

DECISION MEMO

I have decided to approve eight separate special uses for access to private land on existing National Forest roads. Additionally, I have decided to approve amendments for two existing special use permits allowing for the upgrade of standard phone lines to fiber optic lines. No additional ground disturbance would be required beyond what has already taken place for any of the special use permits and the two special use amendments. Special Use permits will be granted to the following:

- 1) Green Bay Packaging at Township 9 North Range 17 West Section 12 FS road # 93021Z or 1823B in Conway County.
- 2) Deltic Timber Corporation, Township 10 North, Range 19 West, Sections 14, 22, & 23 FS Road # 93037B & E in Pope County.
- 3) Peggy Jarvis, Township 11 North, Range 17 West, Section 18 FS road # 93720E in Pope County.
- 4) David Watson, Township 11 North, Range 21 West, Sections 13, 14, 22, & 23 FS Road #9212A in Johnson County.
- 5) George Dwight Manes, Township 13 North, Range 21 West, Sections 29, 32, & 33, FS Road # 92104 A in Newton County.
- 6) Isaiah Hamilton, Township 13 North, Range 23 West, Section 2, FS Road # 92280D in Newton County.
- 7) Bill Morgan, Township 14 North, Range 23 West, Section 35, FS Road # 92243A in Newton County.
- 8) Willis Dixon Township 10 North, Range 19 West, Section 22, Forest Service Roads 93037J and 93703F.

Amendments to existing Special Use permits will be granted to the following:

- 9) Verizon up-grade existing lines with fiber optic and install equipment for the fiber optic at the communication site located on White Oak Mtn. in Pope County.
- 10) Century Link up-grade existing lines with fiber optic cable along south side of White Oak Mountain north of Hector.

This action is categorically excluded from documentation in an environmental assessment (EA). The proposed action falls within the following category; *36 CFR 220.6(e) (3) Approval, modification, or continuation of minor special uses of NFS lands that require less than 5 contiguous acres of land.*

The categorical exclusion (CE) is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. A scoping/comment letter explaining the project proposals along with maps was mailed out to 35 leaders of Native American Tribes, and members of the public. The letter requested comments and/or concerns be submitted within thirty days. No scoping/comment letters were returned as undeliverable.

A legal notice was published in Russellville AR's newspaper "*The Courier*" on April 30th, 2013, seeking comments on the proposed Special Uses and the two amendments. The legal notice was also posted to the Ozark St-Francis National Forests website. From the public involvement efforts, the Forest Service received a total of four external responses. In addition, various Forest Service specialists reviewed the proposal including specialists in the areas of biology, archeology, minerals, and lands.

The Big Piney Ranger District would like to thank all those who participated in the public involvement process by submitting comments. Two comments received were from Native American Tribes neither of which had any concerns with the project proposal. One comment was received from a Native American tribe requesting further information about the project area(s). This additional information was provided. The fourth comment was received from a neighboring landowner who had some questions about utilities companies' rights of ways. The commenter was contacted by the Big Piney Ranger District's Lands and Special Uses Program Manager. The commenter had no issues with the project proposal(s) after speaking with the program manager. This decision is consistent with the Ozark-St. Francis National Forests Land and Resources Management Plan.

I have determined that there would be no adverse effects to Threatened and Endangered Species or their Critical Habitat, Floodplains, Wetlands or Municipal Watersheds, Congressionally Designated Areas, Native American Religious or Cultural Sites, Archaeological Sites or Historic Properties or Areas. Biological Evaluations (BE) for the projects have been completed with two submitted to the US Fish and Wildlife Service (USFWS) for concurrence. No areas of concern were identified through the field data collection process from the proposed projects for this decision. Copies of the BEs are located in the project file at the district office in Jasper. Heritage Categorical Exclusions (CE) have been completed. The CEs are on file at the Supervisor's office in Russellville. The CEs state that no historic properties will be affected. No other extraordinary circumstances related to this decision were identified. Any new discoveries during project implementation would be handled on a case by case basis. The project work would be stopped, the appropriate Forest Service Representative would be contacted and an evaluation would be made by the appropriate specialist.

Administrative Review or Appeal Opportunities

36 CFR 215.12 Decisions and actions not subject to appeal.(e) Projects or activities for which notice of the proposed action and opportunity to comment is published, and (1) No substantive comments expressing concerns or only supportive comments are received during the comment period for a proposed action analyzed.

Implementation Date

36 CFR 215.9 Decision Implementation (C) When a project or activity decision is not subject to appeal (36 CFR 215.12), implementation may occur as follows: (1) Immediately after publication (36 CFR 215.7 (b)) of a decision documented in a decision memo. (Sequoia Forest Keeper v. Tidwell)

Contact Person

For further information on the specific activities authorized with this decision, contact Mike Mulford at the Jasper District Office, Big Piney Ranger District @ 870-446-2228 ext. 5136.