



United States
Department of
Agriculture

Forest
Service

Ozark National Forest
Mt. Magazine
Ranger District

3001 E. Walnut
P.O. Box 511
Paris, AR
Phone: 479-963-3076
Fax: 479-963-8055

File Code: 5430/1950

Date: October 29, 2008

Dear Reader:

The Ozark-St. Francis National Forests and the Ouachita National Forest are proposing to exchange two tracts of federal land for two tracts of nonfederal lands. This exchange would be with private individuals in a land exchange proposal known as the "Elliott Family Trust Land Exchange." You have received this letter because county records show you own adjacent land to one of the parcels or you have asked to receive all project proposals.

The involved land parcels are on the Mt. Magazine Ranger District, Ozark-St. Francis National Forests in Logan County, Arkansas and on the Poteau-Cold Springs Ranger District, Ouachita National Forest in Scott County, Arkansas. Land parcels proposed for exchange are shown on the enclosed map.

Approximately 80 acres of nonfederal lands are being offered for exchange and are located in T7N, R23W, Section 17 (Tract #6724) and in T2N, R29W, Section 23 (Tract #6724a). Tract #6724 is a mixture of pine and hardwood. Tract #6724a is predominately hardwood and has had some timber harvested within the past few years.

Federal lands are located in T3N, R28W, Section 15 and T3N, R28W, Section 16 (Tract # 6725) and T3N, R28W, Section 15 (Tract #6725a). These tracts total approximately 100 acres and are predominately covered in young pine.

The proposed exchange would be under the authorities of the General Exchange Act of March 20, 1922 as amended (16 USC 485, 486); the Weeks Law of March 1, 1911, as amended (16 USC 516); and the FLPMA Act of October 21, 1976 (43 USC 1716), FLEFA of August 20, 1988 (43 USC 1716).

The desired condition for land administration from the Ozark-St. Francis Revised Land and Resource Management Plan (Ozark-St. Francis LRMP) is to reduce the complexity of land ownership and consolidate the National Forest System land base; reduce administrative problems and costs; enhance public access and use; and support resource management objectives, including the protection and improvement of habitat condition and linkage (Ozark-St. Francis LRMP, p. 1-42). The Ouachita National Forest Revised Land and Resource Management Plan (Ouachita LRMP) shares the same desired condition for land administration (Ouachita LRMP, p. 21).

The Ozark-St. Francis LRMP and the Ouachita LRMP contain certain criteria for the types of lands that are considered suitable for acquisition through purchase, exchange, or donation (Ozark-St. Francis LRMP, pp. D-1 to D-2; Ouachita LRMP, pp. 70-71). Criteria pertinent to this proposal are:



- Lands which promote more effective management (generally lands that support consolidation).
- Lands needed to protect resource values by eliminating or reducing fire risks.
- Lands needed to reduce administration and utilization expenses of both the Forest Service and the public.
- Key tracts of an ecosystem that promote more effective management of that ecosystem and meet specific needs for vegetation and watershed management, research, public recreation, or other defined management objectives.
- Lands that enhance recreation opportunities, public access, and protection of aesthetic values.

The lands proposed for exchange meet these criteria and the proposed exchange would:

- Consolidate ownership. One of the nonfederal parcels (Tract #6724) is a complete inholding, bordered on all four sides by National Forest system land. The other nonfederal parcel (Tract #6724a) is bordered by National Forest system land on three sides. The two federal parcels (Tract #6725 and #6725a) are surrounded by other private land and there is no legal access to these properties.
- Reduce fire risks. Urban interface would be reduced in the areas of Tract #6724 and Tract #6724a, therefore reducing the risk of catastrophic wildland fire in the area.
- Eliminate four miles of landlines and 15 maintenance corners. Eliminating these National Forest system landlines and corners would reduce administration expenses.
- Promote more effective management of Red-cockaded Woodpecker habitat. The Red-cockaded Woodpecker is a federally listed endangered species. Tract #6724a is located near existing Red-cockaded Woodpecker habitat on federal lands. Acquiring Tract #6724a will promote more effective management of habitat for this species.
- Offer dispersed recreational opportunities by adding these 80 acres to the National Forest system landbase. These 80 acres would be surrounded by National Forest land and would provide a larger block of land available for public use.

