

Legal Mandates and Fire Management

As required by the National Environmental Policy Act (NEPA), the Fish and Wildlife Service has procedures for assessing environmental effects of specific Service actions. For actions not categorically excluded, an Environmental Assessment (EA), and if necessary, an Environmental Impact Statement (EIS), is prepared before making any land use decision, including fire management actions. See the Service NEPA guidance in 30 AM 2-3, 550 FW 1-3, and Departmental procedures in 516 DM 1-6; or consult with the Regional Environmental (NEPA) Coordinator for details on the NEPA process.

Departmental Categorical Exclusions are listed in 516 DM 2, Appendix 1. These are actions which do not individually or cumulatively have a significant effect on the environment. Additional Service categorical exclusions are also included in the Departmental Manual in 516 DM 6, Appendix 1. If exceptions to categorical exclusions apply, under 516 DM 2, Appendix 2, the Department or Service categorical exclusions cannot be used. Categorical exclusions which apply to the FWS wildland fire activities include:

- Personnel training, environmental interpretation, public safety efforts, and other educational activities, which do not involve new construction or major additions to existing facilities.
- Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples could include minor changes in the type and location of compatible public use activities and land management practices.
- The issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned. Examples include an amended public use plan or fire management plan.
- Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Service procedures.
- The use of prescribed burning for habitat improvement purposes, when conducted in accordance with local and State ordinances and laws.

Fire Management and Prescribed Fire Plans are operational plans and developed to implement land use decisions made in approved refuge Comprehensive Conservation and Habitat Management Plans. These "operational" fire management plans are usually categorically excluded from further NEPA analysis when:

- there is an approved Comprehensive Conservation or Habitat Management Plan that adequately addresses fire management activities,
- the plan has been through the NEPA process, and

- all prescribed burning is done for habitat improvement or prevention purposes.

If not, a Fire Management Plan EA is probably needed. Other environmental, social, legal, or political reasons may also justify a Fire Management Plan EA. The determination on whether a Fire Management Plan EA is needed is made at the field level with Regional Office consultation.

Other Legal Mandates

Other compliance requirements include Section 106 of the 1966 National Historic Preservation Act, Section 7 of the Endangered Species Act (as amended in 1973), Section 810 of the 1980 Alaska National Interest Land Conservation Act, and Section 118 of the Clean Air Act (as amended in 1990). Additional state and local compliance requirements may also exist.