

**Decision Notice
Finding Of No Significant Impact**

**U. S. Forest Service – Southern Region
Land Between The Lakes National Recreation Area
Golden Pond, Kentucky**

**Environmental Assessment for
Buffalo Trail, Crooked Creek, School House, Three
Ponds, & Neville Creek Prescribed Fire Projects**

December 2008

DECISION NOTICE

Introduction

In keeping with the legislated demonstration mission for the Land Between The Lakes National Recreation Area (LBL) to demonstrate governmental efficiency by employing new and alternative processes, this document actually provides for decision notice of 5 separate projects. It reduces paperwork and redundant documentation even though each project decision stands on its own. The environmental assessment (EA) for the Buffalo Trail, Crooked Creek, School House, Three Ponds, & Neville Creek Prescribed Fire Projects also demonstrates this approach in that while the projects are in no way connected to each other, they do have most issues and resource considerations in common.

The EA documents the analysis of two alternatives for each project; a no action alternative that does not use fire, and the proposed action for each of the five prescribed fire projects (each having independent utility) within LBL. These burns are proposed to occur once every 2-5 years until each project's objectives, as described in the Purpose and Need section of the EA, are met. Pre- and post-burn monitoring will help to determine when these objectives have been met. The general objectives for these burns are improving wildlife habitat by developing habitat diversity; maintaining open lands in early successional conditions; reducing the impact of non-native invasive species; improving wildlife viewing, hunting, and other recreational opportunities; and reducing/altering wildfire potential. Specific objectives for each burn are listed in the EA. The projects have been open to scoping comments since October 10, 2008, and the 30-day notice and comment period for this project was completed on November 10, 2008. These decisions are based on the results and findings of the EA, a review of Specialists Reports and the Project Record, including the Response to Comments. The EA is available for public review at the LBL administrative headquarters in Golden Pond, Kentucky and on the website at <http://www.lbl.org/LRMPPProjects.html>.

Decisions

Based on comments, input received during scoping and the 30-day public comment periods, and the analysis in the Prescribed Fire Projects EA, it is my decision to implement the proposed action Alternative 2, using the associated design criteria of the LBL Land and Resource Management Plan (Area Plan), for each of the independent projects below. Fires will be ignited both aerially and from the ground using hand torches. Implementation may occur between August 1 and April 30. Fire severity will vary; it will largely be moderate with isolated pockets of low and high severity. Existing roads and trails will be used as control lines (boundaries to the burn area), except for the Neville Creek project area. The Neville Creek project area will require a tractor and disc to restore portions of temporary control lines made during previous prescribed burns in the area.

Implementation of the actions described in these decisions will be prioritized by the Area Supervisor based on funding and available workforce.

- 1) Prescribed fire treatment in the Buffalo Trail project area. The project area (2,532 acres) is located in Stewart County, TN west of The Trace, and wraps around the South Bison Range (see map in the EA).
- 2) Prescribed fire treatment in the Crooked Creek project area. The project area (1,548 acres) is located in Trigg County, KY east of The Trace, and it wraps around the Elk & Bison Prairie (EBP) (see map in the EA).
- 3) Prescribed fire treatment in the School House project area. The project area (578 acres) is located in Trigg County, KY west of FSR 165, and bordered by FSR 342 (a loop road) (see map in the EA).
- 4) Prescribed fire treatment in the Three Ponds project area. The project area (235 acres) is located on a peninsula on Lake Barkley in Trigg County, KY, north and east of FSR 203 and 366, respectively (see map in the EA).
- 5) Prescribed fire treatment in the Neville Creek project area. The project area (89 acres) is located west of the intersection of The Trace with Neville Bay Road (FSR 214) in Stewart County, TN (see map in the EA).

The Rationale for the Decisions

1. When compared to the No Action Alternative, Alternative 2 will meet the purpose and need for each of these projects to achieve the goals, objectives, and desired conditions as described in the LBL Area Plan, and further described for each project in the EA.
2. Alternative 2 reduces the risk of catastrophic wildfire by removing hazardous fuels build-up.
3. Alternative 2 best ensures that wildlife habitat and wildlife-related recreation will be efficiently provided in the future at LBL, compatible with the environment and public safety, and is considerate of potential air quality impacts in surrounding communities.
4. Public concerns and issues were carefully considered in relation to the alternatives (Public Involvement and Issues sections in the EA pp. 14-16). Alternative 2 responds to the issues and is considerate of the best available science.
5. Alternative 2 is the most efficient way to accomplish project objectives, in terms of both cost and time.
6. Environmental documents used in the making of this decision include the Area Plan, Area Plan Final Environmental Impact Statement, and Record of Decision, as well as the EA and related documents for this project.
7. The seasonal limitations of these projects is consistent with the design criteria listed in the EA and is responsive to public concerns raised during scoping and comment periods, as well as internal administrative concerns.

