



United States  
Department of  
Agriculture

Forest  
Service

December 2008



# **Comment and Issue Analysis**

## **Buffalo Trail, Crooked Creek, School House, Three Ponds, & Neville Creek Prescribed Fire Projects**

**Land Between The Lakes National Recreation Area  
Trigg County, Kentucky & Stewart County, Tennessee**

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## Scoping and Public Involvement

### Schedule of Proposed Actions (SOPA)

These proposals were listed in the Schedule of Proposed Actions on October 1<sup>st</sup>, 2008 as potential Categorical Exclusions (CE's). A hard copy of the SOPA can be found in the project record.

### Scoping & Notice for Comment

A legal notice and request for comments was published in the Paducah Sun on October 10<sup>th</sup>, 2008. The proposal was provided to the public and other agencies for comment and scoping starting on October 10<sup>th</sup>, 2008. The scoping letter and responses can be found in the project record. Using the comments from the public, other agencies, and tribes, the interdisciplinary team developed a list of issues to address.

Concurrent requests for public involvement as required by Section 106 regulations (36CFR800) of the National Historic Preservation Act of 1966, as amended, was included in the request for comment letter and through the Land Between The Lakes National Recreation Area (NRA) project website. Eight individuals (Table 2) indicated they were interested in receiving additional information about the projects. All eight of these individuals received an additional invitation from the NRA Archeologist (via email) to comment or share heritage information on these projects on October 23<sup>rd</sup>, 2008; a hard copy of the email can be found in the project record.

In addition, as part of the public involvement process, the agency collaborated with the Paducah Sun to publish a feature on the projects. A copy of the newspaper article can be found in the project record.

The Crooked Creek prescribed fire project was initially listed on the SOPA in the fall of 2007, and a request for comments was published in the Paducah Sun on January 7<sup>th</sup>, 2008 and no comments were received. Because no issues related to the project were proposed by the public and none were envisioned by NRA staff, and because analysis indicated there were no extraordinary circumstances, the project was categorically excluded from documentation in an Environmental Assessment (or an Environmental Impact Statement).

Internally, some concern arose about the heritage resource survey conducted for the project. Area Archeologist Jamie Bennett acquired historic mapping (previously unavailable) that indicated additional historic features which had not been considered in the analysis.

Based on these and other factors the Area Fire Management Officer advised the Area Supervisor to delay the decision and, and the project was postponed. The burn was not implemented in 2008 as planned. The Area Supervisor decided to re-open the project for public comment and issue development. The Crooked Creek project was re-listed on the SOPA on October 1<sup>st</sup>, 2008, and a public scoping letter was posted on the NRA website on October 10<sup>th</sup>, 2008 and mailed as described above.

To involve interested parties in these five projects, the LBL Staff, including the Area Supervisor, also went to great lengths to include former residents that had previously expressed concerns about prescribed fire conducted in the vicinity of cemeteries and old home sites. The extent of these contacts is included in the project record.

In all, 67 individuals submitted 85 responses (letters, phone calls, and emails) to our request for comments, of these, 54 were form letters. Fifty four of the 67 responders specifically requested not to be contacted with any additional project information; 13 responders either specifically indicated they wanted or did not indicate they did not want additional project information (Table 1). Of these, eight individuals expressed an interest in heritage resources (Table 2). The responses we received were mainly emails, although two comments arrived by U.S. Mail and one responder followed an email response with a phone call at our request. Most responses contained several comments, and some comments were replicated by a number of responders.

Seventy three comments were parsed from the responses we received and divided into functional groups (such as air or wildlife) and evaluated for content and significance. Some comments were broad and some were very specific, but most raised issues related to the proposed actions. Preliminary issues can be found in Table 3 above; many of them are also addressed in more detail below. Actual comments from which these issues were distilled can be found in the project record.

Table 1. Respondents: * Commenter requested to NOT send further documents and does not want on mailing lists; () Comment is a form letter.		
Letter No.	Comment Letter Name	Tracking Description
1	Mac McClure	email
2	Charlie Watkins	email
3	Mark Donham & Kristi Hanson	email*
4	David Nickell	email
5	David Nickell	email
6	David Nickell	email
7	David Nickell	email
8	David Nickell	email
9	David Nickell	email
10	David Nickell	email
11	David Nickell	email
12	David Nickell	email
13	David Nickell	email
14	Sam Stearns	email
15	Sam Stearns	email
16	Kristi Hanson	email
17	Karen Atwood	(email*)
18	Jane Marie Watts	email
19	Kevin Kinsey	email
20	Ann Strohmer	email

Table 1. Respondents: \* Commenter requested to NOT send further documents and does not want on mailing lists; () Comment is a form letter.

