



United States
Department of
Agriculture

Forest
Service

February 2010



Scoping Comment Analysis

Devil's Backbone Prescribed Fire Project

Land Between The Lakes National Recreation Area
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 January 1st, 2010 as a potential Categorical Exclusion (CE). A hard copy of the SOPA can be found in the project record.

Scoping

The proposal was provided to the public and other agencies (94 separate entities) for scoping starting on January 14th, 2010. The scoping letter and responses can be found in the project record. Using the comments from the public, the project team developed a list of issues to address.

In all, six individuals (as shown in Table 1 below) submitted seven responses (emails) to our request for comments. Most responses contained several comments.

Twenty eight comments were parsed from the responses we received and divided into functional groups (such as process or fire effects) and evaluated for content and significance. Some comments were broad and some were very specific, but most raised potential issues related to the proposed action. Preliminary issues can be found in Table 2 below; many of them are also addressed in more detail below. Actual comments from which these concerns were distilled can be found in the project record.

After the scoping letter was mailed, a typographical error was found in the SOPA; the expected implementation date for the project was erroneously displayed as March, 2011. An email, addressed to the scoping mailing list (94 entities), correcting the proposed implementation date to March, 2010 was sent on January 21st, 2010.

Letter No.	Comment Letter Name	Tracking Description
1	Jerry McCarty	email
2	Bob Craven	email
3	Kevin Murphy	email
4	David Nickell	email
5	David Nickell	email
6	Mark Donham	email
7	Kristi Hanson	email

Table 2. Comments, grouping, significance consideration, and preliminary responses.				
<p>A- Beyond the scope of the proposed action B- Irrelevant to the decision to be made C- Already decided by law, regulation, Area Plan, policy, etc. D- Conjectural in nature, not supported by science E- The magnitude, extent, duration, speed, and direction of preliminary effects are considered limited S- Potentially significant issue</p>				
Letter No.	Preliminary issue as presented by the commenter	Group	Consideration	Response/Rationale
6	“...this kind of management is totally inconsistent with managing for maximizing carbon storage and other ecosystem services.”	Carbon Storage	C/D	The Forest Service disagrees. See discussion of carbon storage after this table.
5	“These (Core Areas) are intended to be the measuring stick against which it can be determined whether management practices are really producing the benefits claimed.”	Core Area	C	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. See core area discussion after this table.
5	“If these (Core Areas) areas are “managed” along with the rest of LBL there will be no objective criteria for evaluating the efficacy, or harm, of the practices being conducted.”	Core Area	C	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. See core area discussion after this table.
5	“Portions of Core Areas have been burned in the past— without informing the public	Core Area	B	The Forest Service has always followed the appropriate process for public involvement. This comment does not relate to Devil’s Backbone.

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	that it was going to happen.“			
3	“We all agreed that a prescribe burn is one on the most cost effective tools that can be used to maintain and enhance the habitat for the majority of game and non game species that one may encounter in the LBL.”	Fire Effects	C	The use of fire for shortleaf pine management is a well established scientific management practice.
3	“I...anticipate that it (proposed action) will someday return to its original state through proper management.”	Fire Effects	C	The use of fire for shortleaf pine management is a well established scientific management practice.
5	“How the stand of short leafed pine, which is rare in this area, should best be managed is, at best, controversial.”	Fire Effects	D	The use of fire for shortleaf pine management is a well established scientific management practice. See fire effects discussion after this table.
6	“I have no doubt that you are going to do this thing (prescribed burn), and that there are going to be serious negative consequences to it	Fire Effects	D	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. The use of fire for shortleaf pine management is a well established scientific management practice to regenerate shortleaf pine to benefit the species. See fire effects discussion after this table. The Forest Service believes it has followed

