



United States  
Department of  
Agriculture

December 2003

*Type of Document:* **Decision Memo**

*Project:* **Athens Prescribed Fire Program**

*Administrative Unit:* **Athens Ranger District  
Wayne National Forest  
USDA – Forest Service**

*Geographic Location:* **Athens and Hocking Counties**

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## **I. Decision To Be Implemented**

### **A. Description of Decision**

After careful consideration of an environmental analysis completed in January of 2003, I have decided to implement a prescribed fire program on 2,035 acres in the Athens Ranger District of the Wayne National Forest. Treatment units would include

- ◆ Utah Ridge (675 acres),
- ◆ Big Bailey (460 acres),
- ◆ Middle Bailey (325 acres), all in Dover Township T10N R14W, Athens County, and
- ◆ Kern Prairie/Peabody Tract (575 acres) in Starr Township, T12N R16W, Hocking County.

While the cost of this alternative will depend on site-specific terrain, necessary containment lines and containment forces, Wildland Urban Interface, and complexity, the project is estimated to cost between \$100/acre to \$700/acre.

There would be limited and selective removal of woody shrub (sumac) and tree species (pine) including saplings and non-merchantable trees in the Kern Prairie/Peabody Tract. Trees encroaching on the forest openings within the Middle Bailey and Utah Ridge units would be selectively removed. No trees greater than 6" Diameter at Breast Height (DBH) would be removed. There would not be any tree removal to reduce hazardous fuels in the oak/hickory forest treatment units under this action; however, hazardous trees may be removed for human health and safety reasons. In special cases, fuels would be cleared away from snags identified as bat roost trees to protect them from prescribed fire, or the fire line would be relocated to avoid snags. Overall snag retention would be consistent with the guidance outlined in the Forest's Land and Resource Management Plan. No new roads would be constructed.

General activities to be undertaken in preparing for and executing prescribed fires include fire line construction, hazard tree mitigation, prescribed fire ignition, and mop-up. While all of these activities would not necessarily occur prior to each individual prescribed fire, some combination of them is likely. All terrain vehicles (ATVs) would be used for access to areas within treatment units.

Approximately 2.1 miles/year of fire lines will be constructed, the majority of which are natural and/or existing fire lines. New fire lines would be constructed to a 3-4 foot width where no suitable roads or trails exist. Fire line construction would involve the removal of vegetation and duff layers to bare mineral soil (for all of the project areas) using hand tools (e.g. pulaskis, shovels, rakes, McCleods), power tools (e.g. chainsaws, weed eaters, leaf blowers, brush cutters, etc.), and mowers

and/or brush hogs. Vegetation, including downed fuels, would be brushed away from fire lines to ensure clear, adequate breaks. Fuels that provide a path to the crowns of trees (ladder fuels) would be removed. Hazardous trees on the fire line or directly adjacent to it will be removed for safety. Forest Service specialists would determine rehabilitation measures for fire lines following post-burn site analyses.

Fire lines would be offset from private land boundaries to protect private lands. The approximate amount of shared boundary for each unit is:

- ◆ Peabody Tract/Kern Prairie – 4.1 miles (encompassing the entire unit);
- ◆ Utah Ridge – 600 feet;
- ◆ Big Bailey – 1 mile; and
- ◆ Middle Bailey – 600 feet.

Prescribed fire ignition would involve lighting fires in order to burn an area behind the fire lines. Drip torches containing a mix of gasoline and diesel fuel would be the most common source of ignition. Fusees (magnesium), “ping pong balls” (potassium permanganate and glycol injected into plastic balls), or other ignition devices may be used. The burn area would be mopped up using hand and power tools and/or water to ensure prescribed fires are out and a source of ignition is not left behind to start an unwanted fire.

Prior to each prescribed fire, a prescribed fire plan would be developed taking into consideration weather conditions, humidity, fuel loadings, and fuel burn rates at a given moisture content. All prescription conditions must be met before a prescribed fire is ignited. If a prescribed fire burned out of prescription or weather conditions changed during the fire, the Forest Service would implement a contingency plan, which may include total suppression.