Letter No.	Comment Letter Name	Tracking Description
21	Sarah Lance	email
22	Sarah Lance	email
23	Sarah Lance	email
24	Sarah Lance	email
25	Sarah Lance	email
26	Sarah Lance	email
27	Sarah Lance	email
28	V. E. Newberry	U. S. Mail
29	Clarence Coffey	email
30	Clarence Coffey	email
31	Clarence Coffey	email
32	Clarence Coffey	email
33	Clarence Coffey	U. S. Mail
34	Mark Donham	email
35	Sarah Lance	(email)
36	Mark Donham	(email)
37	Van Bunch	(email*)
38	Martha Burton	(email*)
39	David Ryan	(email*)
40	Charlie Phillips	(email*)
41	Hali Slotnick	(email*)
42	Sarah Fella	(email)
43	Carey Lea	(email*)
44	Leigh Haynie	(email*)
45	Haile Randall	(email*)
46	MaryEileen Rice	(email*)
47	Billy Stern	(email*)
48	Susan Fay	(email*)
49	Laura Graves	(email*)
50	Mary Lyn Stoll	(email)
51	Andrea Walker	(email*)
52	Linda Cooper	(email*)
53	Tim Wilson	(email*)
54	Richard Sammis	(email*)
55	Craig Rhodes	(email*)
56	Rachel Crandell	(email*)
57	Maryh Hood	(email*)
58	Patrick Bennett	(email*)
59	Paula Worley	(email*)
60	Shawn Porter	(email*)
61	Jocele Meyer	(email*)

Table 1. Respondents: \* Commenter requested to NOT send further documents and does not want on mailing lists; () Comment is a form letter.

<b>Letter No.</b>	<b>Comment Letter Name</b>	<b>Tracking Description</b>
62	Melissa Meriweather	(email*)
63	Stephen Grimes	(email*)
64	Christina Wulf	(email*)
65	Greg Buck	(email*)
66	Greg Moore	(email*)
67	Melinda Ross	(email*)
68	Douglas Cornett	(email*)
69	Aaron Rourke	(email*)
70	Randy Cunningham	(email*)
71	John & Betty Weber	(email*)
72	Mark M. Giese	(email*)
73	Rebecca Mangina	(email*)
74	Rich & Marsha Scherubel	(email*)
75	Michael Englert	(email*)
76	Joseph McGibbon	(email*)
77	Don Scheiber	(email*)
78	Elizabeth Glass	(email)
79	Meghan Reef	(email*)
80	Jeanne Leimkuhler	(email*)
81	Dana Kuhnline	(email)
82	Dinda Evans	(email*)
83	Siri Larsen	(email*)
84	John Pickard	(email*)
85	Jeffrey Powell	(email*)
86	Phillip Short	(email)
87	Campbell Laird	(email)
88	Devin Ceartas	(email*)

Table 2. Respondents that indicated they wanted (or did not indicate they did not want) more information about the project(s), or who indicated they wanted additional information about heritage resources.		
Letter No.	Comment Letter Name	Desire for additional heritage information
20	Ann Strohmer	No
2	Charlie Watkins	No
29-33	Clarence Coffey	No
4-13	David Nickell	Yes
18	Jane Marie Watts	Yes
19	Kevin Kinsey	No
3, 16	Kristi Hanson	Yes
1	Mac McClure	No
3, 34	Mark Donham	Yes
14-15	Sam Stearns	Yes
21-27, 35	Sarah Lance	Yes
78	Elizabeth Glass	Yes
42	Sarah Fella	Yes

<b>Table 3. Comments, grouping, significance consideration, and preliminary responses.</b>				
<p><b>A- Beyond the scope of the proposed action</b>  <b>B- Irrelevant to the decision to be made</b>  <b>C- Already decided by law, regulation, Area Plan, policy, etc.</b>  <b>D- Conjectural in nature, not supported by science</b>  <b>E- The magnitude, extent, duration, speed, and direction of preliminary effects are considered limited</b>  <b>S- Potentially significant issue</b></p>				
<b>Letter No.</b>	<b>Preliminary issue as presented by the commenter</b>	<b>Group</b>	<b>Consideration</b>	<b>Response/Rationale</b>
4-8	The area probably contains fairly high concentrations of materials that, if burned, would be a violation of EPA regulations.	Air	E	We thank the responder for bringing this issue to our attention. Maintenance of air quality and adherence to air quality regulations is an important issue. While the NRA does not actively burn prohibited materials for any reason, inadvertent burning would have the same environmental consequences as intentional burning. While it is unlikely that this issue merits consideration of an additional alternative to the proposed action, it appears to warrant consideration as a design criteria to prevent significant effects to the quality of the human environment. Air quality will be considered in effects analysis.
3, 14, 15, 18, 35-88	Fall is the worst time to burn because of farmers creating super particulate loads through harvesting, increased barge traffic on major rivers and emissions from fires from out west and south drift this way.	Air	D, E	These comments suggest various types of analysis that need to occur, none, however, describe any potential or probable environmental effects that may occur specific to the proposed action. None of these comments raise issues considered significant for the purpose of this analysis. Air quality will be considered in effects analysis, including cumulative effects.
3, 14, 15, 18, 35-88	LBL is not in compliance with the EPA's interim policy on prescribed burning because it has not completed a smoke management plan.	Air	D	The NRA produces a smoke management plan for each prescribed fire project in accordance with Forest Service Manual 5140. EPA's interim policy suggests that states develop smoke management programs. Kentucky does not have a smoke management program.
3, 14, 15, 18,	McCracken County is considered a non-attainment	Air	D	The responder is mistaken. McCracken County is not a non-attainment area for PM <sub>2.5</sub> . McCracken County had a monitored violation of the

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35-88	area for PM 2.5. The proposed actions contribute to a serious health impact.			PM <sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) and is listed as a potential non-attainment area by the EPA. Final PM <sub>2.5</sub> nonattainment designations will be announced December 2008 and implemented beginning in April 2009. More detail can be found in the Air Specialist's Report in the project record.
3, 14, 15, 18, 35-88	It is widely known that the major river valleys (Ohio, Mississippi, Tennessee, Cumberland, and Wabash) are lined with industry that has degraded air quality. The proposed actions contribute to a serious health impact.	Air	D	Air quality and compliance with EPA requirements will be considered in effects analysis. The effects analysis contains an emissions inventory prepared by the Regional Planning Organization, VISTAS, that demonstrates that prescribed fire emissions are a small contributor to fine particulate. These comments suggest various types of analysis that need to occur; none, however, describe any potential or probable environmental effects that may occur specific to the proposed action. None of these comments raise issues considered significant for the purpose of this analysis.
3, 14, 15- 18, 35-88	Carbon storage and global warming are significant; use of a CE is inappropriate.  These burns will increase global warming.  These burn projects would add to the global warming, according to EPA guidelines.	Climate Change	D, E	The impact of greenhouse gases from these five projects is extremely small in the global climate context, and objective standards or threshold do not exist yet with which to draw conclusions about the significance of the results of an analysis at the project level. Therefore, it is not meaningful to conduct quantitative analysis of the greenhouse gas emitted and/or sequestered as part of the proposed projects and alternatives. Additionally, at the national level, the Environmental Protection Agency (EPA) has concluded that when forest management activities (including fire emissions) are considered together with storage/sequestration activities (reforestation, etc) the

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				<p>cumulative result is a net sequestration of CO<sub>2</sub>. (<a href="http://www.epa.gov/climatechange/emissions/usinventoryreport.html">http://www.epa.gov/climatechange/emissions/usinventoryreport.html</a>) This assumes that the proposed activity does not change the land use and the area remains forested. Therefore, this comment is not considered to be a significant issue.</p> <p>Presently there is no federal regulatory requirement specifically covering how to consider climate change or greenhouse gases in agency decision making under NEPA.</p> <p>Climate change and carbon storage will be considered in effects analysis. These comments suggest various types of analysis that needs to occur; none, however, describe any potential or probable environmental effects that may occur specific to the proposed action. None of these comments raise issues considered significant for the purpose of this analysis.</p>
4-8	Historical and cultural resources are significant; use of a CE is inappropriate.	Cultural Heritage	D, E	Cumulative impacts to historic resources will be considered in the effects analysis of the EA. The Forest Service has concluded that an EA is needed to evaluate cumulative effects related to prescribed burning in these five project areas.
3, 14, 15, 18, 35-88	Significant historical and cultural resources (which are potentially eligible for the National Register of Historic Places) will be destroyed by	Cultural Heritage	C, D, E	In order to comply with the Section 106 regulations of the NHPA of 1966, as amended, LBL developed a prescribed burn methodology in consultation with the TN and KY SHPO's. If pre-burn heritage surveys as well as local information indicates that there are any historic properties within the project area that could be adversely

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	these fires.			impacted by a prescribed burn, LBL will treat these historic properties as significant and flag and protect them , as needed, during burn implementation, and therefore, there will not be any adverse impacts to any historic properties. Heritage resources will be considered in effects analysis, however the responder did not identify any specific heritage resources to be considered.
3, 14, 15, 18, 35-88	Families that lived on LBL since the 1700's (former residents) should be given Consulting Party Status (Pursuant to NHPA Sec. 106).	Cultural Heritage	A, B	This comment is conjectural . The Forest Service invited advocacy groups comprised of former residents to provide specific input and comment on the proposed action related to their rights and personal knowledge to determine potentially interested parties; this request preceded the official legal notice for comment for all five projects. Responder did not identify any specific concerns for consideration
3, 14, 15, 18, 35-88	Completing NHPA Sec. 106 will give the FS all the relevant information in a systematic manner necessary to document and protect cultural and historic resources.	Cultural Heritage	C	The Forest Service agrees. In order to comply with the Section 106 regulations of the NHPA of 1966, as amended, LBL developed a prescribed burn methodology in consultation with the TN and KY SHPO's. If pre-burn heritage surveys as well as local informant information indicates that there are any historic properties within the project area that could be adversely impacted by a prescribed burn, LBL will treat these historic properties as significant and flag and protect them, as needed, during burn implementation. Heritage resources will be considered in effects analysis.
3, 14, 15, 18, 35-88	The public were not allowed to comment for NHPA Sec. 106.	Cultural Heritage	D	This comment is conjectural in nature, because the project(s) scoping letter, emails and the LBL website clearly indicate the NHPA Sec. 106 comment period was initiated when the project was listed on the

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				SOPA.
4-8	Use of a CE is inappropriate because of the density of heritage resources that will be damaged or destroyed.	Cultural Heritage	C, D	Heritage resources will be considered in effects analysis. The Forest Service has concluded that an EA is needed to evaluate cumulative effects related to prescribed burning in these five project areas.
4-8	Steps should be taken at sites to ensure that no damage is done to heritage resource sites by this project.	Cultural Heritage	C, E	In order to comply with the Section 106 regulations of the NHPA of 1966, as amended, LBL developed a prescribed burn methodology in consultation with the TN and KY SHPOs. If pre-burn heritage surveys as well as local informant information indicates that there are any historic properties within the project area that could be adversely impacted by a prescribed burn, LBL will treat these historic properties as significant and flag and protect them, as needed, during burn implementation, and therefore, there will not be any adverse impacts to any historic properties. Heritage resources will be considered in effects analysis, however the responder did not identify any specific sites or concerns for consideration.
4-8	Full consultation with the people who are native to the area(s) should be conducted with a detailed archeological survey, to facilitate linking sites with stories and memories.	Cultural Heritage	C	This comment is conjectural . The Forest Service invited advocacy groups comprised of former residents to provide specific input and comment on the proposed action related to their rights and personal knowledge to determine potentially interested parties; this request preceded the official legal notice for comment for all five projects. Responder did not identify any specific concerns for consideration by the decision maker.

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3, 14, 15, 18, 35-88	These burns will have significant effects to historic and cultural resources.	Cultural Heritage	D	In order to comply with the Section 106 regulations of the NHPA of 1966, as amended, LBL developed a prescribed burn methodology in consultation with the TN and KY SHPOs. If pre-burn heritage surveys as well as local informant information indicates that there are any historic properties within the project area that could be adversely impacted by a prescribed burn, LBL will treat these historic properties as significant and flag and protect them during burn implementation, and therefore, there will not be any adverse impacts to any historic properties. Heritage resources will be considered in effects analysis, however the responder did not identify any specific sites or concerns for consideration.
3, 14, 15-18, 35-88	Cumulative effects are significant.	Cumulative Effects	C	Cumulative effects to air quality, climate change (carbon storage and global warming), wildlife, soils and water, and heritage resources from the proposed actions, and past and future burns will be considered in analysis.  The Forest Service has concluded that an EA is needed to evaluate cumulative effects related to prescribed burning in these five project areas.
3, 14, 15, 17, 18, 35-88	Funds committed to prescribed fire activities could be better spent on other activities.	General	B	The comment is personal opinion and irrelevant to the decision to be made.
3, 14,	Evidence supporting	General	D	This comment is personal opinion and conjectural in nature.

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15, 18, 35-88	prescribed fire is flimsy, speculative and not backed up by actual on the ground results.			
3, 14, 15, 18, 35-88	The FS has more urgent funding needs than prescribed burning.	General	D	This comment is personal opinion and conjectural in nature.
21-27	Burning is not a net benefit to the public.	General	C, D	The Government Accountability Office estimates wildfire suppression at a national average of \$317/acre (ranging from \$88 to 1,132/acre). Prescribed fire implementation on the NRA costs approximately \$30/acre. Even at the low end of the cost estimate, \$88/acre, prescribed fire is more cost effective than fire suppression, and when viewed as a preventative measure the FS believes prescribed fire is a prudent use of taxpayer dollars. Other benefits to resources are described in the EA in the effects analysis.
21-27	Burning results in a significant loss of public resources.	General	C, D	This non-specific comment is personal opinion and conjectural in nature.
3, 14, 15, 18, 35-88	We oppose this project.	General	B	Thank you for your comment.
3, 14, 15, 18, 35-88	The LBL Plan and EIS (applicable sections) contain inadequate standards and	General	A, C, D	This comment is beyond the scope of the proposed action, non-specific, and conjectural in nature.

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	guidelines to insure protection of the environment.			
15	This project is a misuse of tax money.	General	D	This non-specific comment is personal opinion and conjectural in nature.
15	This project is not supported by science.	General	D	This comment is conjectural in nature, because the responder provided no definition of "supported by science" for context, and no examples of a project which would be "supported by science." Best available science is used by each specialist in determining effects.
15	This project is not supported by common-sense.	General	D	This comment is conjectural in nature because, the responder provided no definition of "supported by common-sense" for context, and no examples of a project which would be "supported by common-sense".
3, 14, 15, 18, 35-88	The proposed action is being driven by funding concerns.	General	B	This non-specific comment is personal opinion and irrelevant to the decision to be made.
3, 14, 15, 18, 35-88	The proposed action is not being driven by ecological concerns.	General	D	Ecological concerns will be considered in effects analysis. The Area Plan analyzed the ecological need for the proposed actions.
3, 14, 15, 18, 35-88	Burning at this time (fall) is dangerous.	General	D	This non-specific comment is personal opinion and conjectural in nature because, the responder provided no definition of "dangerous" and no examples or reasons of a safe time to burn, for context.
16	We have serious concerns about this project.	General	B	Thank you for your comment.
17	The money appropriated for burning projects could be	General	B	This comment is irrelevant to the decision to be made.

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	better spent for extensive cultural and archeological studies of LBL.			
17	The money appropriated for burning projects could be better spent for interpretive programs.	General	B	This comment is irrelevant to the decision to be made.
17	The money appropriated for burning projects could be better spent for expanding camping for the public.	General	B	This comment is irrelevant to the decision to be made.
3, 14, 15, 18, 35-88	Cost of pollution outweighs perceived benefits.	General	D	This comment is conjectural in nature because, the responder provided no definition or examples of "cost of pollution" for context. No examples of instances where "costs" outweighed (or were equal to) the "cost[s]" of pollution were provided for context. The responder provided no definition of "perceived benefits". No examples of "perceived benefits" were provided for context. The responder, therefore, failed to establish a relationship between "cost[s], "pollution", "perceived benefits", and the proposed action.
1	All burning projects are fine.	General	B	Thank you for your comment.
1	Need to do more [burning] and at a faster rate.	General	C	Thank you for your comment.
29	Fire was a vital component of the land throughout Kentucky	General	C	Thank you for your comment.

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	and Tennessee prior to European settlement and for some time afterward.			
29	During [the] time [prior to European settlement and for some time afterward] a grassland community [created by fire] thrived.	General	C	Thank you for your comment.
29	Today that same ecosystem [fire created grassland community] is the rarest habitat on the continent.	General	C	Thank you for your comment.
29	The [fire created grassland community] should be nurtured wherever possible.	General	C	Thank you for your comment
29	Controlled burns are needed to maintain this (these) area(s).	General	C	Thank you for your comment
2	LBL could become a model for demonstrating the value of a savanna type grassland by managing with fire to bring back the desirable grasses and forbs.	General	C	Thank you for your comment.

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29	Natural resource managers all over the country are reawakening to the value of fire.	General	B	Thank you for your comment.
29	Natural resource managers all over the country are reawakening to the role of fire in restoring natural ecosystems.	General	B	Thank you for your comment.
29	I commend the professionals at LBL for such management strategies.	General	B	Thank you for your comment.
3, 14, 15, 18, 35-88	Public was only allowed 4 days to comment	Process	C	A legal Notice and Request for Comments was listed in the paper of record on October 10th, 2008. Beginning on that date the public had 30 days to comment, in accordance with regulations.
3, 14, 15, 18, 35-88	Impacts to air quality are significant.	Process	C	The Forest Service has concluded that an EA is needed to evaluate cumulative effects related to prescribed burning in these five project areas.
3, 14, 15, 18, 35-88	Use of a CE to authorize these projects is inappropriate because it limits environmental studies and public involvement.	Process	B	Use a CE does not preclude that later development of an EA. Nor does an EA preclude the later development of an EIS. An EIS is triggered when scoping or the subsequent analysis indicates the proposed action may have a significant effect on the human environment.  The Forest Service has concluded that an EA is needed to evaluate

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<b>Letter No.</b>	<b>Preliminary issue as presented by the commenter</b>	<b>Group</b>	<b>Consideration</b>	<b>Response/Rationale</b>
				cumulative effects related to prescribed burning in these five project areas.
4-8	My ability to comment is compromised because I have not received a full project report file for this project.	Process	C	This comment is conjectural in nature and not supported by factual evidence. The responder was provided with verbal clarifications and additional maps as requested (maps were provided after the 30 day comment period, but comments related to them are included in the project record and were considered in analysis).
4-8	No effort has been made to contact those that have expressed an interest in the area(s) and who have direct knowledge of the area(s).	Process	D	This comment is conjectural in nature, and is not supported by factual evidence because; this responder received a full project scoping letter and Notice for Comment package. In addition the responder received an email from Archeologist Jamie Bennett in which she requested any information he may have related to heritage resources.
15	Use of a CE in this case would be inadequate, inappropriate, and illegal.	Process	C	Thank you for your comment.
3, 14, 15, 18, 16, 35-88	We were not given proper notice for such a major/huge project.	Process	B	The requirement for a 30 day comment period has been followed.
3, 14, 15, 18, 35-88	Insufficient time has been allotted for concerned citizens to comment.	Process	C	The requirement for a 30 day comment period has been followed.
3, 14, 15, 18,	The NEPA process, which would include thorough	Process	D	The responder provided no evidence that the Forest Service is not following the NEPA process. The comment suggests various types

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35-88	cultural and environmental studies, is not being followed.			of analysis that needs to occur. Appropriate environmental analysis was conducted, as required by law and to the extent needed to determine whether the proposal would result in significant impacts or not.
3, 14, 15, 18, 35-88	The NEPA process, which would include asking for public comment, is not being followed.	Process	D	The requirement for a 30 day comment period has been followed.
17	A CE was never meant to be used a tool to by-pass the publics absolute right to comment on projects done on public lands.	Process	C	This conjectural comment is irrelevant to the decision to be made.
17	In the past a CE was only for things such as placing gravel on a driveway or parking area.	Process	C	This comment is irrelevant to the decision to be made.
11	The U.S. Army Corp of Engineers regulates burning along lakeshores.	Process	B	The USACE has no jurisdiction related to the proposed action(s).
3, 14, 15, 18, 35-88	Cost of aesthetic degradation outweighs perceived benefits.	Recreation	D	Aesthetics will be considered in effects analysis. The comment suggests various types of analysis that needs to occur but the responder provided no specific concerns for consideration.
3, 14,	Impacts to recreation and	Recreation	D	Recreation and aesthetics will be considered in effects analysis. The

