



We Invite Your Comments



Yavapai-Apache Nation Federal Land Exchange and Acquisition of Lands into Trust Status Draft Environmental Assessment – Public Comments

Name* (Please Print)	Date
Company /Organization	
Street Address	
City, State, Zip Code	
E-mail	

** Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the reviewer with standing to participate in subsequent administrative or judicial reviews. All comments received are part of the public record and will be available for public viewing. All personal identifying information (e.g., name, address, etc.), or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible.*

You are invited to provide substantive comments on the proposed land exchange and acquisition of lands into federal trust status. The Yavapai-Apache Nation Federal Land Exchange and Acquisition of Lands into Trust Status Environmental Assessment (EA) is subject to 36 CFR part 218, subparts A and B of the Forest Service's Project-level Pre-decisional Administrative Review (Objections) Process. Individuals and entities who have submitted timely specific written comments, as defined in 36 Code of Federal Regulations (CFR) §218.2, regarding the Yavapai-Apache Nation Federal Land Exchange during any designated opportunity for public comment are able to seek pre-decisional review of unresolved concerns before a Decision Notice is signed by the Forest Service. The Bureau of Indian Affairs (BIA) decision regarding 1) acquisition of fee land into trust status and 2) addition of lands to the Yavapai-Apache Nation's existing Reservation may be appealed after the BIA Decision has been issued pursuant to 25 CFR 2.

Comments are considered substantive if they:

- Question, with reasonable basis, the accuracy of the information in the EA
- Question, with reasonable basis, the adequacy of the environmental analysis
- Cause changes or revisions in the alternatives
- Provide new or additional information relevant to the analysis.

Comment Submittal:

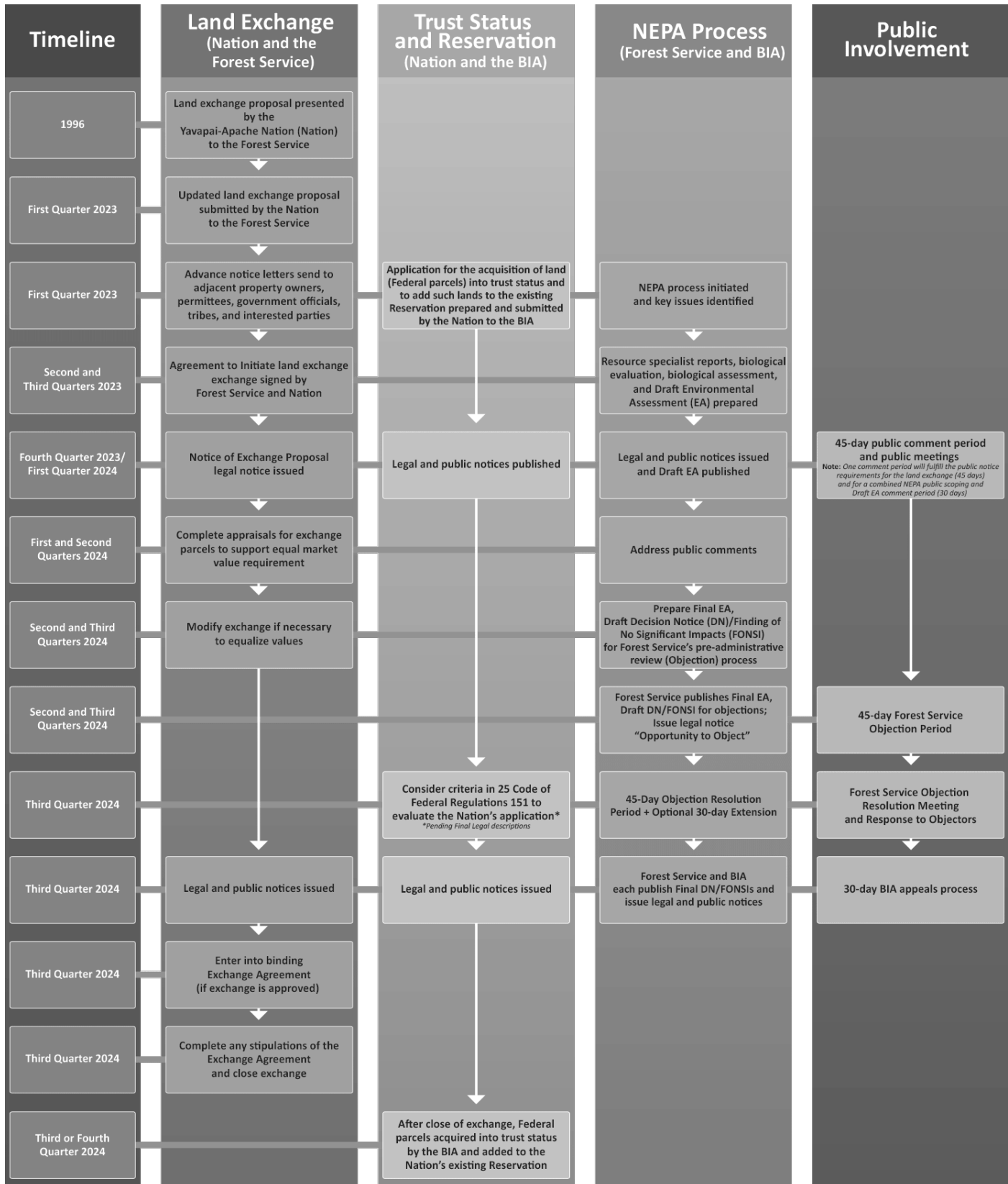
- **Preferred Method:** Submit comments electronically through the Forest Service website ("Comment/Object on Project"): <https://www.fs.usda.gov/project/coconino/?project=63848> (click on "Comment/Object on Project") or <https://cara.fs2c.usda.gov/Public/CommentInput?project=63848>.
- **Written Comments:** Written comments may be submitted to agency officials at the public meeting using this comment form.
- **Mailed Comments:** Submit comments to ATTN: Yavapai-Apache Nation Federal Land Exchange and Acquisition of Lands into Trust Status EA, C/O: Prescott National Forest Supervisor's Office, 735 N Hwy 89, Chino Valley, AZ 86323. Must be postmarked by the end of the 45-day comment period.

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Please attach additional pages if necessary



Yavapai-Apache Nation Federal Land Exchange and Acquisition of Lands into Trust Status





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Forest Service Decision and Pre-Decisional Administrative Review (Objections) Process

As the responsible Forest Service official, the Forest Supervisor for the Prescott National Forest, under delegation from the Southwest Region 3 Regional Forester, will decide if the resource values and the public objectives associated with acquisition of the non-Federal parcels are equal to or exceed the values and objectives served by the Federal parcels to be conveyed into private ownership from the Forest Service. The Forest Supervisor will decide if the land exchange should take place as proposed, with modifications, or not at all.

Pursuant to 36 CFR 218 Subparts A and B, the Forest Service will prepare and distribute a draft Decision Notice and Finding of No Significant Impact along with the Final EA to allow for individuals and entities to file an objection to the responsible official's decision. Eligible parties (individuals or entities who submit timely and specific written comments on the Draft EA during the 45-day public comment period) may seek administrative review of unresolved concerns before a final decision has been made. Eligible commenters will have 45 days from the date of publication of the legal notice advertising the "Opportunity to Object" in the *Prescott Daily Courier*. The "Opportunity to Object" will be published in each Newspaper of Record for each of the four national forests involved in the land exchange; however, because the Prescott National Forest is the project lead, the *Prescott Daily Courier* is the Newspaper of Record to initiate the objection period for this project (36 CFR 218.24) to submit written objections to the responsible official (36 CFR 218.25).

If no objections are filed within the objection filing period, (1) the reviewing officer must notify the responsible official; and (2) approval of the proposed land exchange documented in a Decision Notice may occur on, but not before, the fifth business day following the end of the objection filing period.

When objections are filed, (a) the responsible official may not sign a final Decision Notice subject to 36 CFR 218 until the reviewing officer has responded in writing to all pending objections, and (b) the responsible official may not sign a Decision Notice subject to the provisions of 36 CFR 218 until all concerns and instructions identified by the reviewing officer in the objection response have been addressed.

Bureau of Indian Affairs Decision and Appeals Process

Under authority of the Indian Reorganization Act, 5 USC 301, and 25 CFR 151, the BIA Western Regional Director, under delegation from the Secretary of the Interior, will determine whether to acquire trust title to the lands acquired by the Nation in the exchange and whether to add those lands to the Nation's existing Reservation. The BIA Western Regional Director's decision may be appealed. Notice of the opportunity to appeal and a description of the decision will be published in a newspaper of general circulations serving the area of the decision (*Prescott Daily Courier*) and distributed to interested parties and state and local governments with regulatory jurisdiction over the land to be acquired. The 30-day BIA appeals process will be conducted as described in 25 CFR 2. A decision made by the BIA Western Regional Director pursuant to delegated authority is not a final agency action of the department until administrative remedies are exhausted under 25 CFR 2 or until the time for filing a notice of appeal has expired and no administrative appeal has been filed.

Yavapai-Apache Nation Federal Land Exchange and Acquisition of Lands into Trust Status: Summary of Anticipated Resource Impacts

Resource	No Action Alternative	Proposed Action
Threatened and Endangered Species and Critical Habitat	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Nation's non-Federal parcels would remain in fee title ownership and would not be exchanged. Development on the Nation's non-Federal parcels would likely occur consistent with local development patterns. Development would not likely have a Section 7 nexus under the ESA absent federal permitting or approval.	The Proposed Action is not anticipated to adversely impact threatened and endangered species and critical habitat species as suitable habitat is absent in the Federal and Non-Federal parcels. While there is potential for increased human visitation in Mexican spotted owl habitat and loss of riparian habitat on the Federal parcels, mitigating factors, such as the Nation's Riparian Conservation Corridor commitment and enhanced Forest Service management, would reduce the likelihood of adverse effects on the Mexican spotted owl. Potential impacts on other species may arise from long-term development near the Verde River on the Federal parcels transferred to the Nation, but the Nation's commitment to protecting riparian and aquatic habitat would help mitigate potential adverse effects.
Sensitive Species and Focal Species and Other Species of Special Concern and Habitat	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Nation's non-Federal parcels would remain in fee title ownership and would not be exchanged. Development on the Nation's non-Federal parcels would likely occur consistent with local development patterns.	Species and their habitats on the non-Federal parcels would gain protection under Forest Service management. Given the minimal disturbance proposed for the Federal parcels and Best Management Practices and design criteria that would be incorporated into future actions, such as the Nation's Riparian Conservation Corridor commitment, impacts on sensitive species, focal species, or other species of special concern, including those protected under the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and state sensitive designations, and subsequent habitats are anticipated to be negligible if they occur. Any future development on the non-Federal parcels would require analysis and clearances through the BIA. As such, the Proposed Action is not expected to result in the loss of viability or a trend toward listing for any sensitive species.
Hydrology, Water Quality, and Water Rights	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. Without Forest Service management, any water rights claims would be subject to adjudication in the Gila River or Little Colorado River Adjudication, as applicable. The Nation's non-Federal parcels would remain in fee title ownership and would not be exchanged. Development on the Nation's non-Federal parcels would likely occur consistent with local development patterns. Potential development on the Nation's non-Federal parcels may lead to additional groundwater pumping.	No adverse effects on hydrology, water quality, or water rights are anticipated as a result of the Proposed Action. The Nation intends to use local groundwater resources to provide water to the new Tunlii housing area in the Lower 260 Parcel north of Highway 260 and estimates that the new Tunlii housing area, which could accommodate 250 to 300 Tribal Members and their families at full buildout, could use a maximum of 50 to 60 acre-feet of groundwater annually (at 176 gallons per capita per day), which would be offset by existing Tunlii reclaimed water resources (73 acre-feet per year). Any long-term residential and commercial development plans on the Federal parcels would not contemplate development of new water sources and would only consider use of water supplies that would be physically and legally available to the Nation as a result of the land exchange and lands to trust acquisition by the BIA. The federal permitting and compliance processes that would occur for any development through the BIA, as well as the Nation's Riparian Conservation Corridor, require resource protection. Water rights to surface water and groundwater wells on the non-Federal parcels transferred to the United States would transition to Forest Service control. There are no current plans for development of these water resources and water rights by the Forest Service. The transfer of these water resources and water rights is anticipated to prevent their use in the long term and would prevent new residential or other developments that might occur on the non-Federal parcels in the absence of the exchange and result in future groundwater pumping.
Wetlands and Floodplains	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Nation's non-Federal parcels would remain in fee title ownership and would not be exchanged. Development on the Nation's non-Federal parcels would likely occur consistent with local development patterns. Potential development may impact wetlands and floodplains.	Under the Proposed Action, the National Forest System would have a net gain of 55,515 linear feet of intermittent stream and 7.08 acres of riverine channels and ponds on the non-Federal parcels. These wetlands and streams would be managed according to the applicable forest plans. Future uses of the Federal parcels are expected to have negligible impacts on riverine channels, ponds, and floodplains in the non-Federal parcels, with no changes in size, integrity, or continuity. Future uses are not anticipated to affect these features. The federal permitting and compliance processes that would occur for any development through the BIA, as well as the Nation's Riparian Conservation Corridor, require resource protection. If necessary, future uses and any potential impacts may require a Section 404 permit from the U.S. Army Corps of Engineers.
Invasive Species	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Nation's non-Federal parcels would remain in fee title ownership and would not be exchanged. Development on the Nation's non-Federal parcels would likely occur consistent with local development patterns. Potential development and associated ground-disturbing activities may spread invasive species, such as noxious weeds.	The transfer in ownership between the Forest Service and Nation and subsequent acquisition of lands in trust status under the BIA would not change the distribution of weeds, but could change management of existing populations of weeds. Ground-disturbing activities and increases in human use on the Federal parcels have the potential to increase the risk of spreading invasive species, such as noxious weeds. On the non-Federal parcels, the potential for spread of noxious weeds would be limited to small localized areas with the Forest Service managing isolated occurrences.
Cultural and Historic Resources	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. Culturally important sites to the Nation that are on the Federal parcels would continue to be open to the public, potentially diminishing the Nation's enjoyment of those lands. The Nation's non-Federal parcels would remain in fee title ownership and could be used or disposed of without the obligation to comply with federal historic preservation laws.	Under the Proposed Action, the Forest Service would, with the exception of the Cedar Ridge Parcel (NF10), transfer the Federal parcels to the Nation. The Nation would hold these lands in fee simple title while the BIA processes the Nation's Trust Application under 25 CFR 151. Under Tribal Council Resolution No. 181-2023 (see Table 6), the Nation has enacted a tribal law mandating that all future undertakings on the Federal parcels (including Cedar Ridge (NF10)), regardless of funding source, would be reviewed under the Section 106 process as prescribed in 36 CFR 800 Subpart B. Nevertheless, the transfer of these lands out of federal ownership is considered an adverse effect on known and unknown historic properties located on the Federal parcels. Once the Federal parcels are taken into trust and added to the Reservation, all future undertakings would be subject to federal historic preservation laws.

