

PENCIL BLUFF WATERSHED

Decision Notice & Finding of No Significant Impact

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

September 2008

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Decision and Reasons for the Decision

Background

At the direction of the District Ranger, the Interdisciplinary Team (ID Team) met in February, March and again in April of 2008 to evaluate the Pencil Bluff Watershed. 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 Ouachita National Forest Revised Resource Land Management Plan (Revised Forest Plan) desired conditions. The ID Team then developed a list of possible and probable resource management actions that were submitted to the District Ranger for his review.

The District Ranger approved the list of probable opportunities for the Pencil Bluff Watershed in June of 2008, forwarded it to those on the district mailing list and posted it on the Ouachita National Forest website. This mailing was sent to individuals, state agencies, private industry and other interested and potentially affected organizations that have, traditionally, commented on the Oden and Mena Ranger District's resource management activities. The ID Team then began to analyze the **Proposed Action alternative** and develop other alternatives to address issues and/or concerns identified internally during the public scoping and notice and comment 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 Pencil Bluff Watershed 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.
- ❖ To provide at least one permanent water source per 160 acres for wildlife objectives.
- ❖ 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).
- ❖ Supply rock collection areas to the local communities.
- ❖ Areas of exposed soil must be stabilized.
- ❖ Manage geologic resources to protect public safety and facilities.
- ❖ 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*. The EA identified *Alternative 2: Proposed Action* as the preferred alternative. Based on the analysis documented in the EA, it is my decision to implement the preferred alternative identified below for the Pencil Bluff Watershed. Resource management activities were proposed for the Pencil Bluff Watershed analysis area and preferred alternative activities are outlined in detail in chapter 2 of the EA and its Appendix A. These activities are representative of those implemented on the Oden and Mena Ranger Districts of the Ouachita National Forest.

ACTIVITY	APPROXIMATE NET MEASURE	IMPLEMENTATION YEAR RANGE
Commercial Thinning	1,973 acres	2010-2011
Modified Seed Tree Regeneration	600 acres	2010-2011
Modified Shelterwood Regeneration	160 acres	2010-2011
Site Preparation by Herbicide, Manual, Mechanical, and/or Fire ¹	760 acres	2012-2015
Hand Planting (shortleaf pine)	760 acres	2013-2016
Timber Stand Improvement by Release	760 acres	2015-2017
Firewood Areas	As Available	2009-2015
Wildlife Stand Improvement by Midstory Removal	1,435 acres	2012-2015
Wildlife Opening Rehabilitation	4 openings for 6 acres	2010-2012
Wildlife Pond Construction	10	2010-2015
Fish Passage Restoration	19 stream crossings	2010-2015
Bat Box Placement	8 boxes	2010-2012
Wood Duck Box Placement	5 boxes	2010-2012
Non-native Invasive Species Eradication by Manual/Herbicide	~160acres	2010-2015
Fuel Reduction Prescribed Burning	7,500 acres	2009-2014
Fireline Construction	15.8 miles	2012-∞
Fireline Reconstruction	7.0 miles	2012-∞
Helispot Construction ³	1 spot ³	2012-∞
Pine-Oak Woodland Restoration by Commercial Thinning and Prescribed Burning ¹	222 acres	2011
Shale Glade Restoration by Prescribed Burning ¹	7acres ¹	2010-2012
Shale Glade Restoration by Weeding and reseeded	1acres	2010-2012
Ouachita Montane Oak Forest Restoration by Prescribed Burning ¹	160 acres ¹	2012-∞