The spring fire season for the Forest is between February and May and the fall fire season is between September and December. Prescribed fires in the Kern Prairie/Peabody Tract would primarily be conducted in February and March while fires in Utah Ridge, Big Bailey, and Middle Bailey would primarily be conducted in March and April. These months are generally the driest and coldest months and present the most favorable weather conditions for prescribed fire. The Forest may also conduct prescribed fires during the fall fire season between September and December. The Forest intends to complete an initial prescribed fire treatment for the entirety of the four units within 6-7 years. Wildfires from unplanned natural ignitions (e.g. lightning) may be managed as prescribed fire if the area of the fire has an approved prescribed fire plan and if the fire fits the burning prescription.

In order to comply with the *Biological Opinion on the Land and Resources Management Plan* prepared by the U.S. Fish and Wildlife Service, prescribed fires on the Wayne National Forest are limited to 2,500 acres during the five-year period of the *Biological Opinion*, which runs from September 2001 to September 2006. Implementation of this project will result in the incidental take of up to 1,462 forested acres of potential Indiana bat habitat (USFWS Concurrence letter to FS, Jan 14, 2003).

## **b. Summary of mitigations (EA pages 2-7 through 2-9)**

### *Mitigation for Fire Management Activities*

- Natural fuel breaks will be used whenever consistent with safe, effective suppression techniques;
- Fire retardants must be on an approved list for use by the Forest Service;

- Earth moving equipment such as tractors, graders, bulldozers or other tracked vehicles will not be used for fire suppression unless there is a threat of loss of human life and/or property;
- When handline construction is required, construction standards will require the handlines to be built with minimum impact. Erosion control will be used on slopes exceeding 10% where handline construction took place; and
- All sites where improvements are made or obstructions removed will be rehabilitated to pre-fire conditions, to the extent practical.

*Mitigation for Soil and Water Resources*

- Creek crossings will be limited to pre-determined locations;
- Fireline construction will not be permitted in wetlands;
- Construction of firelines will not occur on slopes greater than 30%;
- Fire retardant/foam applications will be prohibited within 100 feet of surface water resources or sensitive areas;
- Prescribed fire activities will be prohibited within 100 feet of surface water resources; and
- Monitoring will occur after each prescribed fire for signs of erosion, and actions will be taken to remedy erosion problems.

*Mitigation for Vegetation and Wildlife*

Indiana Bat and Evening Bat:

- (For the Indiana bat *only*). Coordination with the District Wildlife Biologist will be conducted prior to commencement of any burn to develop smoke management guidelines to ensure that known or suspected hibernacula will not be jeopardized. Burns within the Utah Ridge unit should be planned when winds are from the west or northwest. If these burn patterns are rare during preferred burning times, prescribed fires in this unit should be planned so that convection would lift the smoke straight up.
- In accordance with the *Biological Opinion*, all standing dead trees greater than nine inches DBH, all shagbark and shellbark hickory trees over six inches DBH, and all trees over six inches DBH with large areas of loose bark that are hollow, have major splits, or have broken tops will be retained in all project areas (unless they pose a safety hazard, and only after coordination with the District Wildlife Biologist). In addition, proposed fire lines should be moved to avoid damage to or removal of these trees, and fuels should be removed from the bases of any known roost trees to avoid accidental fire effects.
- To avoid or minimize adverse effects from human disturbance, heat, and smoke, prescribed fire should be conducted before April 15 and after September 15.

Cerulean Warbler:

- Prescribed fires should be conducted before April 15 within the Big Bailey, Middle Bailey, or Utah Ridge burn units.

Henslow's Sparrow:

- To protect nest sites and young Henslow's sparrows, the USFS should not conduct prescribed fires in the Peabody Tract between April 15 and September 15.
- To prevent negative effects on Henslow's sparrow due to crowding in already occupied habitat, prescribed fires within the Peabody Tract should be planned so that there are many acres of contiguous Henslow's sparrow habitat available post-burn. If large,

contiguous grassland units cannot be provided, a complex of unburned smaller units located close to each other should be provided to facilitate colonization from adjacent territories. The District Wildlife Biologist will provide advice on annual rotations and percentage of habitat that should be burned for the prescribed burn plans for the Peabody Tract.

#### Timber Rattlesnake:

- To avoid adverse effects on the timber rattlesnake, the USFS should not conduct prescribed fires in the Big Bailey, Middle Bailey, and Utah Ridge units between April 15 and October 15. However, the USFS may conduct prescribed fires in these units prior to October 15 if the areas are first surveyed for the timber rattlesnake and the species is 1) determined to be absent from the project area, or 2) determined to be present, and site-specific mitigation/avoidance measures can be developed and implemented to protect the species.

