002, the Mount Taylor District Ranger distributed a project scoping letter to approximately 140 potentially interested and affected individuals, groups, tribal governments, pueblo contacts, and other governmental agencies soliciting comment. Only one comment was received as a result of that scoping effort, so the District sent out a second scoping letter on June 18, 2002. On October 26, 2002, the District also hosted a public meeting in Grants, New Mexico, to discuss the proposed action and identify potential issues.

Comments obtained during scoping were reviewed and analyzed for significant issues. A complete list of those issues can be found in Appendix A of the FEIS. Most of the issues centered on ensuring compliance with applicable laws and regulations, conducting an economic analysis, providing wood products to the local communities, and maintaining a functioning ecosystem. Only one significant issue emerged during discussions, and that was to protect habitat for the Mexican spotted owl by reducing fuels in a Protected Activity Center (FEIS pages 12-13). In addition, the Interdisciplinary Team realized a need to reduce construction of hand line and reduce the use of prescribed burning in areas that did not have heavy fuel loads (upland meadows and control units).

On July 18, 2003, a Notice of Availability for the Draft EIS was published in the Federal Register and copies of the DEIS were mailed to 80 persons who had expressed a continued interest in this project. Comments received during the 45-day public comment period were reviewed for additional points of concern or issues and to determine what comments were substantial for purposes of establishing appeal standing. Copies of those comment letters are included in Appendix H of the FEIS. A Notice of Availability for the Final EIS was published in the Federal Register on October 3, 2003. No new issues were identified during the comment period and none of the comments received were considered substantive. Comment letters that were received expressed support for the proposed action. As a result, I have determined that the analysis contained in the EIS and supporting documents sufficiently covered the resources affected in order for me to make a well-informed decision.

## **Alternatives Considered**

The alternatives considered in detail included the Proposed Action (Alternative A), no action (Alternative B), and the preferred alternative that I have selected (Alternative C). Both of the action alternatives respond to the purpose and need, and Alternative C responds to the significant issues that were identified (FEIS pages 10-13). Four other alternatives were considered but eliminated from detailed study since they were either outside the scope of this project or not consistent with the purpose and need.

### ***Proposed Action (Alternative A)***

This alternative was described in the March 2002, public scoping letter, and is similar to the Preferred Alternative except it does not propose reducing fuel loads within Mexican spotted owl PACs. This alternative meets the goal of restoring southwest pine ecosystems but incorporates a more labor intensive strategy and does not address the need to reduce the threat of fire in critical wildlife habitat. This alternative would rely on the construction of more than 300 miles of handline in order to conduct broadcast burns across treatment units. A total of 23,925 acres would be treated by use of mechanical thinning and broadcast burn activities. All units would be treated with prescribed fire regardless of fuel loads. Only temporary roads would be constructed (33 miles) since existing system roads meet most of the transportation needs. These roads would be obliterated after it has been determined that they are no longer needed for administrative use. Both commercial and pre-commercial thinning operations would reduce ladder fuels and fuelwood would be made available to the public. This alternative would incorporate the same mitigation measures and monitoring plan as identified above for Alternative C.

This alternative was not selected because of the need to reduce implementation costs and maximize efficiency during prescribed burn activities. In addition, protection of critical Mexican spotted owl habitat would not occur since these stands would remain in a condition of high fire hazard due to a dense understory, which creates ladder fuels capable of taking fire from the ground into the tree canopies.

### ***No Action (Alternative B)***

This alternative proposed not taking any action at this time to reduce the threat of wildfire and restore ecological functions to the project area. The Forest Service would continue to manage and administer existing activities within the Bluewater watershed as approved in previous decisions or as provided in the Cibola National Forest Land and Resource Management Plan. This alternative was used as a reference point for comparing effects of the action alternatives.

I have chosen not to select this alternative since it does not meet the purpose and need as identified in order to restore ecological conditions resilient to catastrophic events. This alternative would rely entirely on wildfire and other natural disturbances to reduce fuel loads, which have their own devastating consequences. Based on the information provided in the analysis, I do not believe this alternative would be the most beneficial to the environment.

