

Scoping Summary and Issues Approval
Devil's Backbone Project
Environmental Assessment
December 2008
Prepared by J. Loos

Scoping Notices and Results

The proposal for the Devil's Backbone Project was first listed in the Schedule of Proposed Actions for the period of July 1, 2008 to September 30, 2008. The proposal was published in the Paducah Sun and the Stewart-Houston Times and provided to the public and other agencies for comment during two separate scoping periods: June 21, 2008 to July 22, 2008 and October 21, 2008 to November 21, 2008. The June 21 scoping letter resulted in 61 comments via e-mail. Out of those 61 responses, 58 arrived as identical form letters. We received 78 e-mail comments in response to the scoping letter dated October 21. These comments included 76 identical form letters. In addition, as part of the public involvement process, the agency posted project updates on the website. We also attempted to contact each scoping responder that submitted a unique comment via email and telephone to discuss their responses to the scoping letters.

Using the comments from the public, and other agencies, the interdisciplinary team developed a list of issues to address.

Issue Development

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

Non-significant issues were identified as those that are:

- Beyond the scope of the proposed action
- Irrelevant to the decision to be made
- Already decided by law, regulation, or policy (Area Plan, etc.)
- Conjectural in nature or not supported by scientific evidence
- The magnitude, extent, duration, speed, and direction of preliminary effects are considered limited.

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)..." A list of non-significant issues and reasons regarding their categorization as non-significant may be found in the project record.

The Forest Service identified no significant issues as a result of the scoping process, although several comments have led to a revision of the original proposed action.

Each comment was considered for significance, and documented in the project record. In addition, each program area was asked to identify issues, and these were discussed during IDT meetings. There are no significant issues. A general discussion of the findings for each comment category follows.

General: Most of the comments coded in this category were general opposition of active vegetation management in the project area. One comment suggested that the Forest Service consider ecosystem services that are provided by undisturbed forests. The effects of forest management were considered in the plan EIS. Alternative 1, also known as the “no action alternative” will involve the analysis of the forest in the project area undisturbed by vegetation management or any recreational activities.

Core Area: There were a few comments directed at core area management; specifically that the plan called for the “minimum management necessary”. Documentation on page 31 of LBL’s Land and Resource Management Plan (LRMP) expresses that active vegetation management will be needed in the Devil’s Backbone Area even though it is located within the core area. This specific area within the core area is outlined for such management in the LRMP.

Policy/Plan: Comments under this category include that individuals don’t agree with the plan, and an EIS should be prepared because the proposed action includes a plan amendment. The plan is already a decided policy that involved public participation. As a part of Forest Service policy, the responsible official has chosen to prepare an EA. After the EA is completed, he will decide if the possible effects of the project or plan amendment warrant the preparation of an EIS.

Vegetation Management: Comments in this group stated that shortleaf pine would naturally persist in the project area and suggested that an alternative include spot planting of shortleaf seedlings under the forest canopy. The best available science does not lead us to believe that these ideas are true. Alternative 1 or the “no action” alternative addresses this because no action would be taken

Herbicide Use: A commenter questioned the effects of glyphosate and clopyralid. One comment mentioned a study that suggests that certain formulations of glyphosate (Round Up) can be harmful to amphibians in an aquatic environment. This study is not relevant to any alternative since glyphosate application is not proposed in riparian areas. The other comment stated that clopyralid was persistent in compost and has been banned in some areas. This is irrelevant because the use of clopyralid is not part of any alternative. The effects of proposed herbicide use will be discussed in the EA.

Non-Native Species (NNIS): One comment questions the feasibility of controlling NNIS and asks about monitoring. The EA will document the effects of current and projected future NNIS as well as proposed control methods. The NNIS monitoring system will also be documented in the EA.

Fire: Comments in this group question wildfire history of the project area and also state that a hot fire can kill mature shortleaf pine. LBL has documented about 26 fires within two air miles of the project area since 1965. The EA will document the effects of the prescribed fire on vegetation.

Soils/Water: Comments in this group centered on effects of logging equipment use on soil and water resources. These effects were documented in the FEIS for the 2004 Area Plan. The maximum percent of affected area is defined in the Area Plan standards on page 76. The EA will document site specific effects.

Public Involvement: One commenter expressed the need for a transparent process. LBL has and will continue to discuss and disseminate information throughout the project, not just during the initial scoping and 30-day notice and comment periods required by the NEPA and Appeals Reform Acts. The website is frequently updated.

Heritage: A couple of the respondents expressed concern and confusion about the section 106 consultation process for this project. Section 106 of the NHPA requires federal agencies to consider the effects of their projects on historic properties. The public has been and is continually invited to share any information with the Forest Service about the history of the project area.

Devil's Backbone EA Issues Approval

The scoping summary captures the comments received as of November 22, 2008 for the Devil's Backbone EA. There are no significant issues. The non-significant issues are adequately described in this summary and specifically described in the comment analysis in the project record.

Approved by:

/s/ William P. Lisowsky

William P. Lisowsky, Area Supervisor
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January 16, 2009

Date