The Ozark-St. Francis LRMP identifies land acquisition priorities that include consolidating forestland ownership to facilitate management efficiency, reduce fragmentation, enhance public benefits, and meet resource management needs through acquisition (Ozark-St. Francis LRMP, p. 2-16).

The Ouachita LRMP identifies land acquisition priorities that include using land exchanges and purchases to reduce the complexity of landownership patterns to reduce administrative costs and management challenges (Ouachita LRMP, p. 63).

The Forest Service has determined that the public interest would be well served by completing this exchange proposal. It would enhance priorities outlined in both the Ozark LRMP and the Ouachita LRMP by providing better management of Federal lands and resources, providing public benefits, and meeting resource needs.

Nonfederal lands obtained through this exchange would be managed in accordance with the laws, rules, regulations, and land resource management plan applicable to such unit or area of which they become a part. Tract #6724 would be governed by the Ozark-St. Francis LRMP under Management Area 3C (Mixed Forest). These lands are managed to ensure the health and sustainability of the forest types across the landscape (Ozark-St. Francis LRMP, p. 2-61). Timber would be a by-product of vegetation management aimed at maintaining sustainable ecosystems. Lands in this management area are suitable for timber production.

Tract #6724a would be governed by the Ouachita LRMP under Management Area 22 (Renewal of the Shortleaf Pine/Bluestem Grass Ecosystem and Red-cockaded Woodpecker Habitat). These lands are managed to provide extensive areas in which restoration of pine-bluestem ecosystems is featured and incorporates Habitat Management Areas for the endangered Red-cockaded Woodpecker.

No plan amendments, new interim management plans, or preliminary plans contingent upon LRMP revision would be required as the result of this exchange.

Appraisals were performed by a contract appraiser, and reviewed and approved by Forest Service Senior Review Appraisers. These appraisals indicated the fair market value for the tracts involved in the proposed exchange. Values of the federal and nonfederal tracts, as based on market value determined through appraisals, will require cash equalization in accordance with 36 CFR 254.12.

A review for Hazardous Materials was done on all involved parcels. No hazardous chemicals or other related materials were noted on examination of the tracts proposed for this exchange.

Water rights are not an issue in the State of Arkansas. No water rights are outstanding or reserved by either the federal or nonfederal party to this exchange.

No floodplains or jurisdictional wetlands were found to exist within either the federal or nonfederal tracts proposed for exchange. An ephemeral stream runs across Tract #6725. Under federal administration, this land would have less potential to change in land uses than it would under non-federal ownership, thus promoting positive long-term water quality implications.

A Biological Evaluation addressing endangered, threatened, and sensitive species would be completed before a decision is made on this proposal. Cultural resource surveys would also be completed and concurrence from the State Historic Preservation Office would be received before a decision is made.

A Feasibility Analysis has been prepared for the proposed exchange and is summarized below along with a list of the proposed lands.

NONFEDERAL LANDS

Tract # 6724 (40 acres): T7N, R23W, Section 17 – NE ¼ NW ¼ (Ozark-St. Francis NF)
Tract #6724a (40 acres): T2N, R29W, Section 23 – SE ¼ NW ¼ (Ouachita NF)

Nonfederal Minerals/Easements/Reservations:

Nonfederal tract #6724 is subject to a mineral lease between the Elliott Family Trust and Hogback Exploration, Inc. This lease is dated 7/19/07 (as amended) for a three-year term or as long as there is production from the leased premises or from lands pooled therewith.

On Tract #6724, the following reservation applies: “out of the grant hereby made, there is, however, reserved to the Grantor (Elliott Family Trust, Marilyn Hicks – trustee) and its assigns, the following: all of the oil, gas and other hydrocarbons which are the subject of that one certain lease recorded in Book 7009-319 of the Circuit Clerk Records of Logan County, Arkansas, as amended, for the duration of said lease, and all of Grantor’s rights and interest in said lease, including all revenues therefrom, along with an exclusive easement for ingress and egress for said lease; provided however, upon expiration of said lease, title to the reserved mineral interests shall vest in the Grantee (United States of America) and said easement for ingress and egress shall automatically extinguish upon expiration of said lease. It is understood and agreed by the parties to this exchange that title to all other minerals for this parcel owned by the Elliott Family Trust and not specifically covered by said lease shall vest in Grantee, United States of America, its successors, and assigns, subject to any rights or interests outstanding in third parties. This reservation is valid for as long as the lease remains in effect.”

