

# **Decision Notice, with a Finding of No Significant Impact**

## **Unplanned Ignition for Resource Benefit Amendment to the Lincoln National Forest Land and Resource Management Plan**

### **USDA Forest Service Lincoln National Forest Lincoln, Otero, Chavez, and Eddy Counties, New Mexico**

#### **Decision and Reasons for the Decision**

##### **Background:**

The Lincoln National Forest (LNF) Land and Resource Management Plan (LRMP) was approved in 1986 and amended over time. Goals, standards, and guidelines in the LRMP reflect agency fire management policy at the time of its approval. It is my decision to amend the Forest Plan to meet current Federal wildland fire management policy, direction, and terminology. In 2009, Federal Wildland Fire Management Policy revised the 2003 Implementation Guidance to identify two kinds of wildland fire: planned ignitions (prescribed fire) and unplanned ignitions (wildfire). The amendment to the Forest Plan changes wildland fire use terminology to meet this policy revision. This management decision is intended to revise current decision-making criteria for management areas currently authorizing fire use.

Unplanned ignitions will be managed through Wildland Fire Decision Support System (WFDSS) taking into consideration effects on vegetation overstory mortality thresholds based on actual and predicted fire weather and fire behavior modeling; and remove seasonal, acreage, and flame length restrictions. These mortality thresholds are designed to achieve vegetation community structures more reminiscent of pre-European settlement over the long-term, effectively reduce hazardous fuel loads, and improve wildlife habitat. The WFDSS process allows the public as well as specialists to express support or concern for various site-specific implementation plans developed to evaluate environmental impacts and resource concerns. The desired conditions of an area would be considered when deciding whether or not to use a wildland fire for resource benefit.

My reason for this decision to update direction on unplanned ignitions for resource benefit in certain management areas (MA) is to allow for broader application of the Forest Plan as a resource management tool to aid forest and fire managers in forest restoration efforts. Present standards and guidelines within the LRMP allow for fire to meet resource objectives, but this

direction is currently too restrictive to allow for lightning fires to play an effective role as a natural disturbance regime influencing forest and woodland ecology and health.

Having direction in the Forest Plan helps assure that as resource management actions are designed on the Forest, mitigation measures will be incorporated to prevent or lessen potential adverse effects of the proposal, and to reduce environmental impacts.

### **Decision:**

Based upon my review of the Environmental Assessment (EA) and the alternatives considered, I have decided to implement Alternative 2: Proposed Action which would allow fire managers discretionary use of a full spectrum of fire response and management options. The ability to implement unplanned ignitions managed for resource benefit on a landscape scale is needed to reduce fuel loading and sustain fire-adapted ecosystems into the future, as well as meet the current LRMP goal of returning fire to its natural role in the ecosystem.

The Interdisciplinary Team (IDT) for this project developed two alternatives for this EA in response to specific concerns from the public and Forest managers:

Alternative 1: No Action; do not amend the LRMP to meet current Federal wildland fire management policy, direction, and terminology.

Alternative 2: Proposed Action; Amend Forest Management direction and both Forest-wide and MA-specific standards and guidelines to reflect current policy, direction, and terminology.

During analysis of the issues identified, it became apparent that there would be no comments which would lead me to develop additional alternatives.

Key considerations were defined as those directly or indirectly caused by implementing this decision. Key considerations, listed in Section 1.8.1 of the EA, were those: 1) within the scope of the decision; 2) relevant to the decision made; 3) have not already been decided by a higher-level decision; and 4) not purely conjectural. Non-key issues, listed in Section 1.8.2, were identified as those: 1) outside the scope of the Proposed Action; 2) already decided by law, regulation, Forest Plan, or other higher-level decision; 3) irrelevant to the decision to be made; and 4) conjectural and not supported by scientific or factual evidence.

Chapter 3 of the EA includes a detailed discussion of potential impacts by resource area.

Mitigation measures are found in the Forest-wide standards, goals, and objectives in the LRMP (as amended). Additional measures are listed in Table 2.3-1 of the EA.

## **Public Involvement**

Scoping for the proposed amendment was initially conducted in September 15, 2004. This was accomplished by mailing post cards announcing the proposed amendment to the Forest Plan to individuals, organizations, and agencies on the Forest's mailing list of potentially interested parties. The announcement briefly described the proposed amendment and indicated that the amendment was available for review at the Forest's website ([www.fs.fed.us/r3/lincoln](http://www.fs.fed.us/r3/lincoln)) and at the Forest's office in Alamogordo, New Mexico. On August 2, 2007 a Finding of No Significant Impact (FONSI) was signed by Lou Woltering, Forest Supervisor. It was later noticed some references were incorrect. The decision was withdrawn and revisions to the EA were initiated.

