DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

SOUTHWESTERN POWER ADMINISTRATION'S UTILITY CORRIDOR AND TOWER SITE VEGETATION MANAGEMENT PROJECT

U.S. FOREST SERVICE

OZARK ST-FRANCIS NATIONAL FORESTS, BