

DECISION MEMO

Deferred Maintenance of Bay Nothing River Access

USDA Forest Service, Region 9, Mark Twain National Forest
Eleven Point Ranger District
Ripley County, Missouri
(T 25 N, R 1 E, Section 28)

I. DECISION

My decision is to implement maintenance activities at the Bay Nothing River Access site due to deteriorating and non-functional facilities plus to protect adjacent river resources. In order to keep the boat ramp functional and avoid continuous gravel removal that fills in the existing ramp, the boat ramp it will be relocated approximately 500 feet upstream to a location with deeper water. Large riprap will be placed adjacent to the ramp to stabilize the riverbanks. Approximately 700 feet of single lane access road will be constructed from Forest Road 3140 to the new boat ramp. This road will be surfaced with crushed gravel to protect the roadway against flooding, protect resource values and provide a safe drivable surface. Large boulders will be placed at the entrance of unauthorized roads and trails near the location of the existing boat ramp to limit illegal use by motor vehicles along the banks of the Current River. The parking lot will be resurfaced with crushed gravel. The bathroom will be replaced with one which requires lower maintenance and is accessible. Pathways to the bathroom will be hardened to insure accessibility standards are met and appropriate access down slope to the river will be provided. Directional and regulatory signing will be installed.

This project is responsive to the emphasis of Forest Plan Management Area 8.1 Lower Current River – Forest Special Area.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b, and there are no extraordinary circumstances relating to maintaining this recreation site.

A. **Category of Exclusion**

This action is included in Section 31.1 "Categories for Which a Project or Case File and Decision Memo Are Not Required". (Forest Service Handbook 1909.15). Section 31.12 "Categories Established by the Chief", Category 5 Repair and maintenance of recreation sites and facilities, speaks specifically to this kind of action. Although a Decision Memo is not required for this category of actions, I have chosen to document my rationale with this document. The selected actions are designed to increase protection to the riparian resources; reduce longterm maintenance expense; and maintain recreational opportunities provided at this location.

B. **Forest Plan Direction**

This project is responsive to the Forest Plan Goals found on pages IV-1 through IV-4 of the **Land and Resource Management Plan for the Mark Twain National Forest**. Specifically this project responds to the following goals:

Multiple Use Management Goals (IV-1)

"Develop a cost efficient multiple use program which responds to overall resource demand while effectively resolving or mitigating issues and concerns."

"Integrate ecological management principles into Forest resource programs."

"Provide a natural appearing environment that accommodates a variety of public use."

Recreation Management Goals (IV-1)

"Implement the Recreation Opportunity Spectrum (ROS) as the primary system for characterizing, locating and managing recreation opportunities."

“Recognize and manage unique natural environments so they will be perpetuated for future use and enjoyment.”

“Provide for recreation activities that provide a wide range of recreation opportunities. Emphasize dispersed use and activities suited to large areas of public land, as well as quality developed sites that meet the needs and desires of the recreating public, while protecting the other resources, and balancing with agency mission.”

This Current River access site is in Management Area 8.1. Management Area objective are found on Forest Plan pp. IV-212-215. Bay Nothing is specifically listed as a developed recreation site within this Management Area (IV-213). This decision is consistent with the following requirements: “Investment in recreation facilities will be held to the minimum necessary to protect the site and meet ROS classification objectives.” and “Additional site development or upgrading will not occur unless substantiated as described under Forest-wide standards and guidelines, 1800, 2300.”

III. RELATIONSHIP TO EXTRAORDINARY CIRCUMSTANCES

1. Steep Slopes or Highly Erosive Soils

The soils in this area are rated as having a slight to moderate erosion hazard. There should be no significant soil related impacts from maintenance activities at this site.

2. Threatened and Endangered Species or Their Critical Habitat

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. As required by this Act, potential effects of this decision on listed species have been analyzed and documented by District Wildlife Biologist Keith Kelley.

For this project we analyzed the impacts to federally listed Threatened and Endangered species that may occur, may be affected by, or have potential habitat in the project area. There is no designated critical habitat on the Eleven Point District or on the Mark Twain National Forest for any federally listed species. There were “No Effects” on any other federally listed species that may be found in Missouri but are not found within the project area; there would be no effect on the short or long term viability of any Eastern Region sensitive species; and there would be no adverse impacts to State endangered species.

3. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “...the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at the minimum, that area subject to a one percent or greater chance of flooding in any one year.” The Bay Nothing River Access is within the floodplain of the Current River. It is an existing development which is being maintained to increase protection of riparian resources; therefore, it will not have adverse impacts to the floodplain. The US Army Corps of Engineers will be contacted to insure any required permits are obtained prior to relocating the boat ramp.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as “...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.” There are no wetlands that will be impacted by these maintenance activities.

Municipal Watersheds: Municipal watersheds are designated by Congress, and managed under multiple use prescriptions in forest plans. There is no Congressionally-designated municipal watershed on the Forest. This decision will not affect municipal watersheds.

4. Congressionally Designated Areas -

Wilderness: The Irish Wilderness lies within the Eleven Point District (Forest Plan pages IV-152 through IV-163). Bay Nothing is over nine miles from the wilderness. This decision with impacts limited to the immediate area of activity will not affect the wilderness. Similar past projects on the Eleven Point District were determined to have no significant wilderness-related impacts. This decision should not result in significant impacts to the wilderness values found in the Irish Wilderness.

Wild and Scenic Rivers: The Eleven Point National Scenic River lies within the Eleven Point District (Forest Plan

pages IV-201 through IV-205a). Bay Nothing is over 13 miles away from the scenic river corridor. This decision, with impacts limited to the immediate area of activity, will not affect the national scenic river. Similar past projects on the Eleven Point District were determined to have no significant wild and scenic river-related impacts. This decision should not result in significant impacts to the “outstandingly remarkable values” for which the Eleven Point National Scenic River was designated.

National Parks: The Ozark National Scenic Riverways, administered by the National Park Service, is adjacent to the Eleven Point District. A primary purpose of the National Scenic Riverways is to provide recreational opportunities on the Current and Jack’s Fork Rivers; maintaining Bay Nothing River Access is consistent with this management. Bay Nothing is less than two miles down stream from the Park boundary. It provides the only public river access from the east side of the Current River between Van Buren and the Deer Leap Campground, approximately 30 river miles. Maintaining the existing river access should continue to provide visitor access to Ozark National Scenic Riverways at established levels. Similar past projects on the Eleven Point District were determined to have no significant impacts to the National Scenic Riverways. This decision should not result in significant impacts to the Ozark National Scenic Riverways.

Greer Spring Special Management Area: The **Greer Spring Acquisition and Protection Act of 1991** authorized the purchase and establishment of an area of about 4,098 acres to be managed in accordance with the provisions of the Act (Forest Plan, pages IV-215 and IV-216). The activity authorized by this decision is about 21 miles east of the Greer Spring area. This decision, with impacts limited to the immediate area of activity, will not affect the Greer Spring Special Management Area. Similar past projects on the Eleven Point District were determined to have no significant impacts to the Greer Spring Special Management Area. This decision should not result in significant impacts to the Greer Spring Special Management Area.

Wilderness Study Areas: There are no Wilderness Study areas on the Forest. This decision will not affect Wilderness Study Areas. The release language in the Paddy Creek Wilderness Act, January 3, 1983, precludes the evaluation of additional Wilderness during the 10-15 year Forest Plan period. Public Law 97-407 states: “(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Missouri for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.” (Forest Plan FEIS, page III-23)

National Recreation Areas: There are no National Recreation Areas on the Forest. This decision will not affect National Recreation Areas.

5. Inventoried Roadless Areas -

The Irish Wilderness Excluded Lands are an area of approximately 1,040 acres set aside by Congress from the Irish Wilderness that permits mineral exploration (Forest Plan, pages IV-211 and IV-212). Wilderness management prescriptions are applied to these lands except as modified for mineral exploration and development. Activities implemented under this decision are not within this area, they are over 17 miles away from the Irish Wilderness Excluded Lands. This decision should not result in any roadless area-related impacts.