On July 21, 2009 the EA was submitted for legal notice and comment. It was mailed to the Forest-wide mailing list of potentially interested parties and made available on the Lincoln National Forest website. Responses were received, in the form of letters, e-mails, and telephone conversations. All comments received and names of the submitting persons and organizations are located in the project record. A total of eight responses were received from individuals and organizations and these are included in the project record. The project has been listed on the Lincoln National Forest Schedule of Proposed Actions since September 2004 and subsequently on the Lincoln National Forest Schedule of Proposed Actions on the Forest's internet website.

## **Finding of No Significant Impact**

The best available science was considered in the analysis of Alternative 1: Proposed Action and Alternative 2: No Action. After considering environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering context and intensity of impacts (40 Code of Federal Regulations (CFR) 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

- 1) My finding of no significant environmental effects is not biased by the beneficial effects of the action. The purpose of Alternative 1: Proposed Action is to update fire management direction in the Forest Plan based on current federal wildland fire policy. The beneficial effect of reestablishing a more natural fire regime and allowing naturally caused fire to play its role in the environment did not bias the finding. There will be short-term negative impacts (smoke, visual quality, modification of wildlife habitat). Long-term impacts will be to promote more sustainable and resilient forest conditions and reduce the risk of an uncharacteristically large and intense wildfire. The amendment is a programmatic action that is not directly related to a specific project and does not authorize ground-disturbing actions. Site-specific National Environmental Policy Act analyses and prescribed fire burn plans are required for prescribed burning projects, and responses to unplanned ignitions require development of wildland fire implementation plans and associated decision criteria.
- 2) There will be no significant effects on public health and safety, because impacts to local air quality are temporary in the short term. In general, the air quality in the area of the Lincoln National Forest is some of the best in the United States, including annual impacts from wildland fires. Potential effects of smoke on residents would be factored into each decision

on whether to allow wildland fire use in a specific location. Each decision to manage or suppress a fire would be based on resource-specific criteria. With regard to air quality, maintenance of national ambient air quality standards would be a primary criterion. Current implementation compliance from the New Mexico Department of Environmental Quality Air Quality Division and the Environmental Protection Agency provide the criteria for smoke management (EA section 3.3).

- 3) There will be no significant effects on unique characteristics of the area, because site specific features such as cultural sites and ecologically critical areas have been designated for suppression responses and would receive protection at the time of implementation through mitigation and avoidance processes in place. The amendment has decreased risk of affecting sensitive plant species and their habitat due to the decreased probability of high intensity and severity fire over time. The primary concern is related to the influx of people and equipment; this can be mitigated. Under the Proposed Action, wildland fire would occur only when specific conditions are met, including weather patterns that allow for more predictable fire management and quicker smoke dispersal, and when slower-moving, less intense fires would result (Chapter 3.5.2.2). As a result of the Proposed Action, hazardous fuels conditions would be reduced, greatly decreasing the potential for a severe, stand replacement fire over the long-term. In general, this would benefit wildlife species, since such fires can cause much greater wildlife mortality and result in the destruction or elimination of important wildlife habitat for decades or even centuries.
- 4) The effects on quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over impacts of the amendment. The potential for greatest short-term impacts is from smoke generated by wildfire events. Historically, the Lincoln National Forest enjoys very clean air and to date there have been no measured exceedance of air quality parameters due to wildland fire.
- 5) We have considerable experience with the types of activities to be implemented. The effects analysis disclosed effects are not uncertain and do not involve unique or unknown risks. Management of wildland fire use events or long-term suppression events combine technologies and techniques developed for both wildland fire suppression and prescribed burning. The Lincoln National Forest has had a substantial fire management program (Table 3.1-1), experiencing more than 5 High severity, large fires and prescribed burning 4000 to 11,000 acres annually.
- 6) The action is not likely to establish a precedent for future actions with significant effects, because the amendment does not establish a need for future actions. The national emphasis for land management agencies is to move forward with developing an appropriate management response to all wildland fires and use of unplanned ignition for resource benefit when and where appropriate.
- 7) The cumulative impacts are not significant, as described in chapter 3 of the EA. A wide range of activities on and off the Forest contributes to cumulative effects, primarily livestock grazing, vegetation management, and recreation use. Wildland fire management activities would not add appreciably to cumulative effects from these other activities. No additional

actions were identified that when combined with Alternative 1: Proposed Action would cause significant cumulative impacts.