ACTIVITY	APPROXIMATE NET MEASURE	IMPLEMENTATION YEAR RANGE
Central Interior Acidic Cliff and Talus Restoration by Prescribed burning ¹	80 acres ¹	2012-∞
Oak Woodland Restoration by Thinning and Prescribed Burning ¹	85 acres ¹	2012-∞
River Cane Restoration by Thinning and Prescribed Burning ¹	2 acres ¹	2012-∞
Soil Stabilization	12 acres	2012-∞
Unauthorized Road Added to System	1.0 miles	2010-2012
Unauthorized Road – Temporary Harvest Road (Close and Decommission)	0.9 miles	2010-2012
Unauthorized Road – Close and Decommission	2.3 miles	2010-2012
Unauthorized Road – Transfer to County	0.1 mile	2010-2012
System Road – Permanent Closure ²	1.6 miles	2010
System Road Construction	8.2 miles	2010-2012
System Road Reconstruction	14.2 miles	2010-2012
System Road – Decommission	0.2 mile	2010-2012
System Road – Close and Decommission	1.4 miles	2010-2012
Temporary Road Construction	13.4 miles	2010-2012
Road Maintenance	0.4 mile	2010-2012
Bridge Construction	1 bridge	2010-2012
Trailhead Construction	½ acre	2011-2013
Trail Construction	¼ mile	2011-2013
Dispersed Campsite Closure	9 location	2010-2013
Rock Collection Area	As available	2010-2013
Gate Installation	12 gates	2010-2013
Macedonia Pond Improvements	1 Pond	2010-2012
Use of Existing Shale Borrow Pits	2 pits	2010-2012

¹ These acres are included in fuel reduction prescribed burning acreage

² Includes 0.15 miles of E06C that extends outside of PBW

³ Expansion and improvement of an existing wildlife opening

The preferred alternative was chosen over *Alternative 1: No Action* and *Alternative 3: Proposed Action without Herbicide* because it is an enhanced alternative that meets the identified purpose and need for the Pencil Bluff Watershed 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 the preferred alternative without the application of herbicide.

Specifically, the preferred alternative would meet the stated objectives on page 2. 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 Pencil Bluff Watershed 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.

As part of our watershed analysis the Regional Forester’s Non-native invasive (NNIS) list was reviewed and from that list it was determined through field surveys that eight NNIS occur within the Big Valley Watershed analysis area: Silk Tree (mimosa)– *Albizia julibrissin*, Sericea lespedeza – *Lespedeza cuneata*, Chinese privet – *Ligustrum sinense*, tall fescue – *Lolium arundinaceum*, Japanese honeysuckle – *Lonicera japonica*, Johnsongrass – *Sorghum halepense*, Canadian thistle – *Cirsium arvense*.

Alternative 2: Proposed Action- Non-Native Species Eradication by Herbicide and Manual

Herbicides would be applied to wildlife openings, wildlife fishing ponds, along closed roads and roadways as needed for elimination of non-native invasive plant species (e.g., tall fescue, sericea etc.). A mixture of herbicides containing the active ingredients imazapic, glyphosate and/or triclopyr would be used to eradicate non-native invasive species encroaching wildlife openings and roadways (fescue, sericea). This mixture provides for control of undesired non-native invasive plant species and aids in the release and establishment of desirable grassland plant species. No herbicide treatments would be

conducted in the Fiddlers Creek drainage. (*Forest Wide Design Criteria HU007*)

Due to the sensitive nature of the Fiddlers Creek drainage and the potential for impact to sensitive plant and animal species only manual treatments would be used to control non-native invasive species. Manual treatments would be applied to existing wildlife openings, closed roads, and along roadways as needed for elimination of non-native invasive weeds (e.g., tall fescue, sericea lespedeza). These treatments would include prescribed fire, mid-story reduction and manual uprooting. (*Design Criteria – Vegetation Management Introduction*)

My decision is based on a review of the record that shows an thorough review of relevant scientific information, a consideration of responsible opposing views and the acknowledgment of incomplete or unavailable information scientific uncertainty, and risk. See above listed “Environmental Documents Considered in Making Decision”, EA Chapter 1 (E) (p. 12) “Relevant Planning Documents”, EA Chapter 3 (A) (p. 37) “Analysis Tools Used” and EA Chapter 6 (p. 163) “Literature Cited and Glossary of Terms.” Also, see the ‘Response to Comments’ in the project file.