## ***Alternatives Considered but Eliminated from Detailed Study***

Diameter Limit Cuts: This alternative would restrict vegetation removal to trees less than 6 inches in diameter at breast height (DBH) for the ponderosa pine and piñon pine species, and less than 18 inches in diameter for junipers. This alternative does not meet the purpose and need, which is to create stand conditions that are ecologically sustainable in a system that has a frequent fire return interval, nor would it create a forest stand structure that is fire resilient. Retaining all trees greater than 6 inches in diameter would result in a forest that is still too dense. Ladder fuels would remain and tree crown closure would leave stands vulnerable to catastrophic wildfire.

Total Landscape Treatment: This alternative proposed vegetation treatment across the entire Bluewater landscape. This alternative was dismissed because not all areas are available or accessible for fuel reduction treatments due to habitat requirements for the Mexican spotted owl and the northern goshawk. Thus, this alternative would not be compliant with the Forest Plan. Stands that were on steep slopes or were too far from existing road systems are inaccessible for mechanical treatment. Lastly, the purpose and need for action is to reduce the risk of fire, threat of fire, and fire hazards by focusing on areas that have high fuel loads or stands that were adjacent to communities. This alternative would not have met this purpose and need, since all stands would have been treated regardless of condition or location.

Prescribed Burn Only: This alternative considered using prescribed burning only to reduce ladder fuels across the entire project area. Because of the continuous multi-storied stands, steep slopes, and proximity to residential and recreational areas, the use of prescribed fire to thin the forest would present too great a risk and could not be safely implemented without first reducing tree densities by thinning. Due to the level of risk and proximity to developed private property, this alternative was not analyzed in the EIS.

No Road Construction: This alternative focused on treating only those areas that could be accessed from existing roads, thus no permanent or temporary roads would be constructed. This alternative would limit the ability to treat high priority areas and would not meet the purpose and need of the project, which is to restore ecological processes in areas at high risk that are not sustainable or are vulnerable to loss from a catastrophic wildfire.

## **Findings Required by Other Laws**

The planning and decision making process for this project was conducted in accordance with all applicable laws, regulations, and policies. Following are the determinations of my findings regarding legal requirements most relevant to this decision.

### ***National Environmental Policy Act (NEPA) and 40 CFR 1500 Regulations***

Based on the analysis contained within the EIS and its supporting documents located in the project record, I find that the planning and decision making process for this project was completed in accordance with NEPA. The EIS offered a reasonable range of alternatives, including a No Action alternative, from which to make an informed decision. In addition, the EIS disclosed all anticipated direct, indirect, and cumulative effects for each alternative as required by law.

## ***National Forest Management Act (NFMA) and 36 CFR 219 Regulations***

I find that Alternative C is consistent with the 1985 Cibola National Forest Land and Resource Management Plan as amended, which establishes programmatic direction in accordance with NFMA. This finding is based on the following:

- To ensure consistency with the Forest Plan, the Interdisciplinary Team developed all action alternatives in accordance with standards and guidelines found at both the forest-wide level and for the specific management areas that covers the project site (see FEIS, Appendix C).
- Best Management Practices (BMPs) were incorporated into the analysis for all action alternatives. These practices ensure that the selected alternative will meet State Water Quality standards and maintain site productivity. A complete list of BMPs is included in Appendix C of the EIS.
- Mitigation measures were also developed to further reduce potential adverse impacts to resources. These measures were developed during collaboration with interested governmental agencies, organizations, and individuals, and were designed to address specific issues as identified in Chapter 1 of the EIS. A complete list of mitigation measures is included in Appendix C of the EIS.
- This project does not propose the construction of any new roads or temporary roads into any inventoried roadless area. Thus, this decision is consistent with the Roadless Area Conservation Strategy (USDA FS, 2001) for inventoried roadless areas.
- This decision is consistent with the management requirements as established in 36 CFR 219.27 for managing National Forest System lands according to the following findings:
  - a. Provides for resource protection and will not cause significant or permanent impairment of the productivity of the land (FEIS pages 167-168).
  - b. Vegetation prescriptions are best suited to multiple use goals established for this area. Only thinning treatments have been prescribed for the treatment units. Thinning units have not been selected based on their ability to provide the greatest economic return or the greatest output of timber. Prescriptions were prepared to obtain the desired effects for protection of other resource values. Transportation and harvest systems were designed for maximum efficiency and are practical in terms of overall cost and contract administration. (FEIS Section 3.10 – Timber and Silviculture Resources)
  - c. All timber harvest treatments have been identified on lands that are designated as suitable for timber production. All prescriptions involve the use of thinning treatments that do not require reforestation. Mitigation measures have been included to prevent the spread of forest pests. (FEIS Section 3.10 – Timber and Silviculture Resources)