Alternatives Considered

Two alternatives were considered in detail for each project, including the “no action” alternative and the proposed action alternative using prescribed fire. Public comments and internal discussion considered several options besides prescribed fire to achieve the desired objectives, including herbicides and woodland habitat thinning with timber harvest. These were not carried forward because it was determined that prescribed fire has additional benefits that cannot be achieved by the combination of timber harvest and herbicides. Additionally, prescribed burning is the most effective way, in terms of cost and time, to accomplish the objectives and achieve desired conditions.

Alternative 1 - No Action

Under the No Action Alternative, current management plans would continue to guide management of the project areas. These include mowing, disking, and liming; select timber harvests; and herbicide use. These management actions would maintain some of the open lands and would open canopy gaps in the forest to a lesser extent than prescribed burns. Desired conditions, goals and objectives contained in the Area Plan would not be met.

Alternative 2 - The Proposed Actions

The Forest Service is proposing five prescribed fire projects (each having independent utility) within LBL. These burns are proposed to occur once every 2-5 years until each project’s objectives, as described in the Purpose and Need section of the EA, are met. Monitoring will help to determine when objectives have been met. The general objectives for these burns are improving wildlife habitat by developing habitat diversity; maintaining open lands in early successional conditions; reducing the impact of non-native invasive species; improving wildlife viewing, hunting, and other recreational opportunities; and reducing/altering wildfire potential. Specific objectives for each project are listed in the EA.

Public Involvement

The Interdisciplinary Team (IDT) of resource specialists conducted scoping. Scoping is the process used to determine the issues and alternatives addressed in the EA, and to identify significant issues related to the proposed action.

The IDT used legal notices, the LBL website, internal contacts, and contacts with other agencies to solicit comment and participation in the analysis, ensure opportunities for public involvement and to inform the responsible official of the issues. The key steps included:

1. The proposal was listed in the LBL Schedule of Proposed Actions beginning in October 2008. This list is distributed to numerous individuals and organizations.
2. Beginning October 2008, project information was available on the internet at the following website: <http://www.lbl.org/LRMPProjects.html>

3. The proposal was provided to the public and other agencies for comment in October/November 2008. We combined scoping and 30-day notice and comment.
4. In compliance with 36 CFR 215, a description of the proposed action, comment summaries, and preliminary alternatives were made available for a 30-day notice and comment period via a legal notice published in the Paducah Sun, October 10, 2008. In all, 67 individuals submitted 85 responses (letters, phone calls, and emails) to our request for comments; of these, 54 were form letters. Fifty-one of the 67 responders specifically requested not to be contacted with any additional project information. Some comments were broad and some were very specific, but most raised concerns related to the proposed actions. Comments received were discussed with the IDT and considered in the EA. The comment summary, including Forest Service responses, is located in the project record.
5. A detailed consideration of comments and concerns can be found in the project record. Comments received were discussed with the IDT and considered in the EA. The comment summary, including Forest Service responses, is located in the project record.
6. In an additional effort to inform and involve the public, the Area Supervisor and other staff members made additional offers to members of the public, including members of former resident advocacy organizations, to engage them in the planning process and make field visits. These efforts were designed to encourage input on planned management activities at LBL.
7. In addition to reviewing each of the comments received from the public, the IDT and the responsible official had many discussions about the proposed action and alternatives. The revised EA is an outcome of those discussions.
8. Consideration of public comments is not intended to be a vote-counting process in which the outcome is determined by majority opinion; however, relative depth of feeling and interest among the public served to provide a general context for decision-making.

FONSI – Finding Of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement is not needed. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. There will be no significant adverse effects on the environment, public health, or safety. (See effects analyses in the Environmental Consequences section of the EA pages 18-50).
3. There will be no significant effects on unique characteristics of the Area. (See EA, Issues section on page 15.)
4. The effects on the quality of the human environment are not likely to be highly controversial. (See EA, Issues section on pages 14-16.)
5. We have considerable experience with the types of activities to be implemented. The effects analyses show the effects are not uncertain, and do not involve unique or unknown risk. (See effects analyses in the Environmental Consequences section of the EA pages 18-50).
6. The action is not likely to establish a precedent for future actions with significant effects because the project is implementing the 2004 Area Plan.
7. This action will not result in cumulative adverse impacts when considered in combination with other past or reasonably foreseeable actions. (See effects analyses in the Environmental Consequences section of the EA pages 18-50).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in, or eligible for listing in, the National Register of Historic Places. The survey methodology developed in consultation with the Tennessee and Kentucky SHPOs for prescribed fire projects ensures that sites that need to be protected from adverse effects are protected. At the same time, the pre-burn and post-burn survey requirements insure that the sites are found, recorded, and their condition documented. Many historic sites are hidden by dense vegetation so any efforts to remove or decrease vegetation around sites and features help us better document sites and their condition, as noted in the EA, Heritage Section pages 29-36. The pre-burn survey reports were submitted for comment to the appropriate SHPOs in September and October 2008, well within the 30-day review period required by law. Either concurrence or no response was received.
9. The action is not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. (See the EA, Wildlife – PETS Section pages 18-23.) The Biological Assessment/Evaluation led to this determination for all of LBL's Proposed, Endangered, Threatened or Regional Forester's Sensitive species. These National Fire Plan projects used the Alternative Consultation Agreement to support implementation of the Endangered Species Act (Joint Counterpart Endangered Species Act

Section 7 Consultation Regulations, Federal Register pp. 68254-68265, December 8, 2003; effective March 3, 2004). The Alternative Consultation Agreement establishes a process whereby the Forest Service may propose and implement projects that support the National Fire Plan (NFP) when the Forest Service determines that the project is “Not likely to adversely affect” any listed species or essential habitat. These projects include prescribed fire for removing hazardous fuels and improving the resiliency of forest systems, and are within the scope of the NFP.

10. The action will not violate Federal, State, and local laws or requirements imposed for the protection of the environment. Carrying out the proposed action in a way that is consistent with the LBL Area Plan will ensure this.

Project Design Criteria

Design Criteria, some of which pertain specifically to potential impacts of prescribed fire, are hereby incorporated by reference from Chapter 3 of the Area Plan. The project level design criteria tier to the Area Plan, are identified in the Design Criteria section of the EA pp. 17-18 and Environmental Consequences section of the EA pages 18-50, and are part of this decision.

Findings

The decision to select the action alternative for each project is consistent with the LBL Protection Act of 1998, the designation of LBL as a National Recreation Area, and is consistent with FS national policy for vegetation, wildlife habitat, and fuels management. The selected alternative for each project is also consistent with the vision to maintain the open lands and forested areas of LBL as described in the Area Plan and the accompanying Final Environmental Impact Statement (FEIS) dated December of 2004, utilizing the strategies and design criteria as listed therein. The best available science has been considered.

Implementation Date

If no appeals are filed for a specific project within the 45-day time period, implementation of that decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation of the appealed project may occur on, but not before, the 15th business day following the date of the last appeal disposition for that project (36 CFR 215.9).

Appeal Opportunities

These decisions are subject to appeal pursuant to 36 CFR 215.11. Each project is a stand-alone decision and thus must be appealed separately. A written appeal, including attachments must be postmarked or received within 45 days after the date the legal notice of these decisions is published in the *Paducah Sun* newspaper, Paducah, Kentucky. The publication date of this legal notice is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must meet the content requirements of 36 CFR 215.14. Individuals or organizations that submitted comments or otherwise expressed an interest during the 30-day comment period may appeal. The environmental assessment project file is available for public review at the Land Between The Lakes NRA administrative headquarters at Golden Pond, Kentucky.

The Appeal must be submitted to:

USDA Forest Service
ATTN: Appeals Deciding Officer
1720 Peachtree Road, NW; Suite 811N
Atlanta, Georgia 30309-9102

Appeals may be faxed to 404-347-5401. Hand-delivered appeals must be received between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. Appeals may also be mailed electronically in a common digital format to appeals-southern-regional-office@fs.fed.us

Responsible Official and Contact Person

William P. Lisowsky is the responsible official for the Prescribed Fire projects at LBL. For further information, contact: Jim McCoy, 270-924-2048, email jrmccoy@fs.fed.us or Steve Bloemer, 270-924-2069, email sbloemer@fs.fed.us or Barbara Wysock, 270-924-2131, email bwysock@fs.fed.us; 100 Van Morgan Drive, Golden Pond, KY 42211

/s/ William P. Lisowsky
WILLIAM P. LISOWSKY
Area Supervisor

12-22-08
DATE