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15, 18, 35-88	aesthetics are significant.			comment suggests various types of analysis that needs to occur but no specific concerns or issues.
3, 14, 15, 18, 35-88	Cost of increased water pollution outweighs perceived benefits.	Soils & Water	D	Water quality will be considered in effects analysis. The comment suggests various types of analysis that needs to occur but no specific concerns or issues.
3, 14, 15, 18, 35-88	Impacts to water quality are significant.	Soils & Water	D	Water quality will be considered in effects analysis. The comment suggests various types of analysis that needs to occur but no specific concerns or issues.
3, 14, 15, 18, 35-88	Cost of random killing of non-target organisms outweighs perceived benefits.	Wildlife	D	Wildlife will be considered in effects analysis. The comment suggests various types of analysis that needs to occur but no specific concerns or issues.
3, 14, 15, 18, 35-88	Impacts to habitat are significant.	Wildlife	D	Wildlife habitat will be considered in effects analysis. The comment suggests various types of analysis that needs to occur but no specific concerns or issues.
16	These burns will have significant effects on wildlife.	Wildlife	D	Wildlife will be considered in effects analysis. The comment suggests various types of analysis that needs to occur but no specific concerns or issues.
20	All animals should be out of harms way when the project(s) are implemented.	Wildlife	A	Wildlife will be considered in effects analysis. There is no requirement for the Forest Service to ensure that no animals will be harmed by the proposed action.
29	[Prior to European settlement and for sometime afterward grassland communities	Wildlife	C	Thank you for your comment.

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	created by fire were] very beneficial to a wide variety of wildlife including elk, bison, deer, turkeys and ground nesting birds including prairie chickens and quail.			
29	Fire can reduce the overstory thus permitting light to spark the growth of seeds lying dormant on the forest floor.	Wildlife	C	Thank you for your comment.
29	[The responder has] witnessed a response [a fire stimulated growth of seeds lying dormant on the forest floor] to overstory removal coupled with fire on the Cumberland Plateau and it is dramatic.	Wildlife	B	Thank you for your comment.
29	The response by wildlife [to a fire stimulated growth of seeds lying dormant on the forest floor as a result of overstory removal coupled with fire on the Cumberland	Wildlife	B	Thank you for your comment.

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	Plateau] has been amazing.			
29	The response by a large number of dependent plants [to a fire stimulated growth of seeds lying dormant on the forest floor as a result of overstory removal coupled with fire on the Cumberland Plateau] has been amazing.	Wildlife	B	Thank you for your comment.

## Issues

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### Non-Significant Issues

The Forest Service separated the issues into two groups: significant and non-significant issues. Significant issues were defined as those directly or indirectly caused by implementing the proposed action(s).

Non-significant issues were identified as those:

- 1) Outside the scope of the proposed action(s);
- 2) Already decided by law, regulation, Forest Plan, or other higher level decision;
- 3) Irrelevant to the decision to be made; or
- 4) Conjectural and not supported by scientific or factual evidence.

The Council on Environmental Quality (CEQ) NEPA regulations require this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..."

Issues which included topics such as: the NEPA process and appropriate level (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement), funding priorities; Consulting Party Status (under the National Historic Preservation Act); and general concerns (including concern over, dislike of, disagreement with, approval of, and agreement with the proposed actions) were regarded as non-significant and eliminated from detailed study because they are outside the scope of the proposed action(s); or irrelevant to the decision(s) to be made.

Issues which included topics such as; air quality, climate change, wildlife effects, heritage resource effects, and cumulative effects were regarded as non-significant because they were largely conjectural in nature and not supported by science or factual evidence, or were already decided by law, regulation, Forest Plan, or other higher level decision (i.e. would normally be considered in effects analysis). In most cases these issues are normally addressed in Environmental Assessments. Following is an examination of what we believe to be the concerns raised by scoping responders, and Forest Service specialists related to implementation of the proposed action:

### Wildlife Resources

**Concern:** Non-target organisms in the project area(s) may be impacted and wildlife will be generally negatively impacted. Responders are also concerned about cumulative affects related to wildlife.

**How this concern should be measured for significance:** The appropriate indicators for this concern are Species of Viability Concern and Management Indicator Species (MIS). The appropriate scale (affected environment) in which to consider this concern varies by species, due to varying life histories and habitat requirements.