- d. No alternative addressed in this analysis includes the use of even-aged management practices.
  - e. Forest Plan standards and guidelines will provide protection to riparian areas (FEIS, Appendix C).
  - f. Soil and water resources will be protected from adverse impacts through the use of Forest Plan standards and guidelines, BMPs, and project specific mitigation measures (FEIS, Appendix C).
  - g. Management prescriptions will preserve and enhance the diversity of plant and animal species. The purpose and need addresses the concern over restoring ecological processes that once dominated this landscape, and of reducing the threat of catastrophic wildlife that could destroy plant and animal diversity across the project area.
- This project is consistent with 36 CFR 219.19 regarding Management Indicator Species (MIS). The Cibola National Forest MIS report (2002) uses the most recent monitoring data and known habitat characteristics to evaluate population trends and species viability for MIS, and were assessed at the forest-wide scale rather than on a site specific scale. The EIS analysis included an evaluation of how this project will affect individual MIS or their potential habitat (see MIS report in the project record) and concludes that no adverse effects will occur from implementing Alternative C (FEIS, pages 59-61, 65).
  - Alternative C will not adversely impact Forest Service Region 3 sensitive plant or animal species known to occur or have potential habitat within the project area (FEIS, pages 63-68). Those species potentially affected by Alternative C include the Northern goshawk and the Loggerhead shrike. Implementation of this alternative will have no effect to the Cebolleta pocket gopher, osprey, gray vireo, Texas horned lizard, or the Rio Grande sucker. (see FEIS, pages 62-68)

### ***National Historic Preservation Act (NHPA) and 36 CFR 800 Regulations***

I find that this project is consistent with the requirements of Section 106 of NHPA and regulations in 36 CFR 800 based on the following:

- The selected alternative is consistent with the Programmatic Agreement among the Forest Service and the New Mexico State Historic Preservation Officer regarding the Bluewater Ecosystem Management Project (see project record). It allows for a “phased approach” to the completion of identification and evaluation of historic properties within the project area. Initiation of work within the project area will be contingent upon completion of the identification and protection of historic properties and compliance with provisions of the National Historic Preservation Act in accordance with the above agreement. The identification and protection requirements of the Programmatic Agreement will be completed for each phase prior to the award of any contract, or other authorization for on-the-ground work in that phase.

- Inventories and site evaluations for heritage resources have been and will be conducted in a manner consistent with the New Mexico State Historic Preservation Office with concurrence from the Advisory Council on Historic Preservation (see project record). Any potential impacts to historic or pre-historic sites will be mitigated either through avoidance or site excavation as appropriate. Thus, there will be no direct, indirect, or cumulative effects to heritage resource sites from implementing Alternative C.
- Native American tribes were contacted prior to and during the development of the EIS to identify potentially affected sites of traditional uses as required under 36 CFR 800.4(a)(4) (see project record). Based on those contacts, some sites were identified as being traditionally used by Native American tribes; however, no objections were raised to the proposal. The Pueblo of Zuni identified a traditional cultural property within the project area. Mitigation measures were developed in consultation with the Pueblo to ensure that this site would not be impacted. Therefore, implementation of Alternative C will not have any significant effect to traditional use sites or properties.
- Mitigation measures and monitoring of heritage resource sites as listed in Appendix C of the FEIS will ensure compliance with NHPA. These measures will reduce the potential for damage to known sites as demonstrated in other similar projects on the Cibola National Forest.