Yavapai-Apache Nation Federal Land Exchange and Acquisition of Lands into Trust Status: Summary of Anticipated Resource Impacts

Resource	No Action Alternative	Proposed Action
Land Use	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. Without the land exchange, the Forest Service would be unable to provide for more effective management of National Forest System lands through consolidation of existing land ownership patterns, and the enhancement of long-term resource conservation and management. The Nation's non-Federal parcels may face private development, unaligned with adjacent forest management plans.	The Proposed Action is expected to result in an overall positive impact on land use through the addition of approximately 1,581 acres to Forest Service management. On the Federal parcel, the Nation would restore Reservation lands, promoting tribal self-determination, including helping to meet existing housing needs, providing economic opportunities, and securing open space and lands for cultural preservation.
Scenery	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Federal parcels would be managed to the existing scenery guidelines in these forest plans. The Nation's non-Federal parcels, remaining in fee title ownership, may undergo local development, potentially impacting scenic values.	The Proposed Action would positively impact scenic integrity on National Forest System lands, and on the Prescott National Forest in particular, by securing a net gain in open space. Many of the Federal parcels to be acquired by the Nation would be managed as open space. Any potential development on the Federal parcels would be subject to planning and environmental clearance through the BIA.
Recreation	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Federal parcels would continue to be open to the public and would provide dispersed public recreational opportunities. The Nation's non-Federal parcels would continue to be closed to public access. Culturally important sites to the Nation that are on the Federal parcels would continue to be open to the public, potentially diminishing the Nation's enjoyment of those lands. Public access issues associated with NFS Road 9889Y on the Pinedale Parcel (YAN3) and NFS Road 139F (West Cottonwood Road) on the Heber Parcel (YAN5) would persist as the Forest Service does not have a right-of-way for these roads.	Acquisition of the non-Federal parcels for the National Forest System would enhance recreational opportunities, preserving open space for activities such as hunting, hiking, and wildlife viewing on all four national forests. In particular, acquisition of the Red Mountain at Yavapai Ranch Six Sections Parcel (YAN1) would provide improved manageability of the adjoining Juniper Mesa Wilderness while providing secure and enhanced recreation and hunting access and opportunities across a very fractured land ownership pattern. While acquisition of the Federal parcels by the Nation may limit public access near Camp Verde and for adjacent property owners, the acquisition would provide increased open spaces and recreational opportunities for the Nation's Tribal Members, particularly along the Verde River's riparian corridor.
Roads and Transportation	Existing Forest Service management, including access and maintenance activities, would persist for the Federal parcels. The Nation's non-Federal parcels would remain closed to public access, and issues with public access on unauthorized roads such as NFS Road 9889Y and NFS Road 139F would continue due to the Forest Service's lack of right-of-way for these roads.	Under the Proposed Action, the exchange of the Federal parcels includes the conveyance of legal interests subject to recorded encumbrances and rights-of-way. While the Nation would lose 0.96 mile of roads in the exchange, these roads would continue to be maintained by the Forest Service or are privately owned. The overall impact on roads and transportation involves maintaining existing Forest Service roads, with additional administrative costs for evaluating and updating unauthorized roads, resulting in a modest increase in maintenance costs for the Apache-Sitgreaves National Forest.
Grazing and Rangeland	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. The Nation's non-Federal parcels, remaining in fee title ownership, may undergo local development.	Under the Proposed Action, approximately 2,474 acres of additional rangeland would be managed by the Forest Service. One active grazing allotment (Verde Grazing Allotment), which has a Term Grazing Permit in place, would be reduced by roughly 1,770 acres. To mitigate this impact, the Forest Service is proposing to transfer roughly 16,500 acres from the neighboring vacant Jerome Grazing Allotment to the Verde Grazing Allotment. Some new water developments and reconstruction of developments would be needed.
Socioeconomics	The No Action Alternative maintains current challenges on the Reservation, including housing shortages, limited self-determination, and limited economic opportunities, as Forest Service management would persist on the Federal parcels. Although the Nation's non-Federal parcels might be developed or sold, the Reservation would still lack sufficient space for housing, economic activities, cemetery plots, and open spaces.	The Proposed Action would bring both immediate positive impacts through housing development and long-term benefits, such as economic growth and tribal self-determination on the Federal parcels. While there is a potential for the Proposed Action to have minor affects to the property values for private properties adjacent to the Federal parcels, overall, the anticipated benefit of the Proposed Action would be positive economic opportunities that contribute to cultural and open space preservation.
Environmental Justice	The No Action Alternative restricts communities with environmental justice concerns from acquiring additional lands near the Reservation, limiting housing, burial grounds, and opportunities for Tribal Members. The Nation's non-Federal parcels, lacking federal protection, lose potential for recreation and local benefits, creating challenges for addressing the Nation's socioeconomic needs.	The Proposed Action is expected to have an overall positive impact on environmental justice populations by providing the opportunity for housing, self-determination, and future economic development.
Carbon Storage	Existing Forest Service management would persist on the Federal parcels consistent with the land and resource management plans for the Prescott, Coconino, Kaibab, and Apache-Sitgreaves National Forests. If the Nation's parcels were to be developed, there would be a potential decrease in carbon storage potential.	The Proposed Action is expected to increase vegetation communities on National Forest System lands by approximately 1,581 acres, potentially enhancing carbon storage. Forest Service management activities would maintain and improve the health of vegetation communities, safeguarding carbon storage potential on the non-Federal parcels, which, when acquired in the exchange, would be managed as public lands. The carbon storage potential of the Federal parcels is not expected to diminish greatly.