

MOUNTAIN FORK PROJECT

Decision Notice & Finding of No Significant Impact

**USDA Forest Service
Mena Ranger District, Ouachita National Forest
Polk County, Arkansas**

April 12, 2012

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Decision and Reasons for the Decision

Background

At the direction of the District Ranger, the Interdisciplinary Team (ID Team) met regularly throughout 2010 and 2011 to evaluate the Mountain Fork Project. ID Team members and their areas of expertise are listed in Chapter 4 of the EA. The ID Team discussed and reviewed data collected for the analysis area during field reconnaissance. Those discussions involved current conditions, management needs, goals, objectives, opportunities and desired conditions, as described in the Ouachita National Forest Revised Land and Resource Management Plan (Revised Forest Plan). The ID Team then developed a list of possible and probable resource management actions that were submitted to the District Ranger for review.

The District Ranger approved the list of probable opportunities for the Mountain Fork Project in August 2011, forwarded it to those on the district mailing list and posted it on the Ouachita National Forest website. The ID Team then began to analyze the *Proposed Action* alternative and develop other alternatives to address issues and/or concerns identified during the public scoping process.

The purpose and need for action in this analysis area was recognized in order to meet priorities and objectives of the Revised Forest Plan. These priorities and objectives state desired condition(s) for the Mountain Fork Project analysis area:

- ❖ Maintain or restore community diversity – and a significant component of species diversity.
- ❖ Take steps to improve forest health by reducing the likelihood of insect infestations, disease outbreaks, and establishment of non-native, invasive species on National Forest System lands.
- ❖ Manage the forest transportation system, including the open road density, to minimize wildlife habitat disturbance during the critical reproductive period (March through August).
- ❖ Where open habitats are not provided by other conditions, develop one permanent wildlife opening, one to five acres per 160 acres of habitat.
- ❖ Provide grass-forb or shrub-seedling habitats at a rate of a minimum of 6 percent of the suitable acres in MAs 14.
- ❖ Manage the forest transportation system...to reduce road-related barriers to aquatic organism passage.
- ❖ Provide for and designate areas for mast production at the approximate rate of 20 percent of each project area.
- ❖ Release approximately 200 pine trees per acre on pine-hardwood management type (FI001) and approximately 100 desirable hardwoods per acre on pine-hardwood management type (FI003).
- ❖ Habitat conditions sustain healthy populations of native and desired non-native wildlife and fish species.

- ❖ Planting may be used on a case-by-case basis to accomplish desired stocking levels [of regeneration].
- ❖ Provide a safe transportation system that meets the minimum needs of various resources and their users, minimizes wildlife habitat disturbance and satisfies some public demand for motorized recreation.
- ❖ Develop local economy marketing opportunities to improve utilization of hardwood products (firewood).
- ❖ Areas of exposed soil must be stabilized.
- ❖ Supply a spectrum of recreational facilities and opportunities that are responsive to user demands.

The environmental assessment (EA) documents the analysis of three alternatives to meet this need.

Decision

The ID Team prepared an EA addressing environmental effects of implementing **Alternative 1: No Action**, **Alternative 2: Proposed Action**, and **Alternative 3: Proposed Action without Herbicide**. Based on the analysis documented in the EA, it is my decision to implement the **Proposed Action** Alternative for the Mountain Fork Project. Resource management activities proposed for the Mountain Fork Project analysis area are outlined in detail in chapter 2 of the EA and its Appendix A. These activities are representative of those implemented on the Mena and Oden Ranger Districts of the Ouachita National Forest.

The **Proposed Action** Alternative was chosen over **Alternative 1: No Action** and **Alternative 3: Proposed Action without Herbicide** because it is the alternative that best meets the identified purpose and need for the Mountain Fork Project analysis area as stated in the EA. **Alternative 1: No Action** is a requirement of the National Environmental Policy Act (NEPA). **Alternative 3: Proposed Action without Herbicide** is the same as **Alternative 2: Proposed Action** without the application of herbicide.

Specifically, the **Proposed Action** Alternative would meet the stated objectives on pages 2 and 3. There are also other supplemental benefits provided for as a result of this decision. They include:

- ❖ Continued opportunities for hunting-related camping, fishing, hiking, general camping, driving for pleasure and viewing of the forest landscape.
- ❖ Continued provision of a sustained supply of wood and wood products.

The planning process utilized by the Forest Service is designed to comply with principal laws such as the Multiple-Use Sustained Yield Act, NEPA, and the National Forest Management Act (NFMA). As stated in the Forest Service Manual (FSM), "All direction governing Forest Service programs and operations is set forth in or derived from Federal statutes" (FSM 1011). *The Principal Laws Relating to Forest Service Activities* (Agriculture Handbook No. 453) lists 198 laws that govern Forest Service

authority, responsibilities and activities. Some of these major laws include: Knutson-Vandenberg Act of 1930, Multiple-Use Sustained Yield Act of 1960, Wilderness Act of 1964, Historic Preservation Act of 1966, National Environmental Policy Act of 1969, Federal Water Pollution Control Act Amendments of 1972, Endangered Species Act of 1973, Forest and Rangeland Renewable Resource Planning Act of 1974, National Forest Management Act of 1976, Federal Land Policy and Management Act of 1976, Clean Air Act Amendments of 1977, and the Healthy Forests Restoration Act of 2003. Direction and guidance, as to Forest Service mission, responsibility, objectives, policy, authority, practices and procedures are given in the FSM and Forest Service Handbook (FSH). This decision is in accordance with these applicable laws, implementing regulations and relevant Forest Service directives.

The activities proposed for the Mountain Fork Project analysis area are in accordance with the Forest Service mission to achieve quality land management under the sustainable multiple-use concept to meet the diverse needs of people. This decision and the management activities described in the EA are consistent with the allocations and standards of the Revised Forest Plan.

My decision is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views and the acknowledgment of incomplete or unavailable information. See above listed environmental documents considered in making the decision”, EA Chapter 1 “Relevant Planning Documents” (p. 9), EA Chapter 3 “Analysis Tools Used” (p. 31), and EA Chapters 6 and 7 “Literature Cited and Glossary of Terms” (pp. 128-143). Also, see Attachment 1 ‘Response to Comments’.

Project Specific Design Criteria

Treatments described for the Mountain Fork Project analysis are consistent with the standards of the Revised Forest Plan. Treatments and environmental effects are typical of those projected for implementation in the Revised Forest Plan and analyzed in the Final Environmental Impact Statement for the Revised Land and Resource Management Plan (FEIS). See pages 14-16 of the EA for project specific design measures.

Alternatives Analyzed in Detail

Three alternatives were considered: *Alternative 1: No Action*; *Alternative 2: Proposed Action*; and *Alternative 3: Proposed Action without Herbicide*.

Alternative 1: No Action - Timber harvest would be deferred until a later entry. However, ongoing Forest Service permitted and approved activities would continue in the Mountain Fork Project area (See EA, p 18).

Alternative 2: Proposed Action - This alternative addresses ecosystem management through a variety of activities (See EA, p 18).

Alternative 3: Proposed Action without Herbicide - This alternative addresses ecosystem management without the use of herbicides (See EA, pp 28). The herbicide use would be replaced by manual application(s).

Public Involvement

As described in the background, the ID Team discussed the existing conditions for the Mountain Fork Project. The existing conditions were discussed and compared to the Revised Forest Plan. The ID Team then formulated the *Proposed Action*. On August 9, 2011 the District Ranger sent the scoping letter, and published a legal advertisement in the Arkansas Democrat-Gazette requesting input on the proposed action. Thirty-one responses were received.

The ID Team then began to analyze the *Proposed Action* and alternatives. The EA was completed in February of 2012. On March 17, 2012, the District Ranger sent the public comment notice, and published a legal advertisement in the Arkansas Democrat-Gazette requesting input on the proposed action and environmental assessment. Like the scoping letter, this mailing was sent to individuals, state and local agencies, private industry and other interested and potentially affected organizations that have, traditionally, commented on the Mena and Oden Ranger District's resource management activities. Six responses were received.

This proposal has also been included in the Ouachita National Forest's "Schedule of Proposed Actions" for the last several publications. This schedule is published quarterly by the Forest.

Finding of No Significant Impact

I, the District Ranger, have determined that implementation of this watershed EA, with associated mitigation measures, is not a major federal action either individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore an environmental impact statement is not necessary. This determination is 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 human environment (EA, Chapter 3, beginning on page 31).
2. The actions will not affect public health or safety. This includes both short and long-term safety. Prescribed burning will be conducted under an approved burning plan, which takes into account appropriate weather conditions and areas sensitive to smoke (EA, pp 31 and 111).
3. The project will not adversely affect any unique characteristics of the geographic area, including historic or cultural resources, wetlands and floodplains (EA, pp 50 and 59).
4. Based on public involvement and the analyses conducted in the EA, the effects on quality of the human environment are not likely to be highly controversial (EA, Chapter 3, beginning on page 31).
5. The actions do not involve highly uncertain, unique or unknown environmental risks to the human environment. The district ID Team has significant expertise in implementing these actions (EA, Chapter 3, beginning on page 31).
6. The actions in this decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration.

