



United States
Department of
Agriculture

Forest
Service

Southwestern
Region

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File Code: 1570-1

Date: December 18, 1997

Mr. John Horning
Forest Guardians
1413 Second Street, Suite One
Santa Fe, NM 87505

Certified Mail - Return Receipt Requested

Re: Gallinas Watershed Environmental Assessment
Appeal # 98-03-00-0009-A217

Dear Mr. Horning:

Pursuant to 36 CFR 217, this is my decision on the appeal filed by you on behalf of Forest Guardians regarding Forest Supervisor Leonard Atencio's September 29, 1997, Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Santa Fe National Forest Plan (Forest Plan) amendment for Management Area J, the Gallinas Watershed.

The Forest Supervisor's decision is intended to incorporate recommendations from the 1994 Gallinas River Watershed Natural Resource Plan. The decision amended the Forest Plan by adding standards and guidelines to Management Area J to allow timber harvest and fuel treatment activities when these activities are consistent with protection of watershed values as described in the DN/FONSI.

My review of this appeal has been conducted pursuant to and in accordance with 36 CFR 217. I have thoroughly reviewed the appeal record regarding the disposition of this appeal. My review decision hereby incorporates by reference the entire appeal record.

APPEAL SUMMARY

I received your Notice of Appeal on November 17, 1997, and notified you on November 21, 1997, that your appeal was timely and would be processed under CFR 217. I was notified by the Forest Supervisor that you declined his offer to discuss possible resolution of the issues brought forward in your appeal. The Forest Supervisor transmitted the relevant decision documentation and pertinent records to this office on December 1, 1997. Intervenor request and comments were received from the Estrada-Crespin Partnership on December 1, 1997.



APPEAL ISSUES AND FINDINGS

Issue 1 - The Environmental Assessment (EA) completely ignores the negative impact of livestock grazing on water quality and watershed health.

Appellant contends that the EA failed to address the potential contamination of municipal water supplies from the microbial parasite, *Cryptosporidium*. Appellant also alleges that the EA ignores riparian habitat and water quality impacts that have resulted due to livestock grazing and cites a New Mexico Environment Department determination that the Gallinas watershed does not support designated uses due to livestock grazing.

Finding: The purpose of this Forest Plan amendment is to incorporate new recommendations from the Gallinas River Watershed Natural Resource Plan (GRWNRP). This Plan was developed in collaboration with a planning group made up of representatives from the City of Las Vegas, the New Mexico Environment Department, the Natural Resource Conservation Service, the Tierra Y Montes Soil and Water Conservation District, the State Engineer and the Santa Fe National Forest (AR 1).

Livestock grazing in the Gallinas watershed is identified as a legitimate and acceptable use in the GRWNRP. Under the Forest Plan, livestock grazing is currently allowed in this management area and no changes were proposed in this Forest Plan amendment. The environmental consequences of the effects of the programmatic decision made by the Forest Supervisor were appropriately focused on the timber harvest, fuel management and temporary road construction changes being proposed (AR 12). Specific grazing management issues fall under the scope of the allotment management plans (AMP) and will be addressed as the AMP's are updated.

The Forest Supervisor is affirmed on this issue.

Issue 2 - The ecological goals specified in the "Purpose and Need" statement for the Gallinas Watershed Plan can be accomplished without adding any of the watershed into the suitable timber base.

Finding: While appellant's claim may or may not be true, the designation of timber suitability does not require that any timber be managed on a recurring rotational basis nor does it mandate the preparation of "commercial" timber sales. The determination and designation of timber suitability merely identifies those areas where timber production could be maintained without irreversible damage to the productivity of the site. In this management area, the suitable timber base was further refined by excluding areas with high erosion hazard or that would require extensive road development for access (AR 9). In any event, the primary objective of any future timber-harvesting projects in this management area is to protect or enhance water quality (AR 12, p.3) and not timber production as defined in 36 CFR 219.3

The Forest Supervisor is affirmed on this issue.

Issue 3 - The Gallinas Watershed Plan EA does not adequately disclose or analyze the potential cumulative effects from timber harvest and road building.

Finding: Cumulative effects analysis sufficient for this programmatic decision regarding new standards, guidelines and allowable activities was documented in the EA (AR 12, p. 7), in various specialist reports (AR 9) and in the DN/FONSI (AR 14). More comprehensive cumulative effects analysis, which will

evaluate potential results from incremental impacts of the proposed actions when added to other past, present, and reasonably foreseeable future actions, will be conducted during site-specific environmental analysis as projects are proposed.

The Forest Supervisor is affirmed on this issue.

DECISION

After a detailed review of the record, I find the Forest Supervisor conducted a proper NEPA process to amend the Santa Fe National Forest Plan for the Gallinas Watershed. The Forest Supervisor is affirmed with respect to all appellant contentions. This is the final administrative decision of the Department of Agriculture unless the Chief, on his own initiative, elects to review the decision within 15 days of receipt (36 CFR 217.17(d)). By copy of this letter I am notifying all parties to the appeal of my decision.

/s/ Gilbert Vigil
GILBERT VIGIL
Appeal Deciding Officer
Acting Deputy Regional Forester

cc:
Santa Fe National Forest
C.Gonzalez

Estrada-Crespin Partnership
P.O. Box 34, Mullins Dr.
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