

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Camp Verde Sanitary District Site Acquisition
Proposal to Acquire National Forest Lands

Red Rock Ranger District
Coconino National Forest
USDA Forest Service

A portion of Section 4, Township 13 North, Range 5 East, and
Section 33, Township 14 North, Range 5 East, G&SRM
Yavapai County, Arizona

Decision and Reasons for Decision

Background

The Forest Service has been working with the Camp Verde Sanitary District (CVSD) for several years to sell to the CVSD the land where their current sewer water treatment facility is located. This facility was constructed on National Forest lands in 1982, and has operated at this site providing sewer water treatment services for the Town of Camp Verde residents under a special use permit from the Forest Service. The CVSD is an improvement district formed in 1972 in response to the demand on septic systems and leach fields in the main area of Camp Verde, and is responsible for providing sewer services to residents within the district boundaries which includes most of the Town of Camp Verde. The CVSD submitted to the Forest Service an application for acquisition of 161 acres of National Forest lands under the authority of the Sisk Act and Townsite Act. Sale of the existing 57-acre treatment plant facility qualifies under the Sisk Act authority because of the plant being constructed under permit in 1982 as required by the Sisk Act. The Sisk Act authority allows the monies received from the sale of the land to be deposited in a fund established under Public Law 90-171 (16 U.S.C. 484a) and used towards the acquisition of land and or an interest in land in the State of Arizona. Since the CVSD needed additional lands (104 acres) beyond their existing 57-acre permit area to meet community development needs for the next 20-30 years and in order to construct improvements to the existing facilities, they requested additional land under the authority of the Townsite Act. The funds received under the Townsite Act will return to the National Treasury. The lands (161 total acres - Township 13 North, Range 5 East, Section 4 and T. 14 N., R. 5 E., section 33, Gila and Salt River Meridian) proposed for sale to the CVSD are located on the east end of Camp Verde near State Route 260 in the Coconino National Forest, Yavapai County (Exhibit A).

The Forest Service intends to sell NFS land needed by the CVSD for sewer treatment facilities under the Townsite and Sisk Acts. The NFS lands have been appraised. The agency-approved appraisal indicates

the value of the 57-acre treatment plant site is \$389,411, and the 104-acre additional land is valued at \$710,000, resulting in \$1,100,000 (rounded) for the 161 total acres to be acquired by the CVSD.

The sale of the 161 acres of National Forest lands to the CVSD will allow for their acquisition of the existing plant facilities and no longer require a permit from the Forest Service, construct improvements to the existing facilities to better meet water quality standards, meet sewer service needs in the district for the next 20-30 years, and allow for buffers of the facility from existing private and State Trust lands. The special use permit for the sewer facility will be terminated and a new permit for a small section of access road will be issued along with appropriate permits for the existing sewer force main pipes that exist on the National Forest.

The Environmental Assessment (EA) has been completed for the Camp Verde Sanitary District site acquisition proposal to acquire National Forest System (NFS) lands within the boundaries of the Coconino National Forest. The EA documents the issues associated with the proposed action, evaluates the proposed action and the no action alternative, and discloses known environmental impacts. An interdisciplinary team, the CVSD staff, and their consultants with public participation did the analysis. The EA and associated files are available at the Southwestern Regional Office and at the Coconino National Forest Supervisor's Office.

A number of inaccurate references were made in the EA to a 71.5-acre permitted plant site; however, the correct acreage for the plant site authorized under special use permit is 57 acres. The 71.5 acres is in the area CVSD proposes to develop. Also, misleading terminology was used on pages 7 and 16 of the EA when the wording "conservation easement" was used to describe the planned "buffer area." The "buffer area" is land which will be left in an undeveloped condition surrounding the 71.5-acre area of planned development. No conservation easement or development restrictions are being required by the Forest Service.

This Decision Notice/FONSI documents my decision about the conveyance of NFS lands to the CVSD. Funds derived from the sale of the existing sewer plant site under the Sisk Act to CVSD will assist in acquiring other desirable priority private property in the State of Arizona as approved by the Forest Service in the future. This decision will implement a portion of the Coconino National Forest Plan. The Plan indicates the Forest Service will cooperate with local jurisdictions to meet community needs, as well as allowing government agencies to acquire land for long term/permanent uses such as sewage facilities.