Mitigation Measures

Treatments described for the Pencil Bluff Watershed 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 18-20 of the EA for project specific mitigation measures.

Harperella (Ptilimnium nodosum) Endangered Plant

- No new road construction or temporary road construction allowed within the riparian areas of Fiddler Creek or within ¼ mile of the stream corridors without silt fencing or straw blocking controlling sediment loss.
- No Road Reconstruction allowed within the riparian areas of Fiddler Creek or within ¼ mile of the stream corridors without silt fencing or straw blocking and seeding and mulching controlling sediment loss.
- Log landings within ¼ mile of Fiddler Creek are to be located within interior of harvest stands and buffered by silt fencing or straw bale blocking.
- No herbicide use allowed in any even-aged harvest unit (Seedtree or shelterwood) within ½ mile of Fiddler Creek.
- No trail maintenance herbicide treatments would occur within ½ mile of Fiddler Creek or within a 50 foot buffer of drip lines of trees located in the streamside management areas (RFP-HU007) and each site proposed for treatment would be evaluated for the presence of PETS species (RFP-HU010).
- Fireline crossings of Fiddler Creek would be hand-lined within riparian areas and all firelines are to be seeded and waterbarred during construction.
- No use of the existing shale borrow pit on forest road 592 unless silt fencing or straw bale blocking or sediment basins and seeding and mulching are used to control sediment movement.

- No fish passage construction would be allowed in Fiddler Creek or within ¼ mile of Fiddler Creek without silt fencing or straw blocking and seeding and mulching to control sediment loss.
- Bridge construction would be during low or no flow conditions and employ erosion control techniques such as sediment screens, filters, seeding and mulching to control sediment loss.
- Non-native invasive species treatments would evaluate each site for presence of Harperella populations and/or habitat and other PETS species to determine the best treatment method (herbicide/manual). Only a non-soil active herbicide with appropriately labeled formulation for both aquatic and terrestrial site use would be used. No herbicide would be aerially applied within 300 feet, or ground-applied within 60 feet of any threatened, endangered, proposed, or sensitive plant.
- Campsite closure work within ¼ mile of Fiddler Creek would use straw bale blocking or silt fencing to control sediment movement.

Prescribed Burning (Smoke Management)

- Place smoke signs along travel ways that lead into the burn area(s).
- Stop forest visitor traffic along travelways if the visibility is less than 100 feet.

Heritage Resources

Boundaries will be painted around heritage resources and equipment will be kept out of these areas during harvest and road building activities.

Public Health and Safety

Public safety in and around areas of herbicide use is a high priority concern. Measures are taken to help ensure that the general public does not come in contact with herbicides. These include posting warning signs on areas that have been treated; temporary area closure; selectively targeting application for only that vegetation that needs to be controlled rather than using a broadcast application; establishing buffer zones of non-treatment around private property, streams, roads and hiking trails; carefully transporting only enough herbicide for one days use; mixing it on site away from private land, open water or other sensitive areas; properly maintaining and operating equipment (e.g. no leaks); and having good accident pre-planning and emergency spill plans in place. These measures along with others are incorporated into contracts and through good enforcement and administration will be effective in reducing the risk of accidental contamination of humans or the environment.

Exposure to herbicide can be mitigated by requiring workers to wear proper attire and safety equipment; have properly functioning equipment; apply herbicide at proper rates; work in an organized fashion so as to not re-enter treated areas; and by not exceeding the “typical” length of workday (7 hours) and other measures.

Soils

A portion of the commercial thinning harvest proposed for compartment 1104 Stands 9, 18, and 26 and

compartment 1107 stands 17, 19, and 20 and portions of the Modified Seedtree harvests proposed in compartment 1107 stands 6, 14, and 16 have a severe compaction hazard soil rating and would apply Revised Forest Plan standard SW001 – “Allow heavy equipment operations on hydric soils that have a severe compaction hazard rating, and floodplains with frequent or occasional flooding hazard only during the months of July through November. Operations during December through June are allowed with the use of methods or equipment that does not cause excessive soil compaction. This standard does not apply to areas dedicated to intensive use, including but not restricted to administrative sites, roads, primary skid trails, log decks, campgrounds and special use areas.”

