



Decision Notice
And
Finding of No Significant Impact
For
Scott County Phase III East 80
in
Compartments 266, 267, 268, 269, 288, 289, 293, 295, and 296
Special Use Permit for James Fork Regional Water District
Scott County, Arkansas

Responsible Agency:
USDA Forest Service
Ouachita National Forest
Poteau-Cold Springs Ranger District

Responsible Official:
Norman Wagoner, Forest Supervisor
PO Box 1270
Hot Springs, AR 71902

For Further Information Contact:
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Cold Springs Ranger District
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Proposed Action

The proposed action is to grant James Fork Regional Water District (JFRWD) a special use permit to install a waterline and a water storage tank on National Forest land in Scott County, Arkansas. The proposed location is in sections 13, 15, and 25 of Township 3 North, Range 28 West and sections 7, 8, 15, 16, 17, 18, 19, 20, 21 & 30 of Township 3 North, Range 27 West. See attached map for line and water tank location. The water tank will be set on a 100’x100’ section of land and the line will be set on a 15’ utility right-of-way (approximately 8.2 miles on Forest Service land). Affected compartments include 266, 267, 268, 269, 288, 289, 293, 295 and 296.

The activities proposed are detailed below (acres are approximate).

Summary of Proposed Action. These are approximate acres only based on field examinations, GIS, and GPS.

MANAGEMENT ACTIVITIES	TOTAL Proposed Action
Water Line Installation (acres)	15.3
Water Storage Tank Construction (acres)	0.23

Decision

Based on the analysis documented in the environmental assessment (EA), it is my decision to implement the Proposed Action identified above for this Project. 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 of which none were received, and the acknowledgement of incomplete or unavailable information.

Reasons for the Decision

The Proposed Action was chosen over Alternative 2 (No Action) because the No Action Alternative would not meet the identified purpose and need for this project as stated in the EA beginning on page 1. Specifically, the Proposed Action would best meet the project objective (EA, p. 11):

Comparison of Meeting the Purpose & Need by Alternative.

Purpose and Need	Proposed Action	No Action
Granting of a special use permit to JFRWD to construct the proposed waterline extension that would provide water to approximately 80 new residents with a potential to serve over 100 residents.	Yes	No

Role of the Interdisciplinary Team and Public Involvement

Scoping for this project began with the mailing of the scoping/proposed action letter to adjacent landowners and interested citizens. EDM Consultants, Inc. sent letters during the month of January 2010, inviting comments on the proposed water distribution project. Included in this list were nine Native American Tribes. The letter discussed existing conditions and the desired conditions. Scoping package contained a description of the proposed action, a map depicting the proposed action and a comment form. The following submitted written comments to the letter:



- Arkansas Historic Preservation Program – Frances McSwain
- U.S. Corps of Engineers – Jim Ellis
- Natural Resources Conservation Service – Edgar P. Mersiovsky
- Arkansas State Parks – Anita Chouinard
- Department of Arkansas Heritage – Frances McSwain
- U.S. Department of Agriculture – Steven N. Cole

Over 80 residents have paid the hook-up fee and meter deposit; many more have attended the board meetings and the water sign-ups in support of this project. No negative public responses were received. A Public Hearing was held on September 12, 2012. During the meeting the attendees expressed their support for the project. There were no adverse written or spoken comments. The project was also published in the Ouachita National Forest Schedule of Proposed Actions (SOPA).

A legal notice initiating the 30-day comment period on the EA was published in the Arkansas Democrat Gazette on 4/11/2013. A letter was sent to interested publics notifying them that the comment period had been initiated and provided information on availability of analysis documents. No comments were received.

In accordance with the National Historic Preservation Act (NHPA) of 1966, as amended 1992, and 36 CFR 800 regulations with respect to inventory survey adequacy, National Register of Historic Places (NRHP) eligibility of archeological sites and the expected effects of the actions proposed with Project alternatives on heritage resources, heritage resource inventories were conducted to identify historic properties. Historic properties are defined at 36 CFR 800.16(1) as heritage resource sites that may be eligible for listing in the National Register of Historic Places. The findings were submitted to the Arkansas State Historic Preservation Officer (SHPO) and the affected Indian Tribes for review and comment. A letter of concurrence from Arkansas SHPO was received on October 7, 2010.

Issues Identified

No issues were identified.

Alternatives Eliminated From Detailed Study

An alternative was considered that would include a section of water line to extend north on Cold Springs Road and east and west on HWY 248 to serve new customers. This alternative was eliminated from the detailed study due to the lack of demand of water in the pipe serving the extended service area. Extending the distribution piping to serve low demand, remote customers would compromise the water in the pipe, making it lose its benefits.

Alternatives Considered in Detail

Two Alternatives were analyzed in the EA:

1. **Alternative 1 (Proposed Action)** - This alternative is described on page 2 of this document. (Also, see EA, pp. 3 and 5-6).
2. **Alternative 2 (No Action)** - Under the No Action Alternative, the special use permit would not be granted to JFRWD and the waterline would not be installed. (See EA, p. 6).



Forest Plan Mitigations (EA, p. 6)

The Forest-wide Design Criteria for Management Area 14 are incorporated by reference into the Proposed Action by smart design and are located on the website (as of 6/13) at <http://www.fs.fed.us/r8/ouachita/planning/plan.shtml>.

For each alternative, all applicable design criteria or standards in the latest Ouachita National Forest Land and Resources Management Plan and the Revised Forest Plan citation would be applied.

Best Management Practices (BMPs) for Water Quality Protection (Arkansas Forestry Commission) would also apply as standard mitigation measures for all proposed actions.

Below are specific mitigation measures for this project:

- No work can be performed during inclement weather (rain, ice, snow or when roads and / or area being impacted are wet).
- JFRWD will contact the Forest Service representative for prior approval of any tree removal needs that may come up.
- Merchantable trees in the right-of-way will be marked and sold to JFRWD. JFRWD will be required to chip, haul off or otherwise dispose of right-of-way clearing debris or as directed by the Forest Service.
- During construction involved with the project, JFRWD will utilize appropriate measures to minimize offsite movement of runoff water and erosion control from the project site. Hay bales, silt fences, seeding and fertilizing, and mulching will be required as specified by USFS. Seeding specifications included in the Special Use Permit will be followed to revegetate disturbed areas.
- Areas where soil has been disturbed shall be reseeded within 30 days of project completion. The seeding includes cut-and-fill slopes, ditches (wing, lead-off, etc.), shoulders, and any other exposed areas created by the project.
- Under the Clean Water Act, anyone who proposed an activity that will discharge dredged or fill material into waters of the United States is required to apply for a permit from the U.S. Corps of Engineers. It will be JFRWD's responsibility to pursue this matter with the U.S. Corps of Engineers.
- JFRWD will be required to post signs along roads open to the public to notify road users of activity in the area.
- JFRWD will be responsible for any associated tree mortality along the waterline corridor for a period of three years. This will include JFRWD felling or removing dead/dying trees as designated by the Forest Service as a safety hazard along the linear route.



- JFRWD will be responsible for coordinating maintenance schedules of the right-of-way with any other permit holder in the same right-of-way.
- Inspection of waterline installation shall be the responsibility of the operator through use of a third party hired to conduct the inspections, or by employee of operator self-certifying the installation. The self-certifications must be submitted to the Forest Service in writing and address all aspects, including depth of waterline. The Forest Service will complete random inspections at various times throughout the process.
- A review of listings and locations of all known occurrences of proposed, endangered, threatened, or sensitive species (PETS) has been conducted. In addition, field surveys have been made on all stands to be impacted by each of the action alternatives. No critical or essential habitat for any PETS species was identified in the project area. If any additional PETS species are discovered prior to or during implementation, the project will be halted and a new biological evaluation will be made to determine the effects on the species and its habitat. A Biological Evaluation (BE) was prepared for this project and is part of the project file.
- Crossings will be minimized, performed during dry or frozen conditions or eliminated.
- Paint water tank forest green and keep below tree line.
- Return surfaces to original contours and elevations.
- Based on the results from the study performed by Flat Earth Archeology there will be no effects to heritage resources. In areas where the path of the water line intersected a heritage site the waterline was relocated to the other side of the road that way any chance of disturbance to the site is eliminated. Although heritage resources surveys were designed to locate all NRHP eligible archeological sites and components, these may go undetected for a variety of reasons. Should unrecorded heritage resources be discovered, activities that may be affecting that resource will halt immediately; the resource will be evaluated by an archaeologist, and consultation will be initiated with the SHPO, tribes and nations, and the ACHP, to determine appropriate actions for protecting the resource and mitigating adverse effects. Project activities at that locale will not resume until the resource is adequately protected and until agreed-upon mitigation measures are implemented with SHPO approval.



