

DECISION NOTICE
And
FINDING OF NO SIGNIFICANT IMPACT

Red-cockaded Woodpecker Prescribed Burning Project
Compartments 5,6,7,11,12,13,14,15,16,17,22,27,28,29,30,32,33,34,35,36,37,39,40,41,42,43,49,
50, 54,55,56,57,58,59,64,65, 66,67,68,69,112,113,114,115,116,117, and 118

USDA Forest Service
Davy Crockett National Forest, Davy Crockett Ranger District
Houston and Trinity Counties, Texas
April 3, 2013

Decision Notice

Decision

Based upon my review of the proposal, the analysis and process described in the Environmental Assessment (EA), public comments, and the project record, I have decided to select the Proposed Action alternative and its associated design criteria for the Red-cockaded Woodpecker Prescribed Burning Project for implementation. The Proposed Action alternative includes the following activities:

Prescribe burn on approximately 69,000 acres to improve red-cockaded woodpecker habitat on a 1-5 year burn cycle. Dormant and growing season burning will be used to work towards the desired future condition. Associated activities include: 1) clearing control lines; 2) utilizing existing barriers such as roads, trails and streams where possible to serve as control lines; 3) seeding and fertilizing control lines if lines are not promptly re-vegetated; and 4) installing water bars as outlined in the *Plan*.

Non-Native Invasive Plant Species (NNIPS) control of Chinese tallow (*Triadica sebifera*), mimosa (*Albizia julibrissin*), Chinese wisteria (*Wisteria senense*), Chinese/European privet (*Ligustrum sinense*), Chinaberry tree (*Melia azedarh*), and Japanese climbing fern (*Lygodium japonicum*) will follow the NNIPS EA and Management Plan for the National Forests and Grasslands in Texas (USDA 2008).

Design Criteria Associated with the Proposed Action

In addition to the applicable Standards from the Revised Land and Resource Management Plan for the National Forests and Grasslands in Texas (the *Plan*), the management requirements described below are part of my decision, and will be implemented to lessen adverse effects of the Proposed Action.

1. If previously undiscovered archaeological or historical resources are encountered during the implementation of this project, work in that area will cease as soon as possible and not continue until the resources can be assessed and evaluated by a member of the Heritage Management Team, and the State Historic Preservation Office (SHPO) and consulting tribal governments have been afforded the opportunity to review the findings. The site area will be excluded from all treatments until this review can be completed. Known archaeological and historical sites which are considered eligible for listing on the National Register of Historic Places (NRHP), and those which have not been fully evaluated in order to determine their eligibility for the NRHP, will be removed from the area of potential effect by adjusting the appropriate boundaries of the proposed actions.
2. If previously undocumented RCW activity is discovered during implementation of this project, the project will be stopped as soon as possible. The district wildlife biologist will evaluate the situation and determine appropriate management actions to take that would be consistent with US Fish and Wildlife Service guidelines.
3. Prescribed fire will only be applied under an approved burning plan to meet specific resource objectives, and under the supervision of a qualified burning boss. The burning plan will identify smoke-sensitive areas, predict fire behavior, and set parameters for burning conditions to minimize risk of resource damage or fire escape. Burns will be conducted within weather and fuel moisture parameters established for the NFGT. Firing methods to minimize the fire intensity in the streamside zones will be used where possible.
4. Notify the Forest Supervisor's Office, Texas Forest Service, County Sheriff's Office, and adjacent landowners prior to ignition of any prescribed burn.

Reasons for the Decision

My decision to implement the Proposed Action is based on its effectiveness in improving RCW habitat, reducing fuel loading, and controlling NNIPS.

I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. I considered the need to take action and the issues identified during scoping in making my decision. I weighed the effects of prescribed burning and its associated actions, and NNIPS control on the vegetation, soil and water, air, wildlife, and recreational use of the area, and the key issues associated with the project, against taking no action. I am not willing to accept the potential effects associated with the no action alternative. The Proposed Action Alternative will have acceptable effects on the environmental components and provide the benefits of improving RCW habitat while reducing fuel loading in the project area.

I have considered the effect of this project on climate change, as well as the effect of climate change on this project. Any resulting greenhouse gas emission would not be measurable on a global scale.

Alternatives Considered

The following alternatives were considered in detail. They are fully described in the EA.

Proposed Action - Prescribe burn on approximately 69,000 acres to improve red-cockaded woodpecker habitat on a 1-5 year burn cycle. Dormant and growing season burning will be used to work towards the desired future condition. Associated activities include: 1) clearing control lines; 2) utilizing existing barriers such as roads, trails and streams where possible to serve as control lines; 3) seeding and fertilizing control lines if lines are not promptly re-vegetated; and 4) installing water bars as outlined in the *Plan*.

Alternative 1 – This is the No Action Alternative. Alternative 1 will not be implemented. It does not meet the purpose and need for the project.