### ***Endangered Species Act (ESA) and 50 CFR 402 Regulations***

I find that this project is consistent with the ESA and its implementing regulations based on the following:

- A Biological Assessment was prepared and consultation was completed with the U.S. Fish and Wildlife Service as required (see project record).
- Based on the determinations made in the Biological Assessment and on concurrence received from the U.S. Fish and Wildlife Service, implementation of Alternative C will have “no effect” on the following species: southwestern willow flycatcher (*Empidonax traillii extimus*), yellow-billed cuckoo (*Coccyus americanus*), and the bald eagle (*Haliaeetus leucocephalus*).
- Based on the determinations made in the Biological Assessment and on concurrence received from the U.S. Fish and Wildlife Service, implementation of Alternative C “may affect, but is not likely to adversely affect” the Mexican spotted owl (*Strix occidentalis lucida*). Alternative C will remove small diameter trees (< 9 inches in diameter) from within a Protected Activity Center but these activities will be consistent with recommendations found in the Mexican Spotted Owl Recovery Plan (1995).

### ***Migratory Bird Treaty Act (MBTA)***

I find that this project is consistent with the MBTA, as well as agency guidelines for conforming to the MBTA, based on the following:

- There are no designated Important Bird Areas within the analysis area. There is no association or important link between bird communities within the project area. Therefore, there will be no effect to Important Bird Areas as identified by New Mexico Partners-In-Flight.
- The project area falls within the Southern Rockies/Colorado Plateau Conservation Region of the New Mexico Bird Conservation Plan (NMBCP), which was developed in coordination with New Mexico Partners-In-Flight (NMPIF). In 2002, surveys detected the presence of two New Mexico high priority species, the Virginia's warbler (*Vermivora virginiae*) and red-naped sapsucker (*Sphyrapicus nuchalis*), within the vicinity of the analysis area. Monitoring efforts for these species will continue as part of the Bluewater Ecosystem Management Project monitoring plan. Based on the findings described in the Neotropical Migratory Analysis, activities identified in Alternative C will have beneficial impacts to both of these species.

### ***Clean Water Act, 40 CFR 130 Regulations, and State Water Quality Standards***

I find that Alternative C is consistent with the Clean Water Act, implementing regulations, and State water quality standards based on the following:

- The project area includes two water sources that feed into Bluewater Lake; Bluewater Creek and Cottonwood Creek. Both of these streams are either intermittent or perennial, depending on the segment location. Based on the State of New Mexico Standards for Interstate and Intrastate Surface Waters, the designated uses for the perennial reaches of Bluewater Creek are coldwater fishery, domestic water supply, fish culture, irrigation, livestock watering, wildlife habitat, and primary contact. The portion of Bluewater Creek within the analysis area was found to be supporting those designated uses. Cottonwood Creek has not been identified by the State for designated use.
- The effects to water quality from the proposed activities were analyzed in the Hydrology/Soils report (see project record) and disclosed in the FEIS. Mitigation measures and Best Management Practices will minimize potential effects to water quality from soil erosion (Appendix C). The construction of temporary roads has the potential to increase runoff and accelerate erosion. However, Erosion control measures will be implemented to reduce potential erosion during use, and roads will be obliterated once they are no longer needed for administrative use. (FEIS, pages 104-106).
- The New Mexico Environment Department of Surface Water was consulted during the analysis for this project. The Forest Service will continue to work with that agency during project implementation.

### ***Clean Air Act, 40 CFR 50 Regulations, and State Air Quality Standards***

I find that Alternative C is consistent with the Clean Air Act, implementing regulations, and State air quality standards based on the following:

- There are no Class I airsheds within the analysis area. The Bluewater watershed is located within the Middle Rio Grande Basin Airshed. Smoke from prescribed burning will contribute the most toward impacting air quality. The primary pollutants produced in smoke are carbon dioxide (CO<sub>2</sub>), particulate matter (PM-10), nitrogen oxides (NO<sub>x</sub>), and hydrocarbons. Smoke from prescribed burning would likely collect in nearby valley bottom areas for a short time following burning operations. Most prescribed burns will be conducted in the fall and it is anticipated that the smoke will remain within the area for 1-5 days during each burn.
- The communities of Grants, Bluewater, and La Jara will potentially be affected by smoke from prescribed burns. The level of smoke anticipated is not expected to be a health concern, with the exception of people living directly adjacent to the burns that are severely sensitive to smoke. Public announcements will be made prior to prescribed burning to alert nearby residents of burn dates and possible duration of smoke.
- The EIS compares the effects of Alternative C to the National Ambient Air Quality Standards set by the Environmental Protection Agency to ensure compliance with the Clean Air Act. Proposed activities will be carried out in accordance with the established standards at the time of implementation (FEIS, page 31).