Finding of No Significant Impact (FONSI)

I have determined that the proposed actions are not a major federal action, either individually or cumulatively, and will not significantly affect the quality of the human environment based on the EA and from past experience with similar forest management activities. Therefore, an environmental impact statement is not necessary. This determination is based upon 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 Environmental Consequences).
2. The degree to which public health and safety may be affected is minimal (EA, pp. 18).
3. The project will not affect any unique characteristics of the geographic area (historic or cultural resource, wetlands, and floodplains, etc.). This is based on information gathered through records and site specific field inventories (EA, Chapter 3 Environmental Consequences).
4. Based on public involvement and the analyses conducted in the EA, the effects on the quality of the human environment are not likely to be highly controversial (EA, p. 3-4 and Chapter 3 Environmental Consequences).
5. The actions do not involve highly uncertain, unique, or unknown environmental risks to the human environment. All actions described have been conducted before, and district staff members have considerable expertise in carrying out these actions (EA, Chapter 3 Environmental Consequences).
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 (EA, Chapter 3 Environmental Consequences).
7. The cumulative effects of the proposed actions have been analyzed with consideration for past and foreseeable future activities on adjacent public and private land, and no significant cumulative effects would result from implementation (EA, Chapter 3 Environmental Consequences).
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 cultural resource surveys conducted on the analysis area, preparation of a Cultural Resources Report, and consultation on the proposed project with the Arkansas State Historic Preservation Officer. (EA, p. 7 and 13).
9. The actions are not likely to significantly affect endangered or threatened plant or animal species or critical habitat under the Endangered Species Act (EA, pp. 16-18 and Biological Evaluation).
10. None of the actions threaten to lead to violation of federal, state, or local laws imposed for the protection of the environment. This will be ensured by carrying out the decision in a way that is consistent with the forest-wide design criteria, management requirements and mitigation measures established in the Revised Forest Plan.



Findings Required by Other Laws and Regulations

I have determined that actions included in this decision are consistent with the Revised Forest Land and Resource Management Plan for the Ouachita National Forest because the selected alternative has been planned and will be implemented in accordance with all applicable design criteria of the Revised Forest Plan (EA, p. 6). The actions described in the selected alternative are typical of those projected for implementation in the Revised Land and Resource Management Plan and for which the environmental effects are disclosed in the Final Supplement to the Environmental Impact Statement (FEIS). This environmental assessment tiers to the FEIS (EA, p. 3). This project will fully comply with State approved BMPs and the Clean Water Act (EA, pp. 9-10).

Findings under the National Forest Management Act. The selected alternative, which alters vegetation, complies with the requirements of the National Forest Management Act. Under 16 U.S.C. 1604 (g)(3)(E), a Responsible Official may authorize site-specific projects and activities on NFS lands to harvest timber only where:

1. Soil, slope, or other watershed conditions will not be irreversibly damaged (EA pp. 8-10);
2. Protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water 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. 9-10).

Implementation and Appeal Rights

This decision is not subject to appeal pursuant to 36 CFR 215.12 because no comments expressing concerns or only supportive comments were received during the comment period for this project. Implementation may begin immediately upon publication of the legal notice.

Contact

For further information on this decision, contact District Ranger Howard Freerksen, Cold Springs Ranger District, P. O. Box 417, Booneville, AR 72927; phone (479) 675-3233.

Responsible Official

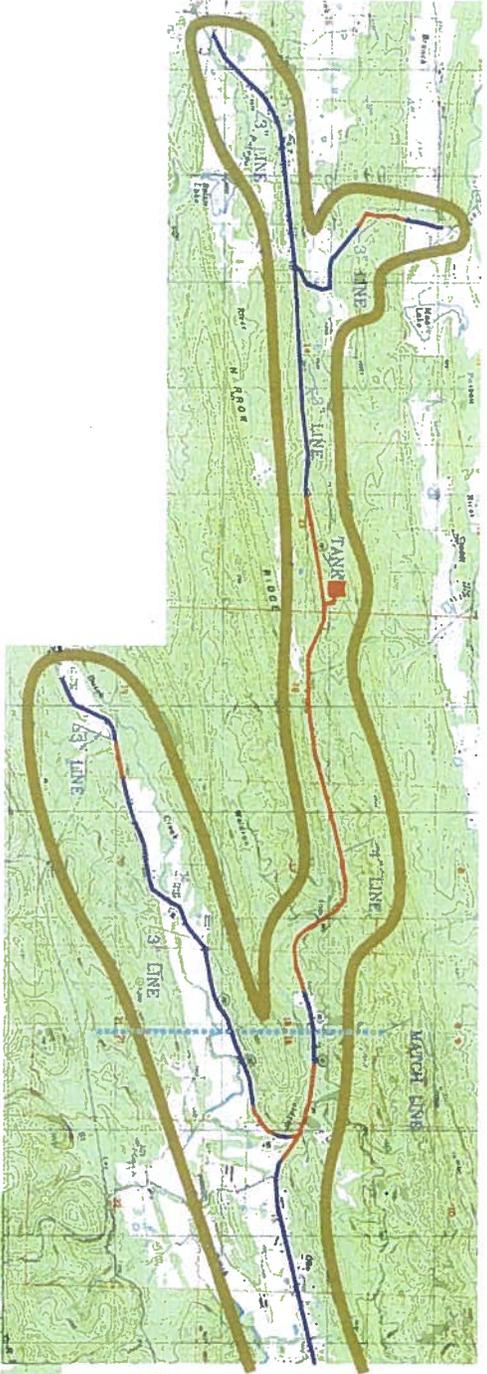


NORMAN L. WAGONER, Forest Supervisor



DATE

SECTION ON HWY 80 AND 250 FORK



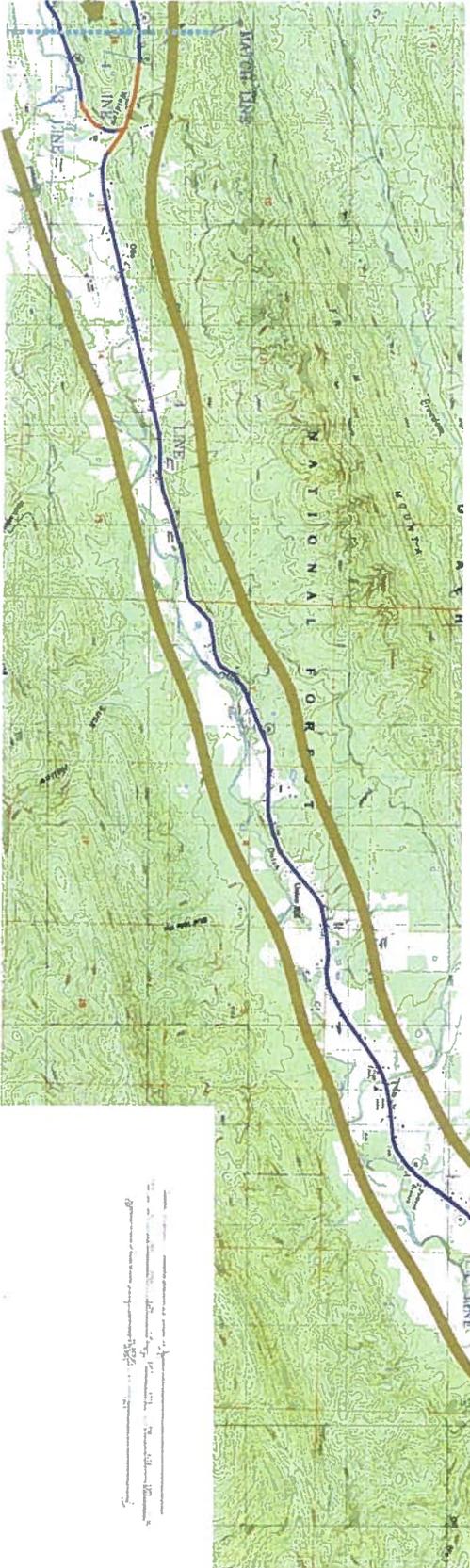
SCOTT COUNTY
 PHASE III EXTENSIONS
 EAST 80



E. D. M. CONSULTANTS, INC.
 Engineering Department
 1320 WINDLOW DR. - F.O. BOX 2000
 FORT SMITH, ARKANSAS 72913

- PROJECT AREA
- PROPOSED WATER LINE FOREST SERVICE LAND
- PROPOSED WATER LINE PRIVATE LAND

SECTION ON HWY 80 TO BLUE BALL



Scale: 1" = 1000'

North Arrow