



United States  
Department of  
Agriculture

March 2004

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

*Project:* **Restoration of Mixed-Oak  
Forest Ecosystems with  
Prescribed Fire**

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

*Geographic Location:* **Lawrence County, Ohio**

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## **I. Decision to be implemented**

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

I have decided to implement the Restoration of Mixed-Oak Forest Ecosystem with Prescribed Fire Project.

The Wayne National Forest proposes to cooperate with the Northeastern Research Station located in Delaware, Ohio, in conducting prescribed burning as part of the Ecosystem Management Study on the Restoration of Mixed Oak Forests in Southern Ohio. The proposal is to conduct prescribed burning on two areas, Bluegrass Units B and C and Young's Branch Units B and C, on 320 acres of national forest land in Lawrence County over the next 10 years. The burning will be conducted every one to five years during the spring and/or fall fire season depending on the research requirements and fuel conditions. Burning would be within the parameters described in the Prescribed Burning Plan that will be developed. Data collection will be conducted by the Northeastern Research Station and may include soil sampling. A total of 108 cores may be taken, each will consist of a 1-inch diameter by 24-inch deep core.

The Bluegrass area is located in T4N, R17W, Sec. 27 in Management Area 6.1 The Youngs Branch area is located in T3N, R18W, Sec. 7 & 8 in Management Area 8.2 (Youngs Branch Special Area).

The purpose of Management Area 6.1 is described on p. 4-114 of the Wayne Forest Plan and on p. 4-120 states that use of prescribed fire is permitted. The purpose of Management Area 8.2 is described on p. 4-150 of the Forest Plan and is to emphasize preservation, management, and study of unique natural areas. It is also states that it is an appropriate area for scientific research.

A map showing the treatment areas appears at the end of this memo. Detailed maps of the individual treatment areas are in the Project File and are available upon request.

## **B. Purpose of Decision**

The purpose is to permit the Northeastern Research Station to conduct research on the use of prescribed burning as a management tool in restoring structure, function, and composition of fire-adapted flora in mixed oak forests. This project is a continuation of the Ecosystem Management Research project conducted on these areas from 1995 to 1999. The research is described in the publication “Characteristics of Mixed-Oak Forest Ecosystems in Southern Ohio Prior to the Reintroduction of Fire”, edited by E. K. Sutherland and T.F. Hutchinson in 2003. Prescribed burns on this area have been previously conducted two or four times. Ironton District Ranger Michael Schafer signed a Decision Memo on the original project on 10/17/1995. The purpose of this project NEPA is to update the original Decision Memo and to continue the cooperation with the Northeastern Research Station.

## **C. Mitigation Measures**

In order to reduce the hazard and protect heritage and biological resources, the following mitigations will occur:

Avoid constructing fire line within 100 feet of perennial streams, lakes, and other water bodies if possible.

Do not reseed fire lines during post-fire rehabilitation.

Monitor the burned and disturbed areas post-fire to ensure that new non-native species have not been introduced, or that existing ones have not spread.

If any snags must be cut down along the fire line, it will be done during the non-hibernation season of between September 15 and April 15 if possible. If they are cut down outside of this period a tally must be kept to insure that the allowable number in the incidental take statement is not exceeded.

If any timber rattlesnakes are discovered during project work, all activities should stop as soon as practical until a wildlife biologist can evaluate the situation.

Because of the Olympia marble butterfly prescribed fires on the ridgetops should not be forced to burn the entire area, but allowed to leave scattered unburned patches in which butterflies could survive to repopulate the burned areas if possible.

## **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.

The project is also in compliance with the Wayne Forest Plan. My conclusion is based on information presented in this document and the entirety of the Project File.

## **A. Category of Exclusion**

The activity falls with the categorical exclusion category 31.2, category 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.”

## **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 the analysis of impacts from this project, it has been determined that, if the mitigations are followed, implementing the proposed action should not cause any direct, indirect or cumulative adverse effects which could jeopardize the continued existence of any Federal Threatened or Endangered Animal Species, or contribute to the loss of viability or cause to move toward federal listing any Regional Sensitive Animal Species, which may occur on the Wayne National Forest.

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

There are no floodplains, wetlands or 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**

There are no research natural areas in or near the project area.

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

The project area was surveyed in 1986 & 1992 and no sites were found (Cramer 2003).

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

The Youngs Branch area was surveyed in 1986 and the Bluegrass area was surveyed in 1992, and no sites were identified. It was determined that that this undertaking will not affect any historic property and no further Section 106 coordination is necessary at this time (Cramer 2003).

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

### **III. Public Involvement**

A scoping letter, dated 5/16/2003, was mailed out to interested individuals and groups. Six replies were received. Five persons supported the research because of the need to learn more about oak-hickory ecosystems, the benefits of oak-hickory for wildlife, and the need to reduce fuel loads. One was opposed because he believes that fire does not work as a forest improvement tool and the danger it may get out of control.

### **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)**. On page 4-54 of the Forest Plan it states that prescribed fires are permitted to establish or maintain vegetation.

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 Evaluations for Plants (USFS 2003) and for Animals (USFS 2004). Mitigations for protection of these species can be found in Section I.C of this document. The U.S. Fish & Wildlife Service stated that the project is consistent with programmatic biological opinion and that the project is not likely to jeopardize the continue existence of the Indiana bat (USF&WL 2004).

This decision complies with the **Clean Water Act** by incorporating best management practices.

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

This decision has considered whether projects would disproportionately impact minority or low-income populations as required in **Executive Order 12898: Environmental Justice**. Public involvement occurred for this project, the results of which I have considered in this decision. Public involvement did not identify, nor is this decision expected to adversely impact minority or low-income populations.

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(f) (published June 4, 2003) which states that decision 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 Ironton District Ranger Gloria Chrismer during normal office hours (weekdays 8 am to 4:30 pm) at the Ironton District Office, 6518 State Route 93, Pedro, Ohio 45659; Phone (740) 534-6500.

#### **VIII. Bibliography**

Cramer, Ann. 2003. Heritage Evaluation for Proposed FY04 Prescribed F.S. Research Burns. 3/10/2003.

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

USFS. 2003. Prescribed Burning for Ecosystem Management, Botanical Biological Evaluation, Larson, Erin. 6/18/2003.

USFS. 2004. Oak Restoration with Fire, Wildlife Biological Evaluation, Flegel, Katherine. 2/12/2004.

US F&WLS. Letter of 3/8/04 from Mary M. Knapp to Gloria Chrismer, Ironton District Ranger.

**IX. Signature and Date**

    /s/     *Gloria Chrismer* \_\_\_\_\_  
GLORIA CHRISMER  
District Ranger  
Ironton Ranger District

    03/25/04      
Date