**Consideration:** The Forest Service agrees that some species will be harmed by the proposed action(s). However, we believe in order to realize a benefit for a large number

of species that depend on habitats created by the proposed action(s) this is an acceptable condition. Effects to proposed, endangered, threatened, Regional Forester's sensitive species (PETS), and management indicator species (MIS) were analyzed in the Biological Assessment/Evaluation and the MIS Evaluation, which can be found in the project record, and no significant effects are expected. Together, these documents constitute a hard look at direct, indirect and cumulative impacts to wildlife. The best available science indicates that the proposed action(s) will have only negligible or beneficial effects for wildlife. Monitoring and observation of similar past activities indicates that prescribed fire can be applied in a manner which does achieve stated objectives. In fact, an Indiana bat may have been detected on the NRA as a result of oak-grassland restoration. An echolocation call was recorded by an acoustic sampling device in the Prior Creek oak-grassland area in 2007. This was the first indication of Indiana bats on the NRA despite nearly 14 successive years of netting and sampling. While the detection does not meet the U.S. Fish and Wildlife Services criteria for a documented occurrence record, we are hopeful that Indiana bats will inhabit the NRA in the near future. There is no indication that the FS should consider an alternative to the proposed action(s) based on these concerns.

## Heritage Resources

**Concern:** Prescribed fires have the potential to damage or even destroy heritage resources that may be within the proposed project area(s). Responders wanted to ensure that people will be allowed to provide information about heritage site locations that may be within proposed prescribed fire project locations to the FS for consideration during the planning process.

**How this concern should be measured for significance:** The appropriate indicator for this concern is documented compliance with Section 106 regulations (36CFR800) of the National Historic Preservation Act of 1966, as amended, as well as the NEPA process. The appropriate scale (affected environment) in which to consider this concern is limited to the proposed actual burn and contingency project area(s) because no action which could impact these resources is planned beyond these area(s).

**Consideration:** The Forest Service disagrees. This concern will be addressed in the EA, however no impacts are expected. Compliance with Section 106 regulations (36CFR800) of the National Historic Preservation Act of 1966, as amended, as well as the NEPA process ensures that the public is given the opportunity to provide input on heritage resources. A request for public comment about heritage resources within the proposed project area(s) was included in the project initiation letter and through the NRA project website. In addition, the FS contacted individuals that indicated they were interested or who had knowledge about heritage resources that may be affected by the proposed action(s). No additional public input was given.

Pre-burn surveys have been conducted; sites have been assessed for likely impacts and site protection plans will ensure no impact to heritage resources. The Kentucky SHPO has concurred with the assessments and protection plans for the Crooked Creek, School House, and Three Ponds projects. The Tennessee SHPO has concurred with the assessments and site protection plans for the Buffalo Trail and Neville Creek projects. Concurrence letters can be found in the project record. No impact is expected. There is

no indication that the FS should consider mitigations or an alternative to the proposed action(s) based on these concerns.

## **Scenery & Aesthetics**

**Concern:** The proposed action(s) may negatively impact aesthetic quality and reduce the quality of recreation experience. Responders are also concerned about cumulative affects related to aesthetics and recreation.

**How this concern should be measured for significance:** The appropriate indicator for this concern is scenic quality. The appropriate scale (affected environment) at which to consider these concerns is limited to the project area(s) because no effects to scenic quality or aesthetics are expected beyond the project area(s).

**Consideration:** The Forest Service disagrees. This concern will be addressed in the EA; however potential effects appear to be limited in scope. The affected environment for scenery is limited to the project area(s), primarily because no scenic vistas exist. No meaningful panoramic view affords an opportunity to view any of the project areas in conjunction with other areas. These project areas are only visible from the immediate vicinity. In addition, many people have commented in the past that oak-grasslands, prairies, and other fire-maintained ecosystems are visually appealing. In fact, fire hazard reduction burning in and around many of our developed camping facilities repeatedly draws comments to continue the practice because visitors say they enjoy the open nature of the forest. While fire-mediated ecosystems may not be enjoyed by most of the 67 responders, the NRA is over 170,000 acres and a large portion of it is not managed for fire-mediated habitats; opportunities for recreation in areas not affected by fire abound. There is no indication that the FS should consider mitigations or an alternative to the proposed action(s) based on these concerns.

## **Soils & Water (subject to revision)**

**Concern:** The proposed action will have negative cumulative effects to soil and water quality. Respondents were generally concerned about potential soil erosion and water quality.

**How this concern should be measured for significance:** The appropriate indicator for this concern is soil erosion and water quality compared to baseline conditions. The appropriate scale (affected environment) at which to consider a change in soil erosion is limited to the project area(s). The appropriate scale at which to consider changes in water quality is the watershed level.

**Consideration:** The Forest Service disagrees. The proposed action(s) is not likely to lead to increased soil erosion above the baseline and may improve water quality by increasing herb cover in riparian areas which will increase filtration of baseline and project implementation related surface soil erosion. Soil and water impacts will be addressed in much detail in the EA.

## Air Quality

**Concern:** Local and regional air quality may be negatively impacted (by smoke) and proposed action(s) may affect air quality in general. Responders are also concerned about cumulative affects related to air quality.

