

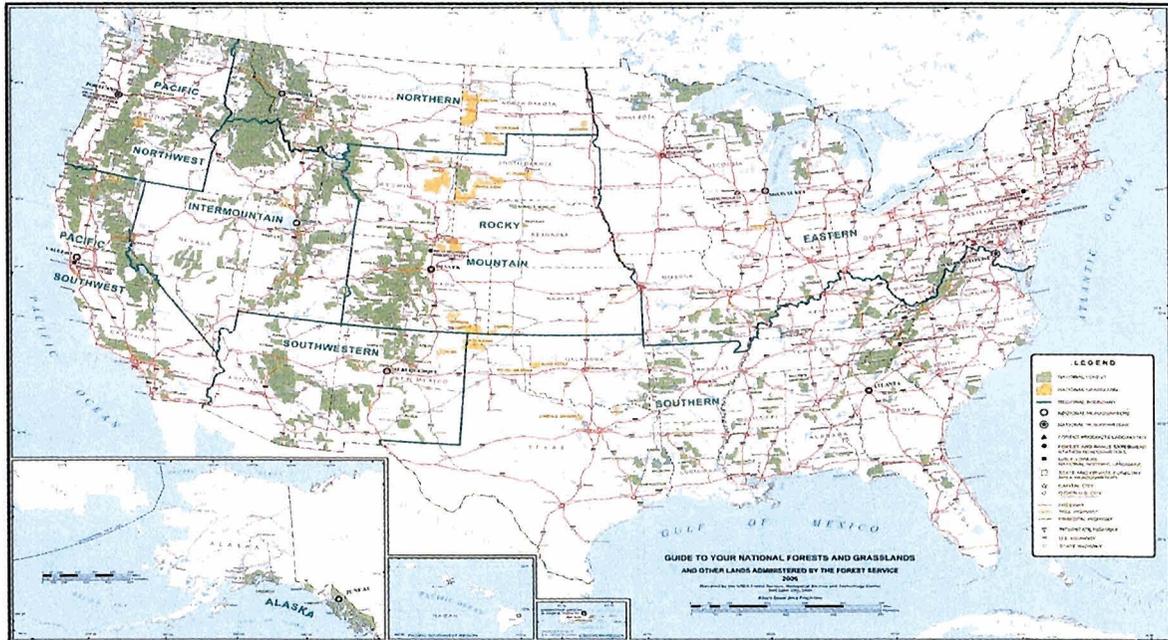
Decision Notice  
& Finding of No Significant Impact  
**Aerial Application of Fire Retardant**  
US Forest Service

**Decision and Reasons for the Decision**

**Background**

The United States Forest Service has conducted a programmatic environmental analysis and prepared an Environmental Assessment (EA) to determine whether allowing future nationwide aerial application of fire retardant on National Forest System (NFS) lands using *Guidelines for Aerial Application of Fire Retardant and Foams Near Waterway* (April 20, 2000) to suppress wildland fires<sup>1</sup> would result in significant environmental impacts as defined by the National Environmental Policy Act of 1969, and comply with the Endangered Species Act.

Environmental effects have been analyzed on an agency-wide, programmatic scale by an interdisciplinary team. The affected area is limited to NFS lands, which comprise approximately 193 million acres (fig. 1), a small portion of which contains aquatic environments, which may contain threatened, endangered, or candidate, species.



**Figure1. Map of National Forest System lands.**

<sup>1</sup> Any fire occurring on the wildlands, regardless of ignition source, damages, or benefits.

The purpose and need for the Proposed Action is to allow the Forest Service to maintain the ability to rapidly reduce wildfire intensities and rates of spread until ground forces can safely take suppression action and throughout the duration of an incident without harming fish and aquatic habitat. High fire intensities and rates of spread greatly reduce the ability of ground-based firefighters to fight wildland fires directly and safely. In addition, the remote nature of many wildland fires can delay the deployment of ground forces for suppression. Firefighters need the ability to quickly reduce rates of spread and intensities of wildland fires, often in remote locations, and to do so until ground forces can safely take suppression action or until a wildfire is contained or controlled.