Portions of the commercial thinning proposed for Compartment 1107 Stand 9; Compartment 1105 stand 6; Compartment 1104 Stands 6 & 21 and Compartment 1108 stands 5 & 8 as well as portions of the modified seedtree proposed in Compartment 1107 stands 6, 8, and 16 and Compartment 1108 stands 7 & 8 have a high compaction hazard soil rating and would apply Revised Forest Plan standard SW002 – “Allow heavy equipment operations on soils that have a high compaction hazard rating only during the months of April through November. Operations during December through March are allowed with the use of methods or equipment that do not cause excessive soil compaction. This standard does not apply to areas dedicated to intensive use, including but not restricted to administrative sites, roads, primary skid trails, log decks, campgrounds and special use areas.”

Scenery Resources

Scenery treatment guidelines would be implemented as addressed on pages 133-134, so that the scenic integrity objective (SIO) is achieved. Large hardwood trees will be protected adjacent to the cemetery at the junction of AR 88 and MG 604.

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 Pencil Bluff Watershed (See EA, pp 21-22).

Alternative 3: Proposed Action without Herbicide - This alternative addresses ecosystem management without the use of herbicides (See EA, pp 32-33). The herbicide use would be replaced by manual application(s).

Public Involvement

As described in the background, the need for this action arose in 2008 after the ID Team discussed the existing conditions for the Pencil Bluff Watershed. The existing conditions were discussed and compared to the Revised Forest Plan. On May 23, 2008, District Ranger, Jim E. Zornes, sent the public scoping letter for the project to approximately 67 individuals and organizations and posted it to the Ouachita National Forest website. One response was received.

The ID Team formulated the **Proposed Action** in February and March of 2008. On June 27, 2008, District Ranger, Jim E. Zornes, sent the public comment document to 67 individuals and organizations. Three 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 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, pp 38-134).
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 38-42 and 123-127).
3. The project will not adversely affect any unique characteristics of the geographic area, including historic or cultural resources, wetlands and floodplains (EA, pp 13-14 and 54-56).
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, pp 38-134).
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, pp 38-134).
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 preferred alternative have been analyzed with consideration for past and foreseeable future activities on adjacent public and private land (EA, pp 38-134).
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, pg 14).
9. The actions would not affect endangered plant species or critical habitat for Missouri bladderpod (EA, pp 108-109), but may affect but not likely to adversely affect endangered or threatened plant and animal species Harperella and Arkansas Fatmucket (EA pp 94-101); improve and/or increase

unique natural plant communities (Ouachita Shortleaf Pine-Oak Forest and Woodland (EA, pp 110-112), Ouachita Dry-Mesic Oak (EA, pp 112-113), Ouachita Montane Oak (EA, pp 113), Central Interior Acidic Cliff and Talus (EA, pp 114), Central Interior Highlands Dry Acidic Glades and Barrens (EA, pp 115) and Ouachita Riparian (EA, pp 116); no affect to Ouachita Mesic Hardwood Forest, Ouachita Dry Oak Woodland or the Ouachita Novaculite Glade and Woodland, Ouachita Mountain Forested Seep, Ouachita Ponds, Lakes and Waterholes (EA, pp 110 and 117); may impact individual sensitive plant or animal species, but not likely to cause a trend to federal listing or loss of viability: Western fanshell, Sandbank pocketbook, Rabbitsfoot, Purple lilliput, Ouachita creekshell, Pepered shiner, Caddo madtom, Ouachita longnose darter, Diana fritillary, Ouachita leadplant, Waterfall's Sedge, Ozark chinquapin, Southern lady's slipper, Shinner's fewleaf sunflower, and Narrowleaf ironweed critical habitat or unique natural plant communities (EA, pp 101-109); and no affect to individual sensitive plant or animal species Open-ground draba, Orconectes menae (EA, pp 108-109 and 102).