Decision and Rationale

Based on the information in the project record, the analysis and evaluation in the EA, it is my decision to approve and implement the Proposed Action, which entails selling the identified NFS parcels to the CVSD. The CVSD will purchase a total of 161 acres, 57 acres under the authority of the Sisk Act and 104 acres under the authority of the Townsite Act.

I considered the following in making my decision:

1. The NFS land proposed for sale is consistent with the Coconino National Forest Land and Resource Management Plan (page 169, MA 11 Standards and Guidelines). The land was partially identified in the

Plan as base-in-exchange because it met the criteria of expanding communities and meeting their needs. In addition, it removes a permanent, long-term special use permit from National Forest administration, placing the lands under the authority of the local government of Camp Verde and the CVSD. The NFS land being sold to the CVSD will be deleted from the Verde Valley Management Area (MA11).

2. The EA shows National Forest management and CVSD community needs will benefit by this transaction. The Proposed Action, with specified mitigation measures, provides the best combination of physical, biological, social, and economic benefits. By proceeding with the sale of 57 acres of NFS land under the Sisk Act, the State of Arizona and the American public will benefit by the future acquisition of important private properties by one or more of the National Forests within the state. In addition, the local community will benefit by the CVSD being able to improve and expand its current operations to provide better services to their customers without the extra burden of coordination with the Forest Service under permit. The EA shows there will be no significant adverse impacts on the quality of the human environment and the transaction is in the public interest. No other critical National Forest resource values and/or programs will be significantly affected.

3. Existing permitted uses for utilities and highway purposes on the federal land are all solely for the use of the CVSD and will not require protection since CVSD is the acquiring party. There will be no loss of grazing capacity to the current grazing permittee resulting from the sale of the federal lands and the permittee has received appropriate notification of this action.

Public Involvement and Scoping

Scoping for the Camp Verde Sanitary District Site Acquisition proposal involved Interdisciplinary Team (IDT) meetings and a public open house asking for comments on the initial proposal by CVSD. Letters announcing the meeting on October 12, 2000, were sent to 75 nearby landowners, as well as being announced in the *Camp Verde Journal* and the *Verde Independent* newspapers.

Eight people signed in at the meeting and three written responses were received by the Forest Service. Concerns were expressed about contamination of water wells and surface water, impacts to adjacent residential and State Trust land values, and that the size of the proposed sale area was larger than needed. This project has been listed on the Coconino National Forest Schedule of Proposed Actions since 2000 and no additional interest has been expressed in this project except interest by developers in the area wanting to know when the process would be completed so expansion of the plant could occur.

In addition, legal notices were published weekly for four consecutive weeks in June and July 2002 in the *Verde Independent* documenting the proposed sale. A legal notice was also printed in the Arizona Republic announcing the availability of the EA on May 9, 2002, and concurrent news releases in local newspapers. No comments were received on the EA during the 30-day comment period.

Informational letters and maps were sent to the Yavapai County Board of Supervisors, and the appropriate members of Arizona's Congressional delegation. Issues were identified by the IDT, interested members of the public, and representatives of State and Federal agencies and special interest groups. There were no significant issues that required additional alternatives to be considered. Specific people and agencies involved in the project are documented in the project file. A comment summary for the initial scoping on the proposed sale is located in Appendix A of the EA, page 42.

Scoping activities for the EA identified the following major issues (EA, page 9). These issues are primarily related to impacts to adjacent private land and water quality.

- Issue: Ground water wells and surface water could be contaminated by seepage, flood runoff, or facility failure. Several neighbors were concerned about their domestic wells and the possible effects from plant expansion (*this issue is addressed in the EA, Pages 19-22*). A review of the wetlands, floodplain, and groundwater information by the Coconino National Forest's Watershed Program Manager in December 2003 concluded that the likelihood of groundwater contamination within or adjacent to the sale parcel is limited.
- Issue: Expansion of the wastewater treatment facility could further impact adjacent residential and Arizona State Trust Lands by changing the natural appearance of the landscape (*this issue is addressed in the EA, pages 26-30*).
- Issue: Conveyance of the new and larger area to the District could limit or eliminate current recreation and trail use of the National Forest. Several comments were received concerning use of existing horse trails in the area (*this issue is addressed in the EA, Alternatives Dropped from Detailed Study, pages 13-14 and pages 30-33*). Although there are no designated Forest trails within the project area, the CVSD has indicated they plan to fence, gate, and maintain trail access for hiker and horseback use through the area. This was a voluntary action by the CVSD and was not a requirement of the Forest Service.