- 8) The amendment will have no significant adverse effect on districts, sites, highways, structures, or objects listed on or eligible for listing on the National Register of Historic Places; because unplanned ignition for resource benefit events require a WFDSS, with associated decision criteria. The action will not cause loss or destruction of significant cultural or historical resources because adoption of wildland fire management policy is not considered an undertaking as defined in the National Historic Preservation Act regulations. Accordingly, the amendment will have no direct effect on heritage resources. Indirect effects include the increased exposure of artifacts. Such sites are more likely to be protected during a low or moderate intensity fire managed for resource benefit than during a high-intensity, catastrophic wildland fire. The decision makers are aware of the locations of heritage resources based on the preplanning guidance provided by the programmatic agreement with the New Mexico State Historic Preservation Office.
- 9) The action will not adversely affect endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act. There may be short-term effects on many wildlife species because of on-the-ground implementation from occasional use of unplanned ignitions for resource benefit instead of suppression. The long-term effects of the amendment are expected to return the natural fire regime, which would benefit all species. Consultation with the U.S. Fish and Wildlife Service may or may not be required at the time decisions are being made to manage an unplanned ignition, depending on the location, time of year, presence or absence of threatened and endangered species, and whether management may affect threatened and endangered species. In many instances, there would be no need for consultation because there would be no substantial suppression actions or extensive human presence on the ground.
- 10) The action will not violate federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (chapter 3). The action is consistent with the Lincoln National Forest Land and Resource Management Plan, as amended.

## Findings Required by Other Laws and Regulations

This decision to amend LRMP direction, standards, and guidelines pertaining to protection and fire management, the primary objective of which is to allow both suppression and/or unplanned ignition for resource benefit on a Forest-wide bases as an appropriate management response to wildland fire, is consistent with the intent of the LRMP's long term goals and objectives. The proposed changes to existing Forest Plan goals, directions, standards, and guidelines are based on changes in Forest Service fire management policy.

It is my finding that the actions of this decision comply with the requirement of the National Forest Management Act of 1976 and its implementing regulations in 36 CFR 219. This amendment is being made primarily in response to new federal fire policy. I followed direction found in 16 United States Code (USC) 1604(f) (4), 36 CFR 219, Forest Service Manual 1922.5,

and Forest Service Handbook 1090.12(5.32) and determine this is not a significant amendment to the LRMP because it does not meet the required definition of significance found in Forest Service Handbook 1909.12 (5.32). Those factors are:

**Timing:** The LRMP was signed in 1986 and is well outside the original planning period. The Forest Plan is planned for revision and expected to be completed in the next few years.

**Goals, objectives, and outputs:** This amendment will not significantly alter the long-term relationship between multiple use goals and objectives in the LRMP. No changes in the levels of goods and services provided by the Forest Plan are expected.

**Management prescription:** Management prescriptions in the LRMP will be replaced or modified by statements related to goals, desired conditions, direction, standards, and guidelines pertaining to unplanned ignition for resource benefit fire management. Implementation direction in appendix F will be replaced by the fire management plan. The changes in fire management actions of this amendment will not alter the desired condition of the land and resources, but provide managers with the flexibility to meet those conditions.

Details of the analysis that support my determination concerning this amendment have been placed in the Project Record.

## Implementation Date

If no appeals are filed within the 45-day time period, the LRMP will be amended as outlined in Alternative 1: Proposed Action on or after the 5<sup>th</sup> business day following the appeal period. When appeals are filed, the Forest Plan will be amended on the 15<sup>th</sup> business day following the last appeal disposition.

## Administrative Review or Appeal Opportunities

This amendment decision is subject to administrative review pursuant to “*Optional Appeal Procedures Available During the Planning Rule Transition Period*” (formerly 36 CFR 217). A written notice of appeal must be filed within 45 days, with the appeal period beginning the day after the day of publication of the Legal Notice as provided for in Section 8(b)(1). The appeal must be filed in duplicate (regular mail, fax, email, hand-delivery, or express delivery) with the Reviewing Officer. Written appeals must be submitted to:

**Reviewing Officer, Regional Forester  
333 Broadway SE  
Albuquerque, NM 87102**

Appeals may be faxed to the Reviewing Officer at 505-842-3173. The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to [appeals-southwestern-regional-](#)

[office@fs.fed.us](mailto:office@fs.fed.us). The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals. Names and addresses of appellants will become part of the public record.

Appeals must conform to the requirements of Section 9 of the procedures. A copy of the Optional Appeal procedures may be found online at

<http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>

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## Contact

For additional information concerning this decision or the Forest Service appeal process, contact Ron Hannan, Public Services Staff Officer, Lincoln National Forest, 3463 Las Palomas, Alamogordo, NM 88310.