The EA documents the analysis of two alternatives – a No Action Alternative and the Proposed Action Alternative.

### Decision

Based upon my review of the EA and consideration of the analysis and information contained in the project record, I have decided to implement Alternative 2, Proposed Action. My decision incorporates the reasonable, prudent alternative to avoid jeopardy to the continued existence of any endangered or threatened species or critical habitat from the National Marine Fisheries Service Biological Opinion. This alternative does not require any operational changes to the use of fire retardant. Rather, it involves additional testing and monitoring.

My decision is contingent upon receiving a “no jeopardy” Biological Opinion from the United States Fish and Wildlife Service. If the Fish and Wildlife Service opinion requires additional terms and conditions or alternative actions not considered in this analysis, I will revisit the environmental analysis and this decision.

This decision allows Incident Commanders and fire managers to continue to use the aerial application of fire retardant to fight fires on NFS lands under the *Guidelines for Aerial Delivery of Retardant or Foam near Waterways*. The 2000 Guidelines, established by the Forest Service, BLM, NPS, and FWS were implemented in 2000 to prevent the aerial application of fire retardant into waterways.

My decision does not result in a requirement to apply retardant, nor does it compel the use of retardant at a later time or place. This decision does allow the Incident Commanders and fire managers to use retardant, on NFS lands, under the 2000 Guidelines, when conditions warrant the use of retardant.

Because a limited number of effective firefighting tools exist, it is essential that firefighters are able to utilize every available means—including retardant—to fight wildland fires. All firefighting tools help contain and control fires, as well as prevent damage to human life, property, and valuable natural resources. When compared to the other alternatives, this alternative will allow Incident Commanders and fire management personnel the ability to respond to a wildfire incident with a full range of fire suppression tools, including the use of retardant, and where necessary and appropriate, maintain the ability to rapidly reduce wildfire intensities and rates of spread until ground forces can safely take suppression action.

## Other Alternatives Considered

In addition to the selected alternative, I considered the No Action alternative in detail and five other alternatives, which were not analyzed in detail. A description of the range of alternatives considered can be found in the EA on pages 9-12.

### Alternative 1 - No Action

Under the No Action alternative, the Forest Service would discontinue the aerial application of fire retardant, for those fires occurring on NFS lands. Ground-based application of foams, water enhancers (gels), and water (including aerial application of water only) would continue to be available for use by Incident Commanders as suppression tools. This alternative would not prohibit the aerial application of fire retardant on lands owned or administered by State, private, or other Federal entities. Aerial delivery of water would continue to be available to Incident Commanders and other fire managers.

## Public Involvement

A proposal to prepare an analysis on allowing the aerial application of fire retardant to continue under the 2000 Guidelines was listed in the Schedule of Proposed Actions on October, 2007. The proposal was provided to the public and other agencies for a 30-day scoping period on July 28, 2007. On the same day, a notice was published in the Federal Register indicating the intention of the Forest Service to prepare the EA. As a result of the scoping period, the agency received 17 letters. The Forest Service also contacted other Federal and State fire organizations for input. In addition, as part of the public involvement process, the agency established a public forum on the internet for the public to discuss and exchange ideas relating to the Proposed Action.

Using the scoping comments from the public, other agencies, and Native American Tribes, the interdisciplinary team identified several issues regarding the effects of the proposed action. The main issues of concern included aquatic environments, cultural resources, upland vegetation, decision regarding wildfire suppression, and federal, state and local laws (see EA page 7).

## Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that this action will not have a significant impact on the quality of the human environment considering the context and intensity of impacts (40 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 impact is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety. The effects of fire retardant on human health and safety has been analyzed and evaluated by the Forest Service and private sources. It has been determined that the aerial application of fire retardant does not pose a risk to the health and safety of the general public, or fire fighters. (EA pages 22-24).
3. There will be no significant effects on unique characteristics, or ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and

scenic rivers, etc. The decision on where to apply retardant is made by local Incident Commanders, and is based in part on recommendations and input from local resource advisors with particular knowledge of the local area. (EA pages 18-22).