Nonfederal tract #6724a is subject to no outstanding rights, and no current mineral leases. There are no reservations on this nonfederal tract.

Mineral report for the parcel in Section 23 has been ordered but not yet received.

FEDERAL LANDS

Tract # 6725 (80 acres): T3N, R28W, Section 15 – NW ¼ NW ¼ (Ouachita NF)
T3N, R28W, Section 16 – NE ¼, NE ¼

Tract #6725a (20 acres): T3N, R28W, Section 15 – E ½ NE ¼ NW ¼ (Ouachita NF)

Federal Minerals/Easements/Reservations:

On Tracts #6725 and #6725a, there are no mineral or other rights of outstanding record. All mineral rights would be conveyed to the nonfederal party in this exchange. There are no reservations on these federal tracts.

Forest Plan Compliance/Public Benefits Determination Summary:

Preliminary determination indicates that the resource values and the public objectives served by the nonfederal lands equal or exceed the resource values and the public objectives served by the Federal lands to be conveyed. The intended use of the conveyed federal land would not conflict with established management objectives on other Federal lands. The priorities for disposal of federal lands are reiterated in Forest Service Manual 5431.1 and include disposal of tracts which create administrative problems and tracts too small for effective management. For acquisition, criteria include acquiring inholdings or tracts that can be effectively added to existing National Forest Land.

I invite your comments on the Elliott Family Trust Land Exchange proposed action. Even though this land exchange involves land on both Forests, the Mt. Magazine Ranger District is taking the lead in doing the public involvement/scoping for this project. Coordination will be done as needed with the Poteau-Cold Springs Ranger District.

The Interdisciplinary Team will use your comments as they identify issues about this proposal and as they develop alternatives to the proposal. The team will analyze the proposed action and alternatives and summarize the disclosure of environmental effects in an environmental document.

The purpose of this comment period is to provide an opportunity for the public to provide early and meaningful participation on the proposed action prior to a decision being made by the Responsible Officials. Both the Ozark-St. Francis National Forest Supervisor and the Ouachita National Forest Supervisor will sign this decision.

This will be the official comment period for this project. Those who provide comments during this comment period are eligible to appeal the decision under the regulations.

Comments must be postmarked or received within 30 days beginning the day after publication of notice in the *Times Record*, Fort Smith, AR and the *Arkansas Democrat-Gazette*, Little Rock, AR. The publication date in these newspapers of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source.

Written comments should be sent to: Deputy District Ranger Rob Kopack, Mt. Magazine Ranger District, Ozark National Forest, P.O. Box 511, Paris, AR 72855. Oral or hand-delivered comments may be made at the Ranger District office at 3001 E. Walnut within the normal weekday business hours of 7:00 a.m. to 4:00 p.m. Comments may also be mailed electronically to this office, in a common digital format (without attachments), using the following email address: comments-southern-ozark-stfrancis-mtmagazine@fs.fed.us. Please note that comments received in response to this solicitation, including the names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection.

In accordance with regulations, all written comments received, including those submitted electronically, will be placed in the project file and will become a matter of public record.

In accordance with 36 CFR 215.6 (2003 version), individuals or organizations wishing to be eligible to appeal must provide the following information:

- 1) Your name and mailing address.
- 2) Title of the proposed action: *Elliott Family Trust Land Exchange*.
- 3) Your comments on the proposed action.
- 4) Your signature or other means of identification verification. For organizations, a signature or other means of identification verification must be provided for the individual authorized to represent your organization.

If you have questions on this proposal or the analysis and decision process, please call Vicki Weindel, National Environmental Policy Act Coordinator (NEPA), at 479-963-3076.