Mitigation measures were identified for the proposed action and are displayed in the EA on page 15.

Alternatives Considered

The alternatives in the EA include a "no action" alternative and the Proposed Action alternative that responds to the purpose and need for the action and the identified issues. These alternatives were discussed in Chapter 2 of the EA (pages 13-16). The following describes the alternatives in the EA.

Proposed Action

- Convey approximately 161 acres of federal land to the CVSD for a sewer water treatment facility.
- Issue permits to the CVSD for the access road not included in the sale area and for existing force main pipes on National Forest Lands.

The NFS land is a parcel within the Coconino National Forest in Yavapai County, on the east side of the Town of Camp Verde, near State Route 260: (T.13 N., R.5 E., section 4, and T.14 N., R.5 E., Section 33, G&SRM - 161 acres.)

No Action Alternative

- No sale of federal lands would take place. All lands would remain in current ownership.
- The CVSD would be issued a new permit for continued use of the National Forest for sewer treatment; however, a fee for the use would be required.

- CVSD would not be able to meet more stringent requirements of an Aquifer Protection Permit (APP) under the guidelines of the Arizona Department of Environmental Quality (ADEQ). The CVSD has the funds available in a loan commitment tied to the acquisition of the site.

Alternatives Dropped from Detailed Study

There were several alternatives considered but dropped from detailed study for various reasons. These alternatives are described in the EA on pages 13-14.

Findings Required by Other Laws and Regulations

The Proposed Action alternative is in compliance with the Coconino National Forest Land and Resource Management Plan, and will further the long-term goals and objectives of the Plan. The NFS lands are located in Management Area 11, Verde Valley, of the Coconino National Forest Plan, which identifies a portion of the federal land as base for exchange as well as identifying that lands adjacent to communities can be considered for land adjustments to meet community needs. Project implementation will adhere to the standards and guidelines for the management area.

It has been determined the Proposed Action alternative is in compliance with the National Forest Townsite Act of July 31, 1958 (72 Stat. 438; 7 U.S.C. 1012a, 16 U.S.C. 478a) as amended by the Act of October 21, 1976 (90 Stat. 2743, as amended; 43 U.S.C. 1701(note)), and the Sisk Act of December 4, 1967 (81 Stat. 531 as amended; 16 U.S.C. 484a).

Conveyance of federal land into private ownership does not conflict with the requirements of Sec. 402(g) of FLPMA (Grazing Permit Holder/Lessee).

No archaeological/cultural values are involved. The sale of the federal land does not conflict with the requirements of the National Historic Preservation Act of 1966 and Executive Order 11593. Appropriate consultation with the Yavapai-Apache Nation, the Hopi, and the Navajo Nation has been completed on this project. No concerns were expressed. Archeological surveys, reports, and site testing have been completed for the project area, indicating findings of no effect. A cultural resource clearance for the project was approved on 5/19/03.

This sale does not conflict with Executive Order 11988 regarding Floodplain management and Executive Order 11990 regarding Wetland management. A short reach of an unnamed tributary stream is within the parcel, but is not located in the 100 or 500-year floodplain as depicted by FEMA maps. The reach is not perennial or intermittent and only flows in direct response to storms for short periods of time. No wetlands are located on the parcel.

No threatened or endangered species of animals or plants, or habitat are involved. Biological Assessments and Evaluations were completed for this project. A single, small population of a Forest Service sensitive plant species (*Eriogonum ericifolia*) was found on the parcel; however, a determination was made that no protection is required as there will not be an impact to the overall population of the species. The sale does not conflict with the requirements of the Endangered Species Act of 1973, as amended.

No caves are involved; therefore, this sale does not conflict with the intent of the Federal Cave Resources Protection Act of November 18, 1988.

