

Valle Toledo Prescribed Fire

Implementing Decision and Finding of No Significant Impact (FONSI)

- Decision:** I have reviewed the Environmental Assessment for the Valle Toledo Prescribed Fire and it is my decision to implement the project as proposed.
- Rationale:** Implementing the Prescribed Fire at this time as proposed would increase our knowledge of both the effects and effectiveness of using fire as a management tool in the valles of the Preserve. Implementation of the proposed action will contribute to comprehensive planning on the Preserve. Increasing our understanding of the response by both elk and cattle to stewardship actions undertaken by the Trust is especially valuable.
- FONSI:** In 1978, the Council on Environmental Quality promulgated regulations for implementing the National Environmental Policy Act (NEPA). These regulations (40 CFR Parts 1500-1508) include a definition of “significantly” as used in NEPA. The eleven elements of this definition are critical to reducing paperwork through use of a finding of no significant impact when an action would not have a significant effect on the human environment, and is therefore exempt from requirements to prepare an environmental impact statement (EIS). Significantly as used in NEPA requires considerations of context and the ten elements of intensity.
- (a) **Context:** Significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, affected interests, and the locality. Significance varies with setting. In the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
- (b) **Intensity:** Refers to the severity of impact ... and the following should be considered in evaluating intensity:
1. Impacts which may be both beneficial and adverse;
 2. The degree to which the proposed action affects public health or safety; and
 3. The unique characteristics of the geographic area.
- The outcomes (both beneficial and adverse) expected as a result of implementing the proposed stewardship action were presented in the EA in a comparative form. All outcomes were attributed in relation to their context and intensity. No significant effects were predicted as a result of implementing the proposed action.

4. The degree to which the effects on the quality of the human environment are likely to be controversial; and
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique and unknown risks.

The effects of this project on the quality of the human environment are not likely to be highly controversial. Public scoping on the Proposed Action did not generate any public comment that could be considered controversial. The Healthy Forest Restoration Act of 2003 reduced the analysis and documentation requirements for prescribed burns implemented by the USFS (United States Forest Service) or DOI (Department of Interior) nation wide. Under the Act, the use of thinning (1000 acres) or prescribed fire (4500 acres) to restore or maintain fire adapted ecosystems can be categorically excluded from documentation in an Environmental Assessment or Impact Statement.

In examining the basis for proposing categorical exclusions for thinning and prescribed fire projects the USFS and DOI evaluated 2500 projects where environmental effects were monitored. With only 12 noted exceptions, the projects were found not to individually or cumulatively have a significant effect on the human environment. A synthesis of scientific literature found that thinning and prescribed fire have been long employed by Foresters and others to maintain forest health and reduce wildfire risk and that the benefits of these practices were supported by hundreds of scientific investigations and years of professional experience. Based on this study of site specific projects, post activity validation, the synthesis of scientific literature, the agencies determined that the use of prescribed fire, within fire regimes I, II or III and within condition class 2 or 3 within projects of less than 4500 acres would not individually or cumulatively have a significant effect on the human environment. (Effects of Hazardous Fuels Reduction and Rehabilitation Activities - edited by Dave Sire, USDA Forest Service and Willie Taylor, Department of Interior)

According to the National Interagency Fire Center, from 1995 through 2000 acres treated with prescribed fire on federal land averaged 1,620,000 acres annually.

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

While the purpose of the proposed action is to collect information to aid in future decision making, it would not establish a precedent for future actions, nor would it represent a decision in principle about a future consideration. Future projects would require additional site-specific analysis and separate decisions as required under NEPA.

7. Whether this action combines with other future actions with individually insignificant but cumulatively significant impacts.

Based on a review of the EA, this project is unlikely to combine with other past, present or foreseeable future actions to create outcomes which are cumulatively significant.

8. The degree to which this action is likely to adversely effect objects listed or eligible for listing in the National Register for Historic Places.

The State Historic Preservation Office has reviewed and concurred with the findings of the Cultural Resource Report, the project design and proposed protections sited in the Cultural Resource Report.

Also see response to 1. – 3.

9. No threatened or endangered species or habitat is likely to be adversely affected by the implementation of the proposed action.

A Biological Evaluation was completed for the project and found to have no adverse effects to threatened or endangered species or their habitat. No threatened or endangered species or habitat is within the proposed project area. Bald eagles (threatened) roost near the project area and forage within the project area during the late fall and winter and could be disturbed by prescribed fire activities. The burn is being proposed prior to the arrival of the eagles. Performance requirements to reduce the potential to disturb the eagle have been developed in the event that the eagle's arrival coincides with the proposed fire ignition.

Also see response to 1. – 3.

10. Whether the action threatens a violation of federal, state, or local law requirements imposed for environmental protection.

The Proposed Action would not threaten a violation of Federal, State, or local law, or requirements imposed for the protection of the environment. The EA is in full compliance with the National Environmental Policy Act of 1969 and the NEPA procedures of the Trust as published in the Federal Register July 17, 2003. Further, this alternative specifically requires full compliance with all State and federal regulations concerning the use of prescribed fire.

Signed By: /s/ _____ Date: _____

Dennis Trujillo
Preserve Manager