Sincerely,

/s/ Rob Kopack

ROB KOPACK
Deputy District Ranger

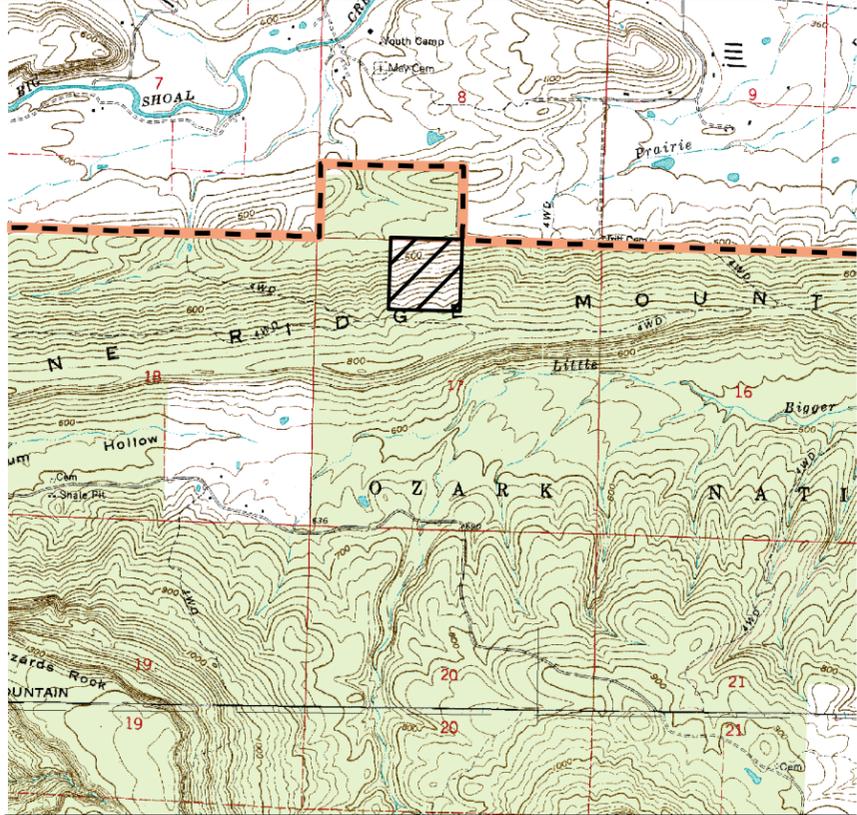
ELLIOTT FAMILY TRUST LAND EXCHANGE
Tract #6724



Ozark-St. Francis National Forests
Mt. Magazine Ranger District
Logan County, Arkansas

1

Township 7 North, Range 23 West
Sec. 17, NE1/4 NW1/4



Legend

- Ozark National Forest Boundary
- Ozark National Forest Land
- Tract #6724

The Forest Service uses the most current and complete data available. GIS data and products may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using GIS products for purposes other than those for which they were created may yield inaccurate or misleading results.

The Forest Service reserves the right to correct, update, modify, or replace GIS products without notification. For more information contact: Mt. Magazine Ranger District, P.O. Box 511, Paris, AR 72855, (479) 963-3076.