#### Regal Fritillary:

- Fall prescribed fires should not be conducted prior to September 15 in the Kern Prairie/Peabody Tract to prevent disturbance of the species during its flight period. The spring fire season on the Wayne National Forest does not overlap the flight period of this species.

#### *Mitigation for Air Quality and Human Health & Safety*

- Smoke and prescribed fire warning signs will be posted on any paved roads in the vicinity of the burn unit;
- During burns, smoke will be monitored visually. Unacceptable smoke effects will be addressed by altering firing tactics, actively directing traffic, or terminating the burn;
- Temporary ATV access points and trails will be obliterated by raking leaf litter over exposed ground, and/or piling debris at entry points to discourage illegal ATV use after project completion;
- Nearby residents will be notified prior to implementation of any prescribed fires; and
- Oil and gas companies will be contacted to turn off any active lines within the project areas prior to burning. Above-ground lines and structures will be protected, including, but not limited to:
  - Applying Class C Foam (non-phosphorous, biodegradable) to all fire lines and around oil and gas structures;
  - Removing leaf litter, debris, and other fuels around oil and gas structures; and
  - Keeping burn outs away from the structures.

## **B. Purpose of Decision**

The purpose of this decision is to implement a prescribed fire program that achieves the desired fuel model, changes the horizontal continuity of the fuels, and reduces the amount of available fuel on the identified portions of the Athens Ranger District. Past fire suppression activities have resulted in the accumulation of hazardous fuels. The burns will have a secondary benefit of promoting oak-hickory regeneration and improving remnant prairie and grassland habitat on the Wayne National Forest.

This project will also directly reduce hazards to private land from uncontrolled wildfires. These private lands contain numerous private dwellings, utilities, and transportation assets for Dover and Starr Township residents. The National Fire Plan lists Dover and Starr Townships as “Communities in the vicinity of federal lands at risk of wildfire in Ohio

### **C. Alternative Actions Considered but Dismissed**

The proposed treatment was compared with No Action (not burning any acres) throughout the environmental analysis. Under a no action strategy, all wildfires would continue to be suppressed. This alternative was not selected because of the potential for future wildfires to become moderate or high-severity wildfires, resulting in severe soil erosion and subsequent sediment delivery to nearby streams, potential damage to private property, and loss of forest resources. Forest composition would continue its shift to fire-intolerant species, and our remnant prairies and grasslands would lose their fire-adapted species.

Burning the proposed treatment areas under a more frequent rotation using all of the same actions and mitigations was also analyzed. This alternative responds to public comments that suggest a more frequent burn rotation would better restore prairie habitats. This alternative was not selected because of the potentially detrimental effect from more frequent burns and the increased cost per acre for each treatment. While the cost of this alternative would depend on site-specific terrain, necessary containment lines and containment forces, Wildland Urban Interface, and complexity, the project is estimated to cost between \$75/acre to \$675/acre each time an area is burned.

## **II. Reasons for Categorically Excluding the Decision**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the US Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the Project File.

### **A. Category of Exclusion**

The activity falls within categorical exclusion category 31.2, number 6, which states: “Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction. Examples include “(d) Prescribed burning to reduce natural fuel build-up and improve plant vigor. ” (Forest Service Handbook 1909.15, Environmental Policy and Procedures

### **B. Relationship to Extraordinary Circumstances**

The mere presence of one or more of the following resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

## **1. Threatened and Endangered Species or Their Critical Habitat**

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of proposed, threatened or endangered species that may be present in the project area was provided to the U.S. Fish and Wildlife Service.

In the analysis of impacts from this project, it has been determined and concurred with by USFWS that, if the mitigations are followed, implementing the prescribed burn program at Athens may impact, but is not likely to adversely affect and is not likely to jeopardize the continued existence of the Indiana bat, when considering the baseline status of the Indiana bat, the effects of the action, and any cumulative effects. Implementation of the terms and conditions associated with the reasonable and prudent measures (RPMs) provided on pages 36-40 of the Programmatic Biological Opinion (PBO) (USFWS 2001) will minimize adverse effects to the Indiana bat by maintaining suitable Indiana bat roosting and foraging habitat and protecting Indiana bats from the potential effects of burning activities. The proposed prescribed fire program is consistent with the PBO (Knapp 2003).

## **2. Floodplains, Wetlands, or Municipal Watersheds**

Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any one year." This project is not located in or near floodplains.