**How this concern should be measured for significance:** The appropriate indicator for this concern is whether the FS is adhering to Federal and State laws (or policy, guidelines, best management practices, etc) with respect to the National Ambient Air Quality Standards or other State enforced measures. Land Between the Lakes (LBL) lies within Lyon Co. and Trigg Co., KY, and Stewart Co., TN. Due to the fact that air pollution is transported locally and regionally, and that air quality monitoring is limited on the NRA; an area larger than the NRA must be used to described air quality and the effects of emissions from proposed activities. Therefore, the scope of this analysis is broadened to include counties within 50 kilometers (30 miles) of the NRA boundary. The analysis area includes the following counties: Caldwell, Calloway, Christian, Crittenden, Graves, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg and Webster in Kentucky; Hardin, Massac and Pope in Illinois; and Benton, Carroll, Dickenson, Henry, Houston, Humphries, Montgomery, and Stewart in Tennessee. The affected environment is air quality within these counties.

**Consideration:** The Forest Service disagrees. This concern will be addressed in the EA; however potential effects appear to be limited in scope. The Forest Service takes air quality and smoke management very seriously. Each prescribed fire is documented in a Prescribed Fire Plan or PFP. An element to in the PFP is smoke modeling and emissions inventory. Fire managers utilize several tools (computerized atmospheric dispersion models and charts) and years of experience to predict what will be consumed, the emissions that will be created, and where the smoke will go.

Emissions from the proposed action constitute a very small part of overall fine particulate emissions in the analysis area. However some area monitors have been measuring concentrations near the standards and if smoke from the proposed action were to disperse toward these areas, emissions could contribute to exceedences of the 24-hour  $PM_{2.5}$  NAAQS, and potentially the annual  $PM_{2.5}$  NAAQS. If Stewart County, TN becomes a nonattainment area, General Conformity Determinations will have to be made prior to conducting burning. Overall, it will be important for the NRA to be aware of air quality in the area and implement prescribed burning in a manner that minimizes impacts to smoke sensitive areas. With a well designed smoke management plan, prescribed burning can be implemented and air quality impacts minimized.

While some responders indicated that smoke from the proposed actions may contribute to generally poor air quality at certain times of the year and along the major river corridors in the vicinity of the NRA, there is no indication that this will be the case.

## Carbon Storage & Climate Change

**Concern:** The proposed action(s) may contribute to climate change (which was also referred to as global warming); the proposed action(s) may affect the project area(s) ability to store (or sequester) carbon, and will release carbon currently stored in the project area(s).

**How the concern is be measured for significance:** The appropriate indicator for these concerns is proportionality relative to carbon storage and climate change. The affected environment for climate change is two-fold. First, climate change may affect the natural resources on the NRA. In this case the affected environment of climate change is limited to the project area(s). Secondly, prescribed fires release stored carbon and may affect carbon storage ability. In this case the affected environment is global.

**Consideration:** The Forest Service agrees that some carbon will be released by these proposed actions and the NRA (including the project area(s)) will undoubtedly be impacted by climate change. While the release of stored carbon may be an obvious concern, it is not well understood what effect the proposed action(s) may have on carbon storage capacity. Nor is it well understood what affect the carbon released by the proposed actions will have on the global environment. By any measure the contribution of proposed action(s) is extremely small and when combined only result in a possible impact of 5,000 acres ( $\approx 3\%$  of the NRA). The remaining 97% of the NRA will be unaffected by these projects, but will continue to be affected by climate change. At this time, given the divergence of scientific views, there is no standard by which to evaluate the impact of climate change on the proposed action(s). On the reverse, any contribution to improving global conditions is not practical to measure either. (suggested change ore perhaps delete?) There is no indication that the FS should consider mitigations or an alternative to the proposed action(s) based on these concerns.

## Significant Issue Consideration

One topic relating to ignition of prohibited materials merits special consideration. One responder raised the issue of possible prohibited materials in the project area(s) which if ignited would violate air quality regulations. While the responder did not specify what type of prohibited materials may be present, items such as old discarded tires, Styrofoam ice-chests, and plastic bottles are known to be present in most areas of the NRA. In some cases these items have recently been illegally discarded in the forest or have washed up on NRA shorelines. In other cases (such as old tires) they were discarded long ago and have persisted. Under any scenario these items are prohibited under Kentucky and Tennessee open burning laws and must not be burned.

A total clean up of prohibited materials is not feasible or practical and is beyond the scope of these projects. While interior areas could potentially be cleaned up, shoreline areas would see a nearly annual re-deposition of prohibited materials. In addition, some of the prohibited materials potentially have historic significance. In the case of old tires around home-sites, removal may be detrimental to recording of related historic materials.

A feasible design criterion to prevent a significant effect to the quality of the human environment is to survey high probability areas such as road-sides, lake-shores, old home-sites, and back-country camping areas and remove or isolate prohibited materials

so they don't ignite. Items removed would be properly disposed. Isolation of prohibited materials would be done by means of raking leaves and other natural combustible material away from them or moving them to an area which is not expected to burn, such as bare soil or gravel. With measures taken to remove or isolate prohibited materials any materials that are missed are expected to be small, isolated, and rare and are expected to have minimal effects to air quality. This design criteria will effectively eliminate or greatly reduce the possibility of violating regulations pertaining to the burning of prohibited materials.

## Approval

I approve of the above comment responses and consideration of issues.

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William P. Lisowsky  
Area Supervisor

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Date