The NFS lands have been examined for evidence of hazardous materials in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601), as amended. No evidence was discovered indicating the likelihood of contamination on the NFS lands other than those associated with CVSD continuing operation of a sewer treatment facility. No evidence was found to indicate any hazardous material was stored for one year or more or disposed of or released on the properties. However, since the CVSD has been using these NFS lands under special use permit for sewer treatment, they have agreed to add an indemnification clause to the deed for that use.

A formal mineral report concluded there is nil potential for locatable minerals on the proposed conveyance lands. There are no known metallic mineral deposits, occurrences, or mineralized areas within the area. There are no known geothermal springs and the area is not located within any known geothermal resource area. Nearby gypsum and salt areas occupy a geologic setting different from the parcel. There are no deposits of sand or gravel having special or distinct characteristics that might allow them to be located under the general mining law. The formal report concludes the subject federal lands have low potential for oil and gas, and no known values for sodium, potassium, coal, or any other leasable mineral.

Road access in the area will not change as a result of this action.

Significance / Findings

Based on my review of this EA and the supporting record, I have determined my decision does not constitute a major federal action significantly affecting the quality of the human environment, as defined by the provisions of 40 CFR 1508.27(b). Therefore, it is my decision an Environmental Impact Statement (EIS) is not necessary and will not be prepared. My rationale for this determination is documented in the following discussion.

Context

Based upon the size and location of the lands proposed for sale, no significant adverse or beneficial effects internationally, nationally, regionwide, or statewide are anticipated.

The CVSD has indicated they intend to continue the existing uses of the NFS lands, including expansion and improvements to the sewer treatment site in accordance with the Arizona Department of Environmental Quality permitting process. They do not foresee at this time changing the use of the federal land as this acreage was determined to be what is necessary to meet the long-term sewer treatment needs for the district. Treatment plant upgrades will be completed after the sale is complete to accommodate additional effluent disposal.

Intensity

The following discussion is organized around the Ten Significance Criteria described in the Council on Environmental Quality regulations for implementing the procedural provisions of the National

Environmental Policy Act (40 CFR 1508.27). The discussion of the significance criteria applies to the intended action and is within the context of local importance in the area associated with the Red Rock Ranger District of the Coconino National Forest.

1. *Consideration of the beneficial and adverse environmental impacts.* Both beneficial and adverse environmental effects are discussed in Chapter 3 of the EA. None of the environmental effects were determined to be significant, singularly, or in combination.
2. *Consideration of the effects on public health and safety.* The project has little or no effect on public safety or health. Use of the federal land for sewer treatment facilities will be in compliance with Arizona Department of Environmental Quality regulations and permits to protect public health. The Town of Camp Verde will have oversight of this area upon consummation of the land sale and would require compliance with area community plans. CVSD has monitoring facilities in place to ensure water quality standards are met.
3. *Consideration of the unique characteristics of the geographic area.* There are no known parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in this parcel. The NFS land is not unique within its geographic setting, and is generally similar to many other areas of NFS and private land in the area.
4. *Consideration of the degree to which effects are likely to be highly controversial.* Few comments were received during the EA development process. Initial concerns did not appear to continue upon release of the EA. No comments or concerns have been made during the processing of the proposal. State and Federal agencies were contacted, as were environmental groups, local governments, and citizens. The concerns of these agencies and individuals and organizations have been incorporated into the analysis. There has been no information presented by experts which indicates there are potentially controversial effects.
5. *Consideration of the degree to which effects are uncertain or unknown.* My decision is similar to many past actions in the Southwestern Region of the Forest Service. Effects of this action will be similar to the effects of past similar actions. Townsite Act sales have occurred in the Region for quite some time and their effects are relatively well understood. Based on the results of past actions, combined with professional insight, there are no known or expected effects on the human environment that are highly uncertain or involve unacceptable risk as a result of implementing this proposal.
6. *Consideration of the degree to which this action will set a precedent for future actions with significant effects.* My decision to sell the federal land to the CVSD does not establish any future precedent for other actions that may have significant effects. Future federal actions will be analyzed based upon their own merits and analyses of effects. My decision neither establishes a precedent for future actions nor represents a principle about future considerations.
7. *Consideration of the action as related to other actions with cumulatively significant impacts.* No other Forest Service actions are connected to or dependent upon accomplishment of this sale and permit issuances. Contributions toward cumulative effects have been considered as part of the analysis as discussed in EA Chapter 3, pages 38-39. Analysis indicates both individual and cumulative effects are not significant.