To further insure that floodplain-related impacts are minimized, mitigation measures (as described in the EA page 3-4 and in this document, Section IA, page 3) have been prescribed.

There is no wetland habitat within the treatment sites. There are no municipal watersheds within the treatment areas

## **3. Congressionally Designated Areas**

There are no designated wilderness areas, wilderness study areas, or national recreation areas on the Wayne National Forest.

## **4. Inventoried Roadless Areas**

There are no inventoried roadless areas (Roadless Area Review and Evaluation (RARE II) on the Wayne National Forest.

## **5. Research Natural Areas**

The Buffalo Beats RNA is within ½ mile of the proposed Big Bailey and Utah Ridge treatment areas. Fire is a recommended practice for management of Buffalo Beats, although this prescribed burn program will not include, nor impact Buffalo Beats.

## **6. American Indian native religious or cultural sites**

No above-ground archeological resources were identified during cultural resource investigations in 2001 (EA page 3-23). One earthen mound in the project area has not been deemed eligible for inclusion on the National Register of Historic Places. Low intensity burning is considered to have no adverse effect on subsurface cultural resource sites (EA 3-24).

## **7. Archaeological sites or historic properties or areas**

There are no above-ground cultural resources located within any of the project areas and none would be affected by the prescribed fire program (EA page 3-24).

## **8. No other extraordinary circumstances related to this project were identified.**

### **III. Public Involvement**

In November 2001, the Forest Service published a description of the proposed action and requested public involvement in the Wayne Quarterly. On May 30, 2002, a scoping notice describing the Proposed Action was sent to a mailing list of 198 individuals, organizations, and media outlets. In June 2002, television and radio coverage on the proposed action were aired on WOUB and the local Public Broadcasting Station. The Forest Service received comments from 5 interested parties regarding the proposed project, which are discussed on pages 1-7 through 1-9 in the environmental analysis. Prior to and during public scoping, the Forest Service also conducted internal scoping meetings to discuss the proposed action and issues of concern (EA page 1-7).

### **IV. Findings Required by and/or Related to Other Laws and Regulations**

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

This project complies with the **National Forest Management Act (1976)** through adherence to guidance in the **Wayne National Forest Land and Resource Management Plan (Forest Plan)**. Concurrence with Plan goals are enumerated on page 1-6 in the environmental analysis.

Endangered, threatened and sensitive species have been considered in this analysis as required by the **Endangered Species Act**. Potential effects of this decision on sensitive species have been analyzed and documented in the Biological Evaluation prepared for the Prescribed Fire Program and in the concurrence letter from USFWS (USFWS 2003). Mitigations for protection of these species can be found in Section I.b of this document and on pages 3-7 through 3-9 of the environmental analysis.

This decision complies with the **Clean Water Act** by not constructing fireline in floodplains, wetlands, or across streams channels. This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices, and mitigations prescribed specifically for individual actions. Mitigations are listed in Section I.b of this document.

This decision complies with Section 106 of the **National Historic Preservation Act**. See Section II, Item B7 of this document.

The entirety of this document and the Project File supports compliance with the **National Environmental Policy Act**.

### **V. Administrative Review or Appeal Opportunities**

This decision is not subject to administrative review or appeal pursuant to 36 CFR 215.12 (4) which states that decisions for actions that have been categorically excluded from documentation in an EA or EIS pursuant to FSH 1909.15, Chapter 30, Section 31 are not subject to appeal.

## VI. Implementation Date

This decision may be implemented immediately.

## VII. Contact Person

Further information about this decision can be obtained from Athens District Ranger Dan Kincaid during normal office hours (weekdays 8 am to 4:30 pm) at the Athens District Office, 13700 US Hwy 33, Nelsonville, Ohio 45764; telephone (740) 753-0101

## VIII. Bibliography

Cramer, Ann. Concurrence letter for archaeological resources. November 2002.

USFS 1988. Wayne National Forest Land and Resource Management Plan.

USFS 2002. Biological Evaluation, Prescribed Fire Program. Andrews, Lynda and Erin Larson. December 2002.

USFS 2002. Environmental Analysis, Prescribed Fire Program. Mangi and Associates. December 2002.

USFWS 2003. Concurrence letter on Biological Evaluation for Prescribed Fire Program. Knapp, Mary. January 14, 2003.

## IX. Signature and Date

/s/Dan B. Kincaid  
DAN B. KINCAID  
District Ranger  
Athens Ranger District

December 23, 2004  
Date