7. The cumulative effects of the **Proposed Action** Alternative have been analyzed with consideration for past and foreseeable future activities on adjacent public and private land (EA, p 25 and Chapter 3, beginning on page 31).
8. The actions will not affect any sites listed in or eligible for listing in the National Register of Historic places nor will they cause loss or destruction of significant scientific, cultural, or historic resources. This is based on site-specific archeological surveys conducted for the analysis (EA, p 59).
9. The actions will result in a determination of “not likely to adversely affect” for the threatened Leopard darter and the endangered Indiana bat. The actions will have “no impact” on the sensitive Rich Mountain slitmouth snail. The actions “may impact individuals but not likely to cause a trend to federal listing or a loss of viability” for the sensitive Eastern small-footed bat, Ouachita shiner, *Orconectes menae*, *Procambarus tenuis*, Rich Mountain salamander, Diana fritillary, Ouachita leadplant, Waterfall’s sedge, Ozark chinquapin, Southern Lady’s slipper, Cossatot Mountain leafcup, Ouachita Mountain goldenrod, Ozark spiderwort, Ozark least trillium and Carolina crownbeard (EA, Appendix C).
10. None of the actions threaten to lead to a violation of Federal, State or local laws imposed for the protection of the environment. This will be ensured by implementing the **Proposed Action** Alternative in a way that is consistent with the standards, management requirements and mitigation measures established in the Revised Forest Plan. For water quality management, State approved Best Management practices (BMPs) will be used. These BMPs are from the State water quality management plan and have been designed with the goal of producing water that meets State water quality standards. The resource management activities will be monitored to ensure that if BMPs on a specific site result in effects significantly higher than anticipated because of unforeseen site factors or events, appropriate corrective measures will be considered and implemented. The resource management practices analyzed for this project will fully comply with State approved BMPs and the Clean Water Act (EA, pp 37-52).

Findings Required by Other Laws and Regulations

Vegetation Management Requirements from the National Forest Management Act

The minimum specific management requirements for projects and activities that must be met in carrying out projects and activities for the National Forest System (NFS) are set forth in this section. Under 16 U.S.C. 1604 (g)(3)(E), a Responsible Official may authorize site-specific projects and activities to harvest timber on NFS lands only where:

1. Soil, slope or other watershed conditions will not be irreversibly damaged (EA, pp 37-52).
2. There is assurance that the lands can be adequately restocked within five years after final regeneration harvest (FSM 1921.12g) (Not applicable).
3. Streams, streambanks, shorelines, lakes, wetlands and other bodies of water are protected from detrimental changes in water temperatures, blockages of water courses, and deposits of

sediment where harvests are likely to seriously and adversely affect water conditions or fish habitat (EA, pp 37-52).

4. The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber (EA, pp 60-68).

A Responsible Official may authorize projects and activities on NFS lands using cutting methods, such as clearcutting, modified seed tree cutting, modified shelterwood cutting and other cuts designed to regenerate an even-aged stand of timber, only where:

1. For clearcutting, it is the optimum method; or where seed tree, shelterwood, and other cuts are determined to be appropriate to meeting the objectives and requirements of the relevant plan (16 U.S.C. 1604 (g)(3)(F)(i)) (Not applicable).
2. The interdisciplinary review has been completed and the potential environmental, biological, aesthetic, engineering, and economic impacts have been assessed on each advertised sale area and the cutting methods are consistent with the multiple use of the general area (16 U.S.C. 1604 (g)(3)(F)(ii)) (EA, Chapter 3, beginning on page 31).
3. Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain (16 U.S.C. 1604 (g)(3)(F)(iii)) (EA, pp 60-68).
4. Cuts are carried out according to the maximum size limit requirements for areas to be cut during one harvest operation (FSM 1921.12e) (EA, pp 60-68).
5. Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, esthetic resources, cultural and historic resources, and the regeneration of timber resources (EA, Chapter 3, beginning on page 31).
6. Stands of trees are harvested according to requirements for culmination of mean annual increment of growth (16 U.S.C. 1604 (m); FSM 1921.12f; FSH 1909.12, ch. 60) (EA, pp 60-68).

Revised Forest Plan

This decision as stated in this document is consistent with the intent of the Revised Forest Plan long term program priorities and objectives as stated on page 6-10 of the EA. The project was designed in conformance with the Revised Forest Plan and incorporates appropriate land and resource management plan standards:

- Restore and maintain healthy and productive ecosystems.
- Provide high-quality recreation opportunities.
- Protect air quality.
- Provide clean water.
- Provide appealing scenery.
- Provide forest products.
- Provide economic opportunities to communities that rely upon the Ouachita National Forest.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 2003 version 36 CFR 215.11(a). A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in the Arkansas Democrat-Gazette. The Appeal shall be sent to the Ouachita National Forest, ATTN: Appeals Deciding Officer, P.O. Box 1270; 100 Reserve Street; Federal Building, 2nd Floor; Hot Springs, Arkansas 71902. Appeals may be faxed to (501) 321-5353. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may also be mailed electronically in a common digital format to appeals-southern-ouachita@fs.fed.us. Only those individuals or organizations who submitted comments or otherwise expressed an interest during the notice and comment period may appeal.

Appeals must meet content requirements of 36 CFR 215.14. If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 business days following the date of appeal disposition. (36 CFR 215.9)

Contact Information

For additional information concerning this decision or the Forest Service appeal process, contact Chris Morgan at the Mena Ranger Station, 1603 Hwy. 71N, Mena, AR 71953 or telephone (479) 394-2382.

Responsible Official:



TIM OOSTERHOUS
District Ranger

April 12, 2012

Date