Public Involvement

Public notification began on September 19, 2012, when the district mailed a scoping letter to the Davy Crockett District mailing list. The letter described the Proposed Action and invited comments on the proposal. The Forest Service received five responses during scoping. Where appropriate the concerns were incorporated into the Proposed Action. The 30-day Notice and Comment Period began on February 6, 2013 after publication of the legal notice in the Lufkin Daily News. The Forest Service received no negative responses during the 30-day Notice and Comment Period.

Finding of No Significant Impact

After thorough consideration of the EA, Appendices, the Plan, specialist reports, and comments received, I have determined that implementation of the Selected Alternative is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. In a local context, the short and long term effects of the site-specific actions of the Proposed Action are not significant. Therefore, an environmental impact statement is not needed. This determination was based on the following factors:

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the quality of the environment (EA, pages 18-30).
2. The Proposed Action alternative will not adversely affect public health or safety (EA, page 29).
3. The prescribed actions will not adversely affect any unique characteristics of the geographical area. No wild and scenic rivers or wilderness exist in the area. Floodplains associated with the major streams in the project will not be adversely affected. Heritage resources will be protected. No wetlands have been delineated in the area; if they exist,

they will be associated with floodplains along major streams. Project activities will not significantly affect wetlands.

4. I do not expect the effects of the proposed actions on the quality of the human environment to be highly controversial in a scientific context. The EA did not disclose any significant adverse effects that would result from the project, on the quality of the human environment. Chapter 4 of the EA identifies the public contacts made in the course of the environmental analysis and documents the issues identified from these contacts. Broad-level public disputes with forest policy are beyond the scope of this decision.
5. The Proposed Action does not involve highly uncertain, unique, or unknown environmental risks. The Davy Crockett Ranger District has successfully carried out all prescribed activities in similar situations in the past.
6. This decision does not set precedent for future action with significant effects or represent a decision in principle about a future consideration.
7. These actions do not individually, nor with other activities taken cumulatively within the affected area, reach a level of significance. Where appropriate, design features are proposed which are known to keep effects to vegetation, soils, wildlife, and other resources below a threshold level of significance (EA, pages 8-11). Cumulative effects of the actions in the Proposed Action and other foreseeable actions have been evaluated throughout the EA.
8. No known sites, listed or eligible for the National Register of Historic Places, will be affected by the proposed activities. If heritage resource sites are discovered during actual operations, activities will be stopped until the sites can be protected or evaluated for significance. Prescribed activities will not cause loss or destruction of significant scientific, cultural, or historic resources.
9. The Proposed Action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. The Forest Service consulted with the U.S. Fish and Wildlife Service and determined that the actions are not likely to affect any endangered or threatened species (Biological Evaluation, Appendix B).
10. None of the prescribed actions threaten or lead to violations of federal, state, or local environmental laws, or requirements imposed for the protection of the environment. This will be ensured by carrying out the selected actions in a way that is consistent with the standards and guidelines, management requirements and mitigation measures established in the Plan. For water quality management, state-approved Best Management Practices will be used for this project. The project will be monitored to ensure BMPs are implemented and appropriate corrective measures will take place, if implementing the BMPs on a specific site results in effects significantly higher than anticipated, because of

unforeseen site factors or events. This project will fully comply with state approved BMPs and the Clean Water Act.

Findings Required by Other Laws and Regulations

The Proposed Action is consistent with the Plan, including the Plan's Forest-wide Standards and Guidelines. The actions planned in the Proposed Action are consistent with the Management Objectives, Standards, and Guidelines for MA-2, Red-cockaded Emphasis and MA-4, Streamside Management Zones.

The Proposed Action includes design criteria to avoid or mitigate negative impacts (40 CFR 1505.2(c)) (EA, pages 8-11). The project is feasible and reasonable, and it conforms to the Plan's overall direction to manage the forest.

This alternative meets the requirements of the Endangered Species Act of 1973, the National Historic Preservation Act, the Archaeological Resources Protection Act, and the Clean Water Act.

In accordance with the requirements of the National Historic Preservation Act of 1966, Executive Order 13007, the American Indian Religious Freedom Act, and others, an archaeological inventory report was prepared to evaluate the effects of this project on heritage resources. The report determined that the proposed actions will not adversely affect any historic properties. The State Historic Preservation Office concurred with this determination on March 15, 2013. In addition, consultation with the Caddo Nation of Oklahoma and the Alabama-Coushatta Tribe of Texas has been conducted.

Implementation Date

This project may be implemented immediately. No negative responses were received during the 30-day public comment period and so this decision is not subject to appeal.

As no one submitted an adverse expression of interest to the implementation of the project, it is not subject to a higher level of administrative review (appeal) pursuant to 36 CFR 215.12(e)1. Implementation of the decision may begin immediately.

Contact

For further information concerning this decision contact District Ranger Gerald Lawrence at the Davy Crockett Ranger District Office, 18551 State Highway 7 East, Kennard, Texas 75847, or phone (936)-655-2299.

Responsible Official:



Gerald D. Lawrence, Jr.
District Ranger
Davy Crockett National Forest
National Forests and Grasslands in Texas

07/03/2013
Date

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