6. Research Natural Areas -

There are no Research Natural Areas on the Forest. (Forest Plan FEIS, pages III –25, 26) There are nine areas on the Forest that the Forest Plan FEIS recommends for study as Research Natural Areas. Two of these areas, Tupelo Gum Pond and Cupola Pond, are on the Eleven Point District. No determination has been made concerning designation of these areas as Research Natural Areas but they continue to be managed under the direction of Management Area 8.1 prescriptions which affords them protection as “special areas”. The maintenance activities authorized by this decision is over seven miles from either of these areas. This decision, with impacts limited to the immediate area of activity, will not affect these potential Research Natural Areas.

7. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas -

Section 106 of the National Historic Preservation Act requires federal agencies take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American

religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this project. Similar past projects in this area were determined to have no significant impact to Native American religious or cultural sites, archaeological sites or historic properties or areas. This decision should not result in significant impacts to such resources.

IV. PUBLIC INVOLVEMENT

Public notification of this project was posted in the Schedule of Proposed Activities (SOPA) published on July 1, 2004. No comments were received about this proposal based on the information provided in the SOPA. On June 22, July 14, and August 10 I made personal contact with users of the Bay Nothing area to discuss maintenance needs. There was general agreement the boat ramp was unusable for extended periods of time due to sediment deposition. A location upstream from the existing ramp appeared to provide the best option for relocating the ramp to an area where it would be more usable. There was also agreement the site needed to be better defined to limit downstream vehicle traffic which is causing resource damage.

Many users would like to see additional development at Bay Nothing. I explained limits on expansion contained in the Forest Plan, lack of funds to implement actions beyond maintenance, and need to maintain our existing recreational developments across the Forest with limited funds rather than develop new or larger facilities which we can not afford. Although the public accepted this explanation many would still like to see additional improvements at Bay Nothing.

V. FINDINGS RELATED TO OTHER LAWS AND REGULATIONS

This decision will comply with all applicable laws and regulations. I have summarized some below:

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans. The Mark Twain Forest Plan was approved on June 23, 1986, as required by this Act. The plan provides guidance for all natural resource management activities on the Forest. The Act requires all projects and activities be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the Forest Plan (Section II, B of this document).

Vegetation Manipulation (National Forest Management Act) - This Act and its implementing regulations require that vegetation manipulation of tree cover for any purpose must comply with seven requirements found at 36 CFR 219.27(b). This recreation maintenance project is not a vegetative management proposal. Limited tree removal will occur while relocating the boat ramp and access road, this is not vegetative manipulation as defined by the Act.

Endangered Species Act – See Section III, Item 2 of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which population viability is a concern. On February 29, 2000, the Regional Forester approved the sensitive species list. Potential effects of this decision on sensitive species have been analyzed. This decision will have “no impact” on sensitive species.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act with Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources, in compliance with this Act.

Wetlands (Executive Order 11990) – See Section III, Item 3 of this document.

Floodplains (Executive Order 11988) – See Section III, Item 3 of this document.

Clean Air Act – under this Act, areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. Hercules Glade Wilderness on the Ava/Cassville/Willow Springs District is the only Class I airshed on the Forest. These maintenance activities are over 80 miles from Hercules Glade Wilderness. The remainder of the Forest, including all of this project area, is classified as Class II airsheds. No areas on the Forest have been designated as Class III at this time.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiates that caves will not be affected by this decision.

National Historic Preservation Act - See Section III, Item 7 of this document.

Archaeological Resources Protection Act - See Section III, Item 7 of this document.

Native American Graves Protection and Repatriation Act - See Section III, Item 7 of this document.

American Indian Religious Freedom Act – This Act protects American Indians' inherent right of the freedom to believe, express, and exercise their traditional religions. The federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected.

No tribal concerns were identified for this project.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

VI. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to appeal pursuant to 36 CFR 215.

VII. IMPLEMENTATION DATE

Implementation of this project may begin immediately.

CONTACT PERSON: Ben Wyatt, Eleven Point Ranger District, at 4 Confederate Ridge Road, Doniphan, MO 63935, can supply further information about the decision. The phone number is (573) 996-2153. FAX (573) 996-7745 e-mail bwyatt@fs.fed.us

/s/ Jerry Bird

JERRY BIRD
District Ranger

08/12/04

DATE

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