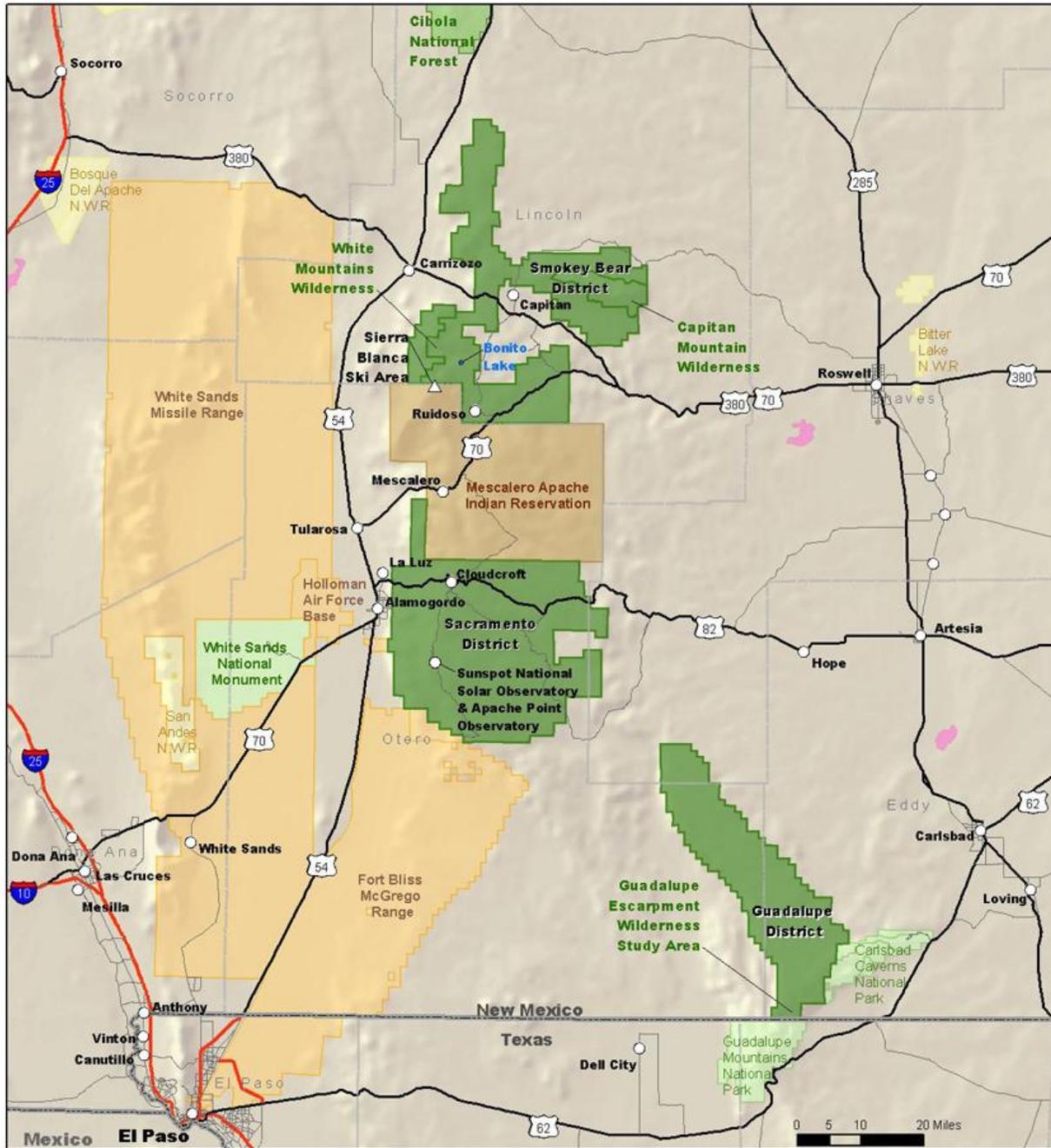
/s/ Jacque Buchanan

**Jacque Buchanan**  
**Lincoln National Forest**  
**Forest Supervisor**

09/03/09

Date

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**Legend**

- Lincoln National Forest
- Federal Lands**
- Forest Service
- National Park Service
- Bureau of Indian Affairs
- Fish and Wildlife Service
- Department of Defense
- Bureau of Reclamation
- Other Agencies (NASA, DOE, DOT, DOP, TVA...)

**Roads**

- Limited Access
- Highways
- Secondary Roads
- Other
- Highway Ramp

**Other Symbols**

- Cities and Towns
- State Boundaries
- County Boundaries

**Map Features**

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- Lincoln National Forest**
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Data Sources: USFS, 2004; ERSI, 2002