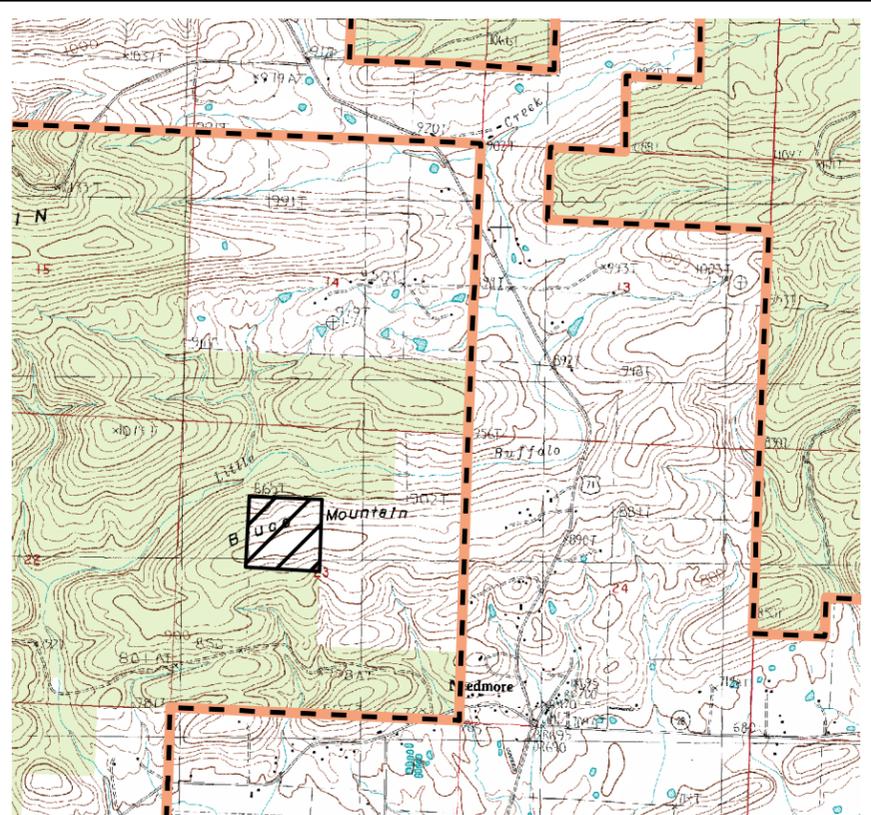
ELLIOTT FAMILY TRUST LAND EXCHANGE
Tract #6724a



Ouachita National Forest
Poteau-Cold Springs Ranger District
Scott County, Arkansas

1

Township 2 North, Range 29 West
Sec. 23, SE1/4 NW1/4



Legend

- Ouachita National Forest Boundary
- Ouachita National Forest Land
- Tract #6724a

The Forest Service uses the most current and complete data available. GIS data and products may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using GIS products for purposes other than those for which they were created may yield inaccurate or misleading results.

The Forest Service reserves the right to correct, update, modify, or replace GIS products without notification. For more information contact: Mt. Magazine Ranger District, P.O. Box 511, Paris, AR 72855, (479) 963-3076.



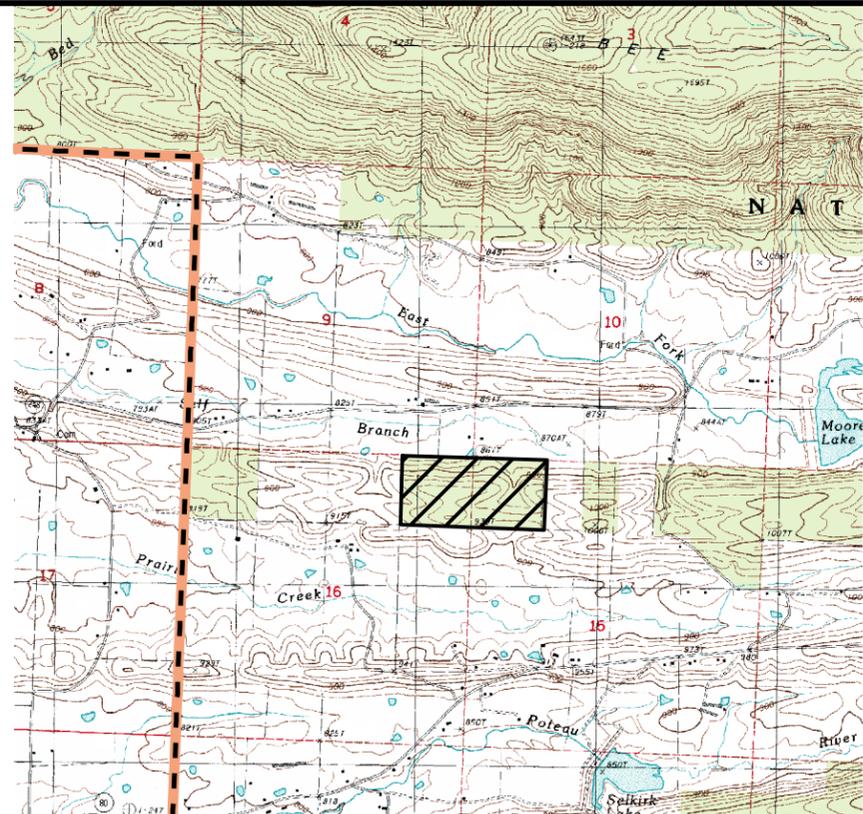
ELLIOTT FAMILY TRUST LAND EXCHANGE
Tract #6725



