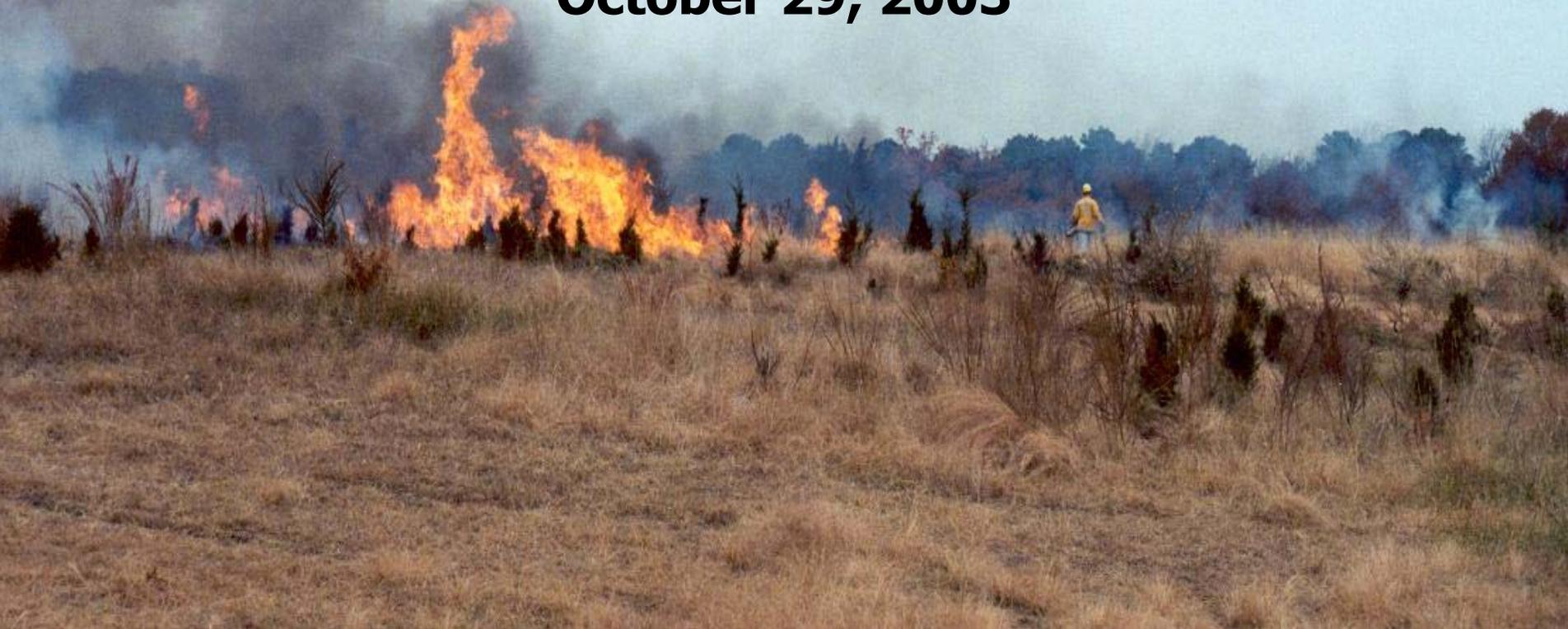


NEPA AND FWS FIRE MANAGEMENT ACTIVITIES

**FWS Fire Management Leadership
Meeting
Freeport, Maine
October 29, 2003**





NEPA AGENDA

- ✓ General Discussion of Categorical Exclusions (e.g., CEQ definition, agency requirements, etc.);
- ✓ Discussion of FWS Fire Management Categorical Exclusions in 516 DM 6, Appendix 1.4B(4) and (5) (January 1997);
- ✓ Discussion of DOI Fire Management Activities Categorical Exclusions in 516 DM 2, Appendix 1.12 and 1.13 (June 5, 2003);
- ✓ When should we use the DOI or FWS Categorical Exclusions?
- ✓ When would a Categorical Exclusion for a fire management activity not apply?
- ✓ Discussion of Fire Management Planning in the CCP process; and
- ✓ General Discussion of "Service Fire Management Policy Clarification" memorandum, signed by Acting Director Marshall Jones, March 12, 2003.



CATEGORICAL EXCLUSIONS

- ✓ CEQ Definition (40 CFR 1508.4)
 - “Categorical exclusions” means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (§1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in §1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.



CATEGORICAL EXCLUSIONS

- ✓ CEQ Procedures/Process
 - Agency procedures must identify actions that can be categorically excluded;
 - Agencies must consult with CEQ before implementing CXs; and
 - Agencies must publish proposed changes to CXs in the Federal Register for public review.
- ✓ DOI approves and publishes notices of CX changes in the Federal Register
- ✓ DOI Manual lists all bureau CXs (516 DM 8-15)



CURRENT FWS FIRE MANAGEMENT CATEGORICAL EXCLUSIONS [516 DM 6, Appendix 1.4B(4) and (5)]

(4) The use of prescribed burning for habitat improvement purposes, when conducted in accordance with local and State ordinances and laws.

(5) Fire management activities, including prevention and restoration measures, when conducted in accordance with departmental and Service procedures.



CURRENT DOI FIRE MANAGEMENT CATEGORICAL EXCLUSIONS (68 Federal Register 33814, 6/5/03)

✓ Categorical Exclusion 1.12 states:

Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres: Such activities:



Categorical Exclusion 1.12

- ✓ Shall be limited to areas (1) in wildland-urban interface and (2) Condition Classes 2 or 3 in Fire Regime Groups I, II, III, outside the wildland urban interface;
- ✓ Shall be identified through a collaborative framework as described in "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-year Comprehensive Strategy Implementation Plan;"
- ✓ Shall be conducted consistent with agency and Department procedures and applicable land and resource management plans;
- ✓ Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; and
- ✓ Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction.



Categorical Exclusion 1.13

Categorical Exclusion 1.13 states:

Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands likely to recover to a management approved condition from the wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities:



Categorical Exclusion 1.13

- ✓ Shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans;
- ✓ Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and other new permanent infrastructure; and
- ✓ Shall be completed within three years following a wildland fire.



When to Use the FWS or DOI CX?

- ✓ Agency has flexibility to use either CXs;
- ✓ Use of FWS CXs does not require preparation of Decision Memorandum (DOI ESM03-02);
- ✓ Consider use of DOI CXs if there is the potential for controversy over the fire management activity; and
- ✓ Document use of CX with "Environmental Action Statement" (550 FW 3.3C) or "NEPA Compliance Checklist" (D.O. No. 127)



When Would An EA Possibly Be Required?

- ✓ Joint activity with another agency that is preparing an EA.
- ✓ Possible local controversy over environmental effects.



Fire Management Planning in the CCP Process

- ✓ CCP - 15-Yr Plan of Actions
 - Include fire management actions

- ✓ Step-down plans
 - Include fire activities in CCP (focus) whenever possible
 - Major fire management issues should be addressed in CCP
 - Site-specific EAs may be required when preparing step-down plans



Fire Management Planning in the CCP Process

- ✓ Fire management actions/details in the CCP
 - Fire management objectives
 - Fire management organization
 - Interagency contacts/cooperation
 - Strategies to implement fire management objectives
 - Preparedness procedures
 - Prescribed fire procedures
 - Wildland fire procedures
 - Air quality/smoke management issues
 - Preparedness, Prescribed fire, and wildland fire plans (rotations, maps)
 - Public information and education