4. The effects on the quality of the human environment are not likely to be highly controversial. There is no scientific controversy over the impacts of the project. The effects of retardant on the various aspects of the environment have been well analyzed and documented by a variety of individuals, organizations and government agencies. (EA pages 2-5, 12-24)
5. Aerial application of chemical fire retardants has been used by the US Forest Service since 1955. Much research has been conducted on the effects of aerial application of fire retardants. Over 50 years of retardant use, along with effects analysis for the aerial retardant program shows the potential impacts are not uncertain, and do not involve unique or unknown risk. (EA pages 2-5 and 12-24)
6. The decision is not likely to establish a precedent for future actions with significant effects. Standard fire suppression tactics have not been altered or changed. The Guidelines, as approved by the federal wildland fire fighting agencies, have been in place and used since 2000, and are still in effect. (EA pages 2-5)
7. The impacts of aerially applied fire retardant are temporary and localized. There are no other actions identified at this programmatic level that contribute cumulatively to the effects of fire retardant on the human environment. (EA pages 13, 17, 18, 21-22, and 23-24)
8. This decision will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. While aerially applied fire retardant can have detrimental effects, it does not adversely affect the significance of a heritage site. During extended attack fire suppression, resource advisors assist incident commanders in weighing potentially adverse effects of aerial application of fire retardant against potential damage from a wildfire without retardant. (EA pages 18-22)
9. The decision should not jeopardize the continued existence of any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. Aerially applied retardant will normally be kept a minimum of 300 feet from a waterway. Under certain exceptions, a line of retardant may be anchored (dropped immediately adjacent) to a waterway. A waterway large enough to be suitable for anchoring would have a high probability of diluting initial concentrations of incidental retardant drift as well as providing room for fish to avoid a contaminated area. (EA pages 13-17 see also biological opinions in the project record)

The Forest Service has received a Biological Opinion from the National Marine Fisheries Service identifying a reasonable, prudent alternative to avoid jeopardy to the continued existence of any endangered or threatened species or critical habitat. This alternative does not require any operational changes to the use of fire retardant and compliance with the alternative will likely result in the diminution in any potential effects on protected

species and habitat by providing additional information and monitoring. The Forest Service has not received a final Biological Opinion from the Fish and Wildlife Service, but that agency has informed the Forest Service that it does not expect to issue a jeopardy opinion. Accordingly, this Finding is subject to revision upon the completion of consultation.

10. The action will not threaten a violation of Federal, State, and local law or requirements imposed for the protection of the environment. Aerial application of fire retardant is consistent with applicable laws including State and Federal Clean Water Act requirements, the Endangered Species Act, and the National Historic Preservation Act. (EA pages 13-22)

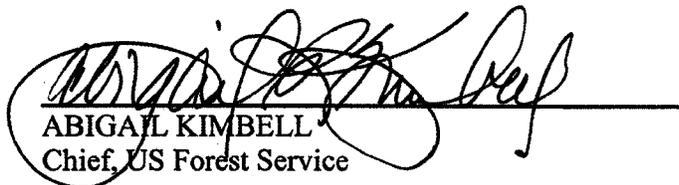
### **Administrative Review or Appeal Opportunities**

This decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215.

### **Contact**

For additional information concerning this decision, contact:

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ABIGAIL KIMBELL  
Chief, US Forest Service

10/11/07  
Date

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# ERRATA

October 17, 2007

## Page 3 - **Public Involvement**

The first two sentences in this section should read:

A proposal to prepare an analysis on allowing the aerial application of fire retardant to continue under the 2000 Guidelines was listed in the Schedule of Proposed Actions on October, 2006. The proposal was provided to the public and other agencies for a 30-day scoping period on July 28, 2006.

In both sentences, the year 2007 was inadvertently typed instead of 2006.