### ***Environmental Justice, Executive Order 12898***

I find that Alternative C will not disproportionately affect minority or low income populations, based on the analysis conducted in the Socio-Economic report (see project record) and presented in the FEIS, including effects on environmental justice (FEIS, pages 131-132).

### ***Floodplains and Wetlands, Executive Orders 11988 and 11990***

I find that Alternative C is consistent with both of these Executive Orders based on the following:

- Thinning or prescribed burning activities will not occur within any wetland or riparian area. Mitigation measures have been incorporated to provide protection to these areas (FEIS, Appendix C).



## **Environmentally Preferred Alternative**

The environmentally preferred alternative is the alternative(s) that best meets the goals of Section 101 of the National Environmental Policy Act and is required by 40 CFR 1505.2(b) to be identified in the Record of Decision. Ordinarily this is the alternative that causes the least damage to the physical and biological environment and preserves important historical, cultural, and natural aspects of our national heritage; and maintains an environment which supports diversity.

In the short-term (less than 5 years) there is little difference between action alternatives. The primary difference is the treatment of 425 acres within a Mexican spotted owl Protected Activity Center as proposed in Alternative C. The immediate benefit from this treatment will be to reduce the threat of loss from wildfire should one start in or near this critical habitat. There will be short-term effects from implementing either action alternative, such as soil displacement as a result of temporary reductions in ground cover, reductions in air quality during prescribed burns, and temporary reductions in canopy cover for wildlife species. Alternative C does not propose prescribed burning on all acres, thus reducing impacts from smoke emissions. However, the intensity and duration of any effects would be minimized through the use of mitigation measures (Appendix C), and both action alternatives would protect long-term site productivity through the use of Best Management Practices and Forest standards and guidelines. However, there are large differences between the action alternatives (Alternatives A and C) and the no action alternative (Alternative B). Without the use of thinning and prescribed burning to reduce fuel levels and restore ecological processes, this landscape will continue to be at a high risk of destruction to wildfire, insects, and disease. Therefore, based on the potential short-term impacts and benefits identified in the analysis, I find that Alternative C is the environmentally preferred alternative.

In the long-term, the landscape will benefit from fuel reduction under either Alternative A or C. Thinning and prescribed burning activities will contribute to the maintenance of viable wildlife populations. Thinning activities are not expected to affect long-term stand productivity. Reducing stand density will improve growth rates for residual trees, thus contributing to a larger stand diameter over time, which will be more beneficial to many wildlife species. However, Alternative C will be more beneficial and the environmentally preferred alternative in the long-term since it includes the additional activities of reducing fuel loads within Mexican spotted owl habitat. The no action alternative is not environmentally preferred since it maintains these stands in overstocked conditions and in a high fire hazard condition.

## **Administrative Review or Appeal Opportunity**

The 45-day comment period for this project ended on September 2, 2003. Since no substantive comments expressing concerns were received, and only supportive comments were received during the comment period, this decision is not subject to appeal in accordance with 36 CFR 215.12.

## Implementation Date

A Notice of Availability for the Final Environmental Impact Statement was published in the Federal Register on October 3, 2003. According to publication requirements described in 40 CFR 1506.10(b)(2), no decision shall be made until 30 days following publication of the Notice of Availability for the FEIS. Having met that requirement, implementation of this decision may begin immediately following the publication of the legal notice in the *Albuquerque Journal*, the official newspaper of record, which is scheduled to occur on or about December 23, 2003.

## Contact Person

For additional information concerning this decision or the appeal requirements, contact:

Chuck Hagerdon, District Ranger  
Mount Taylor Ranger District  
1800 Lobo Canyon Road  
Grants, New Mexico 87020  
(505) 287-8833

## Signature and Date

/s/ Liz Agpaoa  
LIZ AGPAOA  
Forest Supervisor  
Cibola National Forest

December 19, 2003  
Date