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 preferred 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 (BMP) 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 BMPs on a specific site results in effects significantly higher than anticipated because 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 50-54).

Findings Required by Other Laws and Regulations

Vegetation Management Requirements from 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 42-50).
2. There is assurance that the lands can be adequately restocked within five years after final regeneration harvest (FSM 1921.12g) (EA, pp 23-25).
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 50-54).

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 9-12, 23, 63-72, 121-123).

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)) (EA, pp 9-12, 23, 63-72, 121-123).
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, pp 38-134).
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 9-12, 63-72, 127-130).
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 9-12, 14, 63-72).
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, pp 38-134).
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 63-72).

Revised Forest Plan

This decision as stated on page 2 of this document is consistent with the intent of the Revised Forest Plan long term program priorities and objectives as stated on page 18 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.

This decision prescribes the use of herbicide. Necessity of herbicide use within the Pencil Bluff Watershed has been analyzed with consideration of the following 12 factors. These factors are based

largely on management requirements and mitigation measures as described in the Revised Forest Plan and FEIS.

1. The presence of any threatened, endangered, or sensitive plants that may be affected by herbicide treatment.

“The use of herbicides is prohibited in the immediate vicinity of Proposed, Endangered, or Threatened plants. In areas occupied by Sensitive plant species, use herbicides only where site-specific environmental analysis and biological evaluation conclude that there would be no negative effects or that the potential benefits of herbicide use significantly outweigh the potential negative effects (USDA Forest Service, 2005a, Part III, pg 88, HU010).”

Twenty species and their habitats will be evaluated in relation to proposed planning actions and protected, according to standards set forth in the Revised Forest Plan. See *Biological* section (EA, pp 73-119).

Group	Scientific Name	Common Name	Status
Vascular Plant	<i>Ptilimnium nodosum</i>	Harperella	Endangered
Vascular Plant	<i>Lesquerella filiformis</i>	Missouri bladderpod	Threatened
Mussel	<i>Lampsilis powelli</i>	Arkansas fatmucket	Threatened
Mussel	<i>Cyprogenia aberti</i>	Western fanshell	Sensitive
Mussel	<i>Lampsilis satura</i>	Sandbank pocketbook	Sensitive
Mussel	<i>Quadrula cylindrica cylindrica</i>	Rabbitsfoot	Sensitive
Mussel	<i>Toxolasma lividus</i>	Purple lilliput	Sensitive
Mussel	<i>Villosa arkansasensis</i>	Ouachita creekshell	Sensitive
Fish	<i>Notropis perpallidus</i>	Peppered shiner	Sensitive
Fish	<i>Noturus taylori</i>	Caddo madtom	Sensitive
Fish	<i>Percina sp. nov.</i>	Ouachita longnose darter	Sensitive
Crustaceans	<i>Orconectes menae</i>	Crayfish	Sensitive
Insect	<i>Speyeria diana</i>	Diana fritillary	Sensitive
Vascular Plant	<i>Amorpha ouachitensis</i>	Ouachita leadplant	Sensitive
Vascular Plant	<i>Carex latebracteata</i>	Waterfall's sedge	Sensitive
Vascular Plant	<i>Castanea pumila var. ozarkensis</i>	Ozark chinquapin	Sensitive
Vascular Plant	<i>Cypripedium kentuckiense</i>	Southern lady's slipper	Sensitive
Vascular Plant	<i>Draba aprica</i>	Open-ground draba	Sensitive
Vascular Plant	<i>Helianthus occidentalis plantagineus</i>	Shiner's fewleaf sunflower	Sensitive
Vascular Plant	<i>Vernonia lettermannii</i>	Narrowleaf ironweed	Sensitive

2. Effects on water quality and the sensitivity of local watersheds and aquifers to contamination (municipal or domestic water supplies, fisheries, and other beneficial uses).