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	which will in the long run degrade the area.”			the appropriate process for public involvement. The Forest Service further believes it is in full compliance with the National Environmental Policy Act.
1	“If this burn will adversely affect the browse and available food supplies for the deer I wish you could reduce the size of the area involved – perhaps half the size for this burn and again in 5 years or so complete the rest.”	Fire Effects	D	The use of fire for shortleaf pine management is a well established scientific management practice. The Forest Service expects browse and forage availability will increase after soon after treatment. Experience with other treatment areas on LBL has demonstrated significant increases in browse availability post-burn with effects lasting several years
7	This (the project area) is such a wonderful natural area. Having very little impact from human management. It is a shame to use such a intense potential damaging fire in this area is wrong. If it ain't broke don't fix it	Fire Effects	D	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. See core area discussion after this table. See fire effects discussion after this table.
2	“I have preached for years that you should do this (prescribed	Fire Effects	C	The use of fire for shortleaf pine management is a well established scientific management practice.

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	burn) so don't let up. This would help everything in the area including getting rid of a lot of ticks.”			
5	“Cemeteries have been burned, sites grossly misrepresented in terms of what is on the ground in these work areas, and concerns from the public with special knowledge and relationship to the place have been ignored.”	Heritage	A	The Forest Service has followed the appropriate processes for inclusion of public comments. The Forest Service has considered all of the comments and information provided by the public. See heritage discussion after this table.
5	“Not providing the public with a detailed list of what (cultural and heritage resources) the Forest Service knows about these areas denies the public the opportunity to determine whether their descriptions are in any way consistent with reality (see the Moss Creek burn project as an especially	Heritage	D	The Forest Service has followed the appropriate process for public involvement. See heritage discussion after this table.

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	obvious example of what I mean).”			
5	“Those whose heritage is at stake deserve to know what measures are being taken to protect heritage sites, even though the stated protection measures have not been consistently followed in the past. I can provide photos (of damaged heritage sites) to prove this if needed.”	Heritage	A	The Forest Service has explained protection measures for heritage sites. Protection measures have evolved to avoid similar damage that occurred in the past. See heritage discussion after this table.
5	“Proper consultation has not been taking place.”	Process	D	The Forest Service has followed the appropriate processes for all public involvement, including required consultation.
5	“A Categorical Exclusion is just a way to further remove the public from the process so that aspects of the public’s land that hold deep significance to us do not have to be taken into account at all.”	Process	A	The Forest Service has followed the appropriate process for public involvement.
5	“The Devil’s Backbone project	Process	A	The Forest Service believes using prescribed fire in the Devil’s

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	is inside a Core Area. To Categorically Exclude the project without any analysis is counter to the Management Plan and must not be undertaken.”			Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act. See core area discussion after this table.
5	“The Forest Service has suddenly (coinciding with funds being available) determined that fire is the best treatment for any situation in any habitat.”	Process	A	Funds availability is beyond the scope of the proposed action.
5	“A Categorical Exclusion would mean that the Forest Service does not even have to make the case, or explain, WHY fire is the best possible treatment; or even what the best outcome should be.”	Process	A	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate as per the 2004 Land and Resources Management Plan. The Forest Service has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act.
4	This (correction of proposed implementation date from March of 2011 to March of	Process	D	The Forest Service believes it followed the appropriate process in issuing the Schedule of Proposed Action date correction.

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	2010) is a pretty large change.			
5	“It (use of a Categorical Exclusion) denies the public—who owns the land—to even consider other alternatives.”	Process	A	The Forest Service has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act.
5	“A Categorical Exclusion would not allow the public to consider, or even know about, other options. This would miss out on a valuable Environmental Ed. component.”	Process	A	The Forest Service has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act. Environmental education efforts have and will continue to address the use of prescribed fire in ecosystem management.
5	“Involve the public and educate us and maybe you won’t have to worry about trying to get around our concerns by adopting Categorical Exclusions!”	Process	A	The Forest Service has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act. Environmental education efforts have and will continue to address the use of prescribed fire in ecosystem management.
6	“The fact that you categorically excluding this from NEPA shows that you aren't serious about the	Process	A	The Forest Service believes it has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act.

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	knowing the impacts of what you are doing, and (2) you have no intention of involving the public.”			
6	“The fact that you categorically excluding this from NEPA shows that you have no intention of involving the public.”	Process	A	The Forest Service has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act.
5	“The proposed practice (action) is counter to the LBL Management Plan.”	Process	C	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan (pg.31). See core area discussion after this table.
	“Changing the policy as outlined in the Management Plan, and as established by precedent in those projects where the public has been involved, under a Categorical exclusion is unacceptable, and I would suspect it (prescribed burning in Core Areas) is illegal.”	Process	C	The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. The Forest Service has followed the appropriate process for public involvement. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act. See core area discussion after this table.

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	<p>“If it is claimed that there is some special need for management in a Core Area, than at the very least there should be a careful study done of the potential impacts and the public should be fully informed and have full involvement in the process.”</p>	Process	D	<p>The Forest Service believes using prescribed fire in the Devil’s Backbone is appropriate and was anticipated in the 2004 Land and Resources Management Plan. The Forest Service has followed the appropriate process for public involvement. The Forest Service further believes it is in full compliance with the National Environmental Policy Act. See core area discussion after this table.</p>

Issues

The Forest Service separates issues into two groups: significant and non-significant issues. Significant issues are defined as those directly or indirectly caused by implementing the proposed action; none were identified.

Non-Significant Issues

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.
5. 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)..."

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 action) 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; carbon storage, fire effects, heritage resource effects, and the NEPA process were regarded as non-significant because they were largely conjectural in nature and not supported by science or factual evidence, 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:

Carbon Storage & Climate Change

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

How the concern is 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. 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 this proposed action and the NRA (including the project area) will undoubtedly be impacted by climate change. There will be reduced risk of catastrophic wildfire realized by taking the proposed action. The potential release of carbon from a catastrophic wildfire is much greater than that of the proposed action. 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 3,359 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). Conversely, any contribution to improving global conditions is not practical to measure either. There is no indication that the FS should consider mitigations or an alternative to the proposed action(s) based on these concerns.

Core Area Management

Concern: There is a concern that using prescribed fire in areas defined as Land Allocation Prescription 1.B – Core Areas is appropriate as per the 2004 Land and Resources Management Plan (LRMP).

How the concern is measured for significance: The appropriate measure for this concern is whether the Forest Service is adhering to the LRMP with respect to fire use in Core Areas.

Consideration: The following excerpt from the LRMP (pp. 30-31) explains the role of Core Areas and the need for management: *Core Areas comprise approximately 42,000 acres on LBL and are designed to facilitate greater understanding of forest environments through collaborative research, administrative studies, and other working relationships. These areas serve as controls in comparative management and, in most cases, have little to no management disturbance. Core Areas provide remote, semi-primitive recreational opportunities that have minimal impacts to ecological systems. They serve as large, medium, and small patches of future old growth and they include two State Natural Areas (SNA); including a native shortleaf pine restoration area. The two SNAs, Devils Backbone and Bear Creek, are managed in cooperation with the Tennessee Department of Environment and Conservation.*

These areas provide good to optimal habitat for mid- to late-seral eastern deciduous hardwood forest associates. Management activities are limited to include only those needed to deal with forest health emergencies, wildfire, restoration and maintenance of

native communities, and recovery of threatened and endangered (T&E) species. Vegetation management may be necessary to prevent a widespread outbreak of insects or disease. In particular, active management, including prescribed fire and timber harvest, will be needed to restore and maintain native shortleaf pine forests in the Devil's Backbone State Natural Area. Within the Devil's Backbone State Natural Area, native shortleaf pine occurs primarily on xeric and dry sites with some evidence of fire and timber harvest. Open forest and woodland conditions exhibit grassy understories and shortleaf pine regeneration. Stands have well developed crowns with abundant cone production and some mixture of oak. Occasional areas of two-aged regenerating forest patches are present.

Further, Table 1.1 of the LRMP (pg. 47) clarifies that prescribed fire is a compatible use of Core Areas. The Forest Service believes that the proposed action meets the intent of the LRMP.

Fire Effects

Concern: There is a concern that prescribed burning in a shortleaf pine area is somewhat experimental and may have negative consequences.

How this concern is measured for significance: The appropriate measure for this concern is whether the Forest Service is making use of best available science with respect to shortleaf pine management.

Consideration: LBL is in the Western Mixed Mesophytic forest region, a transition zone between the Eastern Mesophytic forest region and the Western Oak-Hickory forest region (Franklin and Fralish 1994). Approximately 92% of LBL is forested, with mostly second and third growth hardwoods comprised mainly of oak species (Franklin and Fralish 1994). The rest of LBL is comprised of open lands.

The project area is comprised primarily of two age classes; 80-120 year old shortleaf pine-oak mix and a younger oak forest in the understory and mid-canopy. Smaller areas are comprised of the following forest types:

- mid-aged shortleaf pine forest
- mid-aged xeric-dry oak forest
- mid-aged coniferous forest
- mid-aged and mature patches of mesophytic forest (<50 acres)

The oak forest is comprised primarily of chestnut oak (*Quercus prinus*), white oak (*Quercus alba*), scarlet oak (*Quercus coccinea*), post oak (*Quercus stellata*), black oak (*Quercus velutina*), and pignut hickory (*Carya glabra*). There are also several other hardwood species in the understory, including: sourwood (*Oxydendrum arboreum*), blackgum (*Nyssa sylvatica*), flowering dogwood (*Cornus florida*), and sassafras (*Sassafras albidum*).

There are multiple non-native invasive species (NNIS) that occur in the project area. These primarily occur in the open areas of the project area, including small patches of open lands along the northeastern and western edges and along the trails and road corridors within the site. Loblolly pine (an NNIS) occurs throughout the project area.

The Area Plan calls for a shortleaf pine forest within the Devils Backbone State Natural Area on xeric and dry sites, with evidence of fire and timber harvest. Prescribed fire will create more open forest and woodland conditions with grassy understories and regenerating shortleaf pines. There will still be oak species interspersed with the shortleaf pine. Currently, there is predominantly a single age class of shortleaf pine represented in small patches, with no recruitment of new trees. The proposed action will create opportunities for new recruitment of shortleaf pine seedlings, and over time a series of age classes will occur within the project area. NNIS will be controlled, and trail corridors will begin to have more native grasses and forbs along them.

Research on long-term effects of fire in this region shows that overall, native communities benefit from fire to the exclusion or reduction of non-native species (e.g., McCarty 2002, Chester et al. 1997), and managing lands with fire in conjunction with use of herbicides effectively controls many non-native species, particularly *Sericea lespedeza* (Harper et al. 2007).

In general, the Western Highlands Rim (Interior Low Plateau Eco-region) is suffering from effects of nearly a century of fire exclusion (Franklin and Fralish 1994). On LBL fire exclusion began 60 years ago, when local landowners stopped using fire (Figure 1; Guyette et al. 2008); aboriginal use of fire was documented as early as AD 1568 (Pardo 1569). The result of fire exclusion in this region has been succession and densification of the forest canopy (Apfelbaum and Haney 1987).

It is more realistic to view the forest on LBL not as a resource to be protected from the anthropogenic disturbance of wildland fire, but rather as a fire-mediated ecosystem suffering from fire exclusion (Abrams 2006; Artman et al. 2005; Brawn et al. 2001; Davis et al. 2000; Delcourt and Delcourt 1997; Deselm 1994; Engstrom 2000; Guyette et al. 2002a; Guyette et al. 2002b; Hamel and Buckner 1998; Hicks 2000; Homoya 1994; Kilgore 1976; Loewenstein and Davidson 2002; Ruffner 2006; Shumway et al. 2001; Van Lear et al. 2000; Van Lear and Waltrop 1993; Williams 2001). Fire affects Western Highlands Rim ecosystems primarily by having a thinning effect on the forest canopy and mid-story, as well as removing accumulated leaf litter. The effects of fire in once-burned forest stands are evidenced by a general reduction in the shrub layer and some thinning of the understory. This will provide more suitable conditions for shortleaf pine seedlings to germinate. In often-burned forest stands, a well developed herb layer is present, along with abundant sunny spots and a generally open canopy structure (Hutchinson and Sutherland 2000; Hutchinson and Dickinson 2006; Pierce 1994). This augmented herb layer contributes greatly to carbon sequestration by producing high levels of primary productivity and biomass (McCarty 2002).

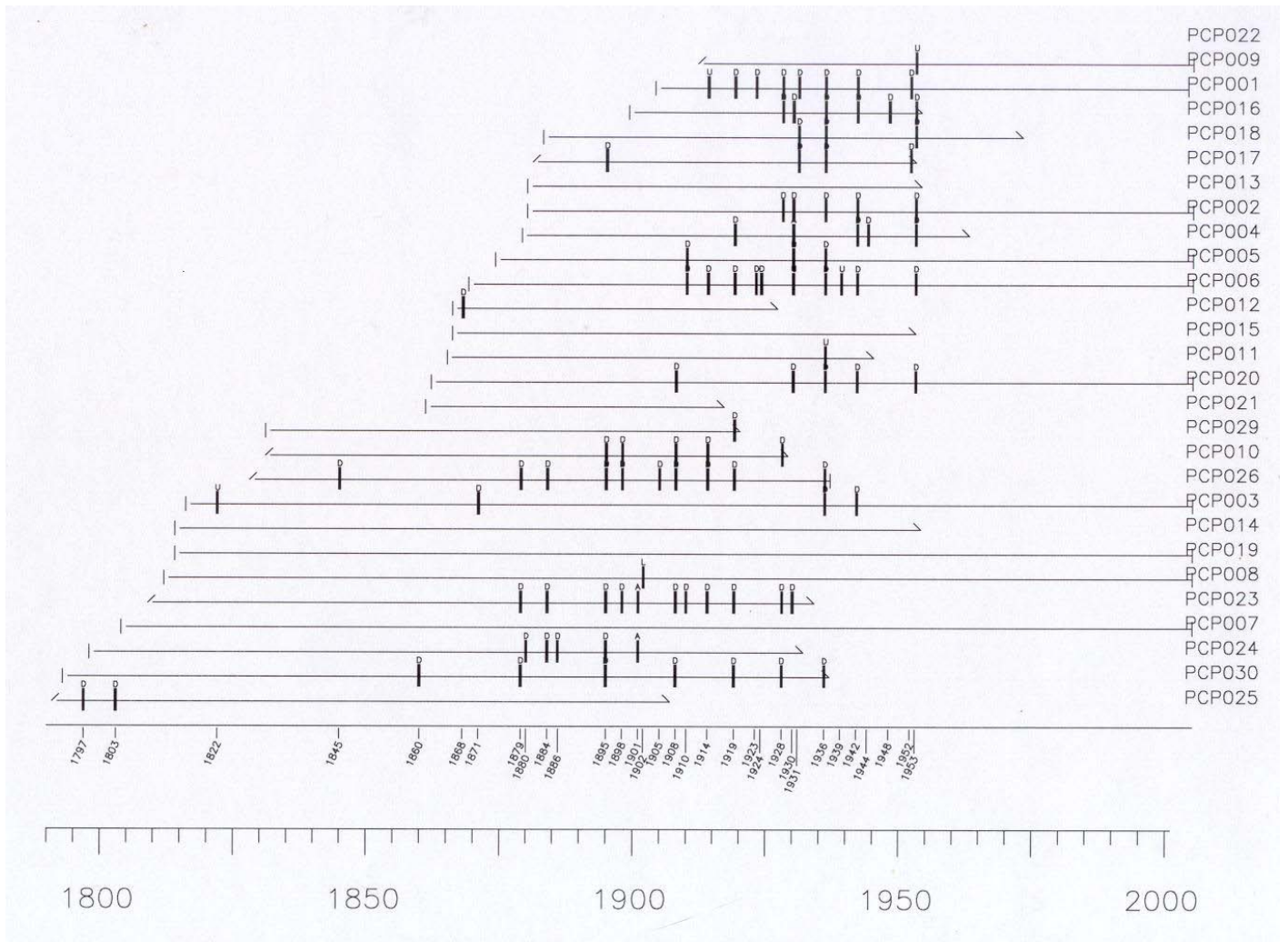


Figure 1. A fire history diagram for a shortleaf pine site with the Devil's Backbone area at Land Between the Lakes. Dark vertical lines represent fire scars while horizontal lines represent the rings of a tree. The bottom line is the composite of all the fire scars and best represents the presence of fire at the site.

Shortleaf pine (*Pinus echinata*) is a declining species, not only at LBL where it occurs in the southwest portion, but in all of North America (Noss et al. 2001). The proposed project area is recognized as a Tennessee State Natural Area (SNA) and is managed in cooperation with the State of Tennessee to restore and promote shortleaf pine.

The lack of fire disturbance, beginning in the early 1950's, within the current LBL stands of shortleaf pine (reference Figure 1 above) has led to the gradual succession of shortleaf dominated stands to more upland oak forest types. Shortleaf pines can germinate in partial shade, but will not live beyond two or three years without full sun (Shelton and Cain 2000). A landscape in which fire is allowed to create a disturbance will eventually discourage advanced hardwood regeneration, reduce the leaf and duff layer, and reduce the competitive advantage of non-native invasive species that did not evolve with fire, allowing pine seeds to contact the mineral soil and germinate (Shelton and Cain 2000).

Shortleaf pine is even more shade intolerant than oak species. In order to successfully regenerate naturally, evenly distributed canopy gaps are needed between the remaining large shortleaf pines, as the seedbed. In addition small, hardwood trees in the understory will need to be controlled until the shortleaf regeneration can become well established (Shelton and Cain 2000).

The focus of this management action is to provide for the regeneration of a shortleaf pine ecosystem on approximately 3,359 acres, and thereby to improve wildlife habitat. The most recent forest stand exam survey, conducted in the summer of 2007, revealed that the area of degrading shortleaf pine community was more widespread than accounted for in the 2004 Land and Resources Management Plan (Area Plan) prescription area map (located in Appendix 7 of the Area Plan).

Heritage Resources

Concern: Prescribed fires have the potential to damage or even destroy heritage resources that may be within the proposed project area. 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 is 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 because no action which could impact these resources is planned beyond this area.

Consideration: 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. Consultation with the State Historic Preservation Officer (SHPO) as required has been completed.

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 Tennessee SHPO has concurred with the assessments and site protection plans for the Devil's Backbone project. The concurrence letter 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.

NEPA Process

Concern: There is a general concern that use of a Categorical Exclusion will or is an effort to short-cut the public involvement process.

How this concern is measured for significance: This concern cannot be measured for significance; it is beyond the scope of this analysis. However, this project appeared on the SOPA and a scoping letter was mailed to over 94 entities (individuals, groups, agencies, organizations, and governments) in an effort to inform them of this

proposed action. Use of a categorical exclusion for the proposed action is in full compliance with the National Environmental Policy Act.

Consideration: This potential issue will not be considered further in this analysis.

Approval

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

/s/ William P. Lisowsky

March 2nd, 2010

William P. Lisowsky
Area Supervisor

Date