Ouachita National Forest
Poteau-Cold Springs Ranger District
Scott County, Arkansas

1

Township 3 North, Range 28 West
Sec. 15, NW1/4 NW1/4 and Sec. 16, NE1/4 NE1/4

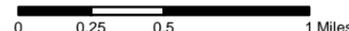


Legend

- Ouachita National Forest Boundary
- Ouachita National Forest Land
- Tract #6725

The Forest Service uses the most current and complete data available. GIS data and products may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using GIS products for purposes other than those for which they were created may yield inaccurate or misleading results.

The Forest Service reserves the right to correct, update, modify, or replace GIS products without notification. For more information contact: Mt. Magazine Ranger District, P.O. Box 511, Paris, AR 72855, (479) 963-3076.



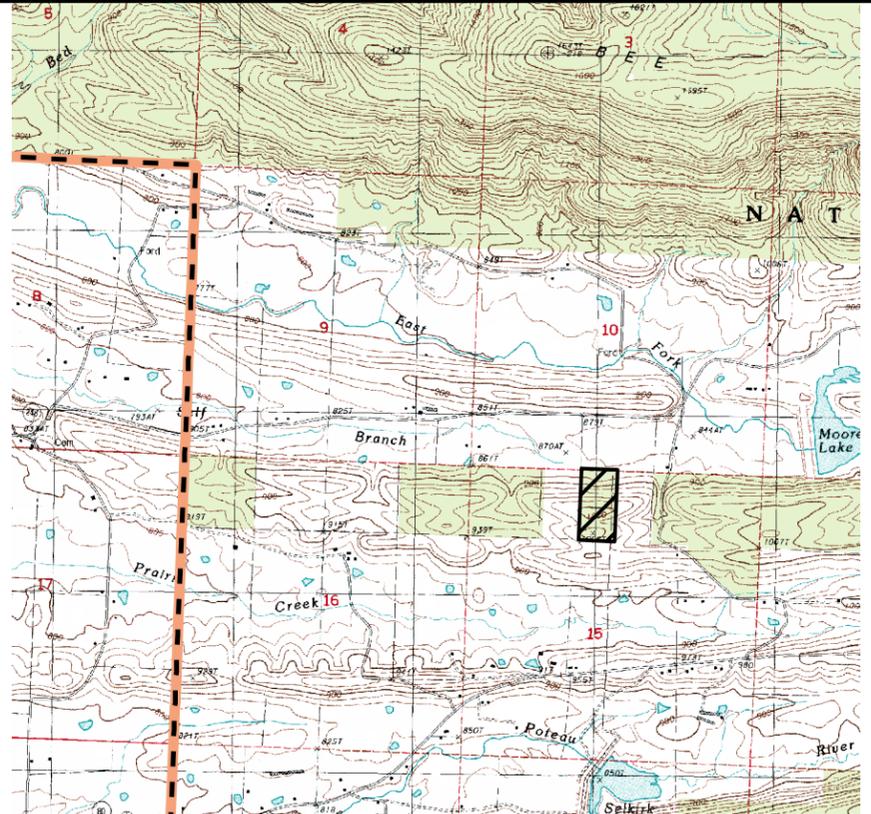
ELLIOTT FAMILY TRUST LAND EXCHANGE
Tract #6725a



Ouachita National Forest
Poteau-Cold Springs Ranger District
Scott County, Arkansas

1

Township 3 North, Range 28 West
Sec. 15, E1/2 NE1/4 NW1/4



Legend

- Ouachita National Forest Boundary
- Ouachita National Forest Land
- Tract #6725a

The Forest Service uses the most current and complete data available. GIS data and products may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. Using GIS products for purposes other than those for which they were created may yield inaccurate or misleading results.

The Forest Service reserves the right to correct, update, modify, or replace GIS products without notification. For more information contact: Mt. Magazine Ranger District, P.O. Box 511, Paris, AR 72855, (479) 963-3076.