All Forest-Wide standards for herbicide use would be followed (USDA Forest Service, 2005a, Part III, pp 87-89, HU001 to HU018).

Management Area 9 – Water and Riparian Communities – compliance with standards would be achieved (USDA Forest Service, 2005a, Part III, pp 103-108).

See *Water Resources and Quality* and *Riparian Areas and Floodplains* sections (EA, pp 50-56).

3. Effects on public health and worker safety.

All Forest-Wide Design Criteria for herbicide use would be adhered to (USDA Forest Service, 2005a, Part III, pp 87-89, HU001 to HU018).

See *Public Health and Safety* section (EA, pp 123-127).

4. Effects on non-target plants, the vegetative diversity of the area proposed for treatment, wildlife habitat and direct toxicity to wildlife.

See *Vegetation* section (EA, pp 63-72) and *Biological* section (EA, pp 73-119).

All Forest-Wide standards for herbicide use would be followed (USDA Forest Service, 2005a, Part III, pp 87-89, HU001 to HU018).

5. The possibility of spills, accidents, or other unforeseen events during transportation, mixing, and treatment.

All Forest-Wide standards for herbicide use would be followed (USDA Forest Service, 2005a, Part III, pp 87-89, HU001 to HU018).

See *Vegetation* section (EA, pp 63-72) and *Public Health and Safety* section (EA, pp 123-127).

6. The degree to which [herbicide] treatments will meet project-level objectives and ecosystem management goals established in the Revised Forest Plan.

All Forest-Wide standards for herbicide use would be followed (USDA Forest Service, 2005a, Part III, pp 87-89, HU001 to HU018).

See *Herbicide Application* in description of Proposed Action treatments (EA, pg 24); *Herbicide Use Effects on Soils* section (EA, pg 46); *Water Resources and Quality* section (EA, pp 50-54); *Vegetation* section (EA, pp 63-72); and *Scenery Resources* section (EA, pp 127-130).

7. The effectiveness of treatments in meeting National Forest Management Act (NFMA) requirements and Revised Forest Plan goals for reforestation of cut-over land.

No land within the Pencil Bluff Watershed is proposed for a cut-over (clearcut) treatment.

This project level EA was prepared in accordance to the requirements of NFMA and the Revised Forest Plan (EA, pp 12-13).

8. The need for additional [herbicide] follow-up treatments.

See *Vegetation* section (EA, pp 63-72).

9. The species composition and density of the plants to be treated.

See *Vegetation* section (EA, pp 63-72).

10. Cumulative effects of [herbicide] treatments when considered together with other past, present, and future activities in the area, whether on National Forest System land or not.

See *Biological* (EA, pp 73-119); *Herbicide Application and Site Preparation* (EA, pg 24); *Timber Stand Improvement by Release* (EA, pg 25); *Non Native Invasive Weed Eradication by Herbicide* (EA, pg 26); *Wildlife Opening Rehabilitation* (EA, pg 26); *Herbicide Use Effects on Soil* (EA, pg 46); *Water Resources and Quality* (EA, pp 50-54); *Vegetation* (EA, pp 63-72); *Local or County Economy* (EA, pp 119-121); *Financial Efficiency* (EA, pp 121-123); and *Public Health and Safety* (EA, pp 123-127) sections.

11. The cost of herbicide application compared to alternative methods.

See *Financial Efficiency* section (EA, pp 121-123).

12. Any site-specific issues raised during the scoping process.

No comments pertaining to herbicides were received during the public scoping period for this project.

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 Mike Harris at the Mena Ranger Station, 1603 Hwy. 71N, Mena, AR 71953 or telephone (479) 394-2382.

Responsible Official:

/S/JIM E. ZORNES
JIM E. ZORNES
District Ranger

September 26, 2008
Date