8. *Consideration of the degree to which the action may affect cultural sites, listed in or eligible for the National Register of Historic Places.* This action will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. No cultural resources eligible for inclusion on the National Register were found during surveys of the NFS lands. Formal site clearance, following concurrence by the Arizona State Historic Preservation Officer, was approved on May 19, 2003.

9. *Consideration of the degree to which the action may affect threatened, endangered, and sensitive species, or habitat.* There will be no effect on any federally-listed threatened or endangered species or habitat. A single, small population of a Forest Service sensitive plant species (*Eriogonum ericifolia*) was found on the parcel; however, the plant is locally abundant and fairly widespread and the Forest Botanist indicated there was not a need to require protection of the plant. Fencing planned by the CVSD will provide protection for the plant. Biological Assessments and Evaluations have been completed for this project indicating no effect as a result of the sale of the federal lands.

10. *Consideration of whether the action violates Federal, State, or local laws or requirements imposed for the protection of the environment.* To the best of my knowledge, this proposal is in compliance with all Federal, State, and local law requirements. Local county and town governments were consulted on this project, as were State Agencies.

Public Interest Determination

I have determined the public interest will be well served by the sale of the federal land. I have considered the following factors in making this determination.

- Sale of the NFS land to the CVSD will provide for a public need of an expanding community.
- Sale of the federal land will achieve better management of federal lands and resources by removing a long-term use permit.
- Sale of the federal land will implement the Forest's Land and Resource Management Plan.

No hazardous substances or other contaminants have been identified.

Implementation Date

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 *Arizona Republic*. If an appeal is filed, implementation will not begin sooner than 15 calendar days following a final decision on the appeal.

Appeal Rights

This decision is subject to administrative review pursuant to 36 CFR 215. Any appeal must be consistent with 36 CFR 215.14, Content of an Appeal, including the reasons for appeal. The appeal must be in writing and postmarked or received by the Chief, USDA Forest Service, at either Regular

Mail at Mail Stop 1104, EMC/3 (CEN), 1400 Independence Ave, SW, Washington D.C. 20250-1104 or by courier (Fed Ex, UPS) to USDA Forest Service, EMC/3 (CEN), Yates, 201 14th St, SW, Washington D.C. 20024, phone at (202) 205-0895, or fax to (202) 205-1012, within 45 days of the date of publication of the legal notice of this decision in the Arizona Republic.

Information Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact the Director of Lands and Minerals, Wayne Thornton, Southwestern Region, USDA Forest Service, 333 Broadway, SE, Albuquerque, New Mexico 87102, (505) 842-3271, or Realty Specialist Pete Mourtsen, Coconino National Forest, 1824 S. Thompson Street, Flagstaff, AZ 86001, (928) 527-3600.

Signature and Date

/s/ H. Wayne Thornton
H. WAYNE THORNTON
Director of Lands and Minerals
Southwestern Region
USDA Forest Service

April 19, 2004
Date

Attachments:

Exhibit A - Legal Descriptions - Federal Land

Appendix B – Response to Comments on the Environmental Assessment (EA)

Exhibit A

LAND TO BE CONVEYED TO CAMP VERDE SANITARY DISTRICT

LEGAL DESCRIPTION/ACREAGE OF FEDERAL PROPERTY

COCONINO NATIONAL FOREST
Red Rock Ranger District

GILA AND SALT RIVER MERIDIAN, Yavapai County, Arizona

T. 13 N., R. 5 E.

sec. 4—Lots 1 and 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 14 N., R. 5 E.

sec. 33—Lots 2, 8 and 9.

ALTOGETHER containing 160.94 record (161.79) surveyed acres, more or less.

Sisk Act authority: 57 acres.

Townsite Act expansion: 103.94 acres.

Appendix B
Response to Comments on the
Environmental Assessment (EA)
Camp Verde Sanitary District Site Acquisition EA
Proposal to Acquire National Forest Land

The Notice of Availability of the Environmental Assessment for Camp Verde Sanitary District Site Acquisition, Proposal to Acquire National Forest Land was printed in the Arizona Republic on May 9, 2002, and copies of the EA were mailed to commenting parties. No comments were received on the EA during the formal 30-day comment period on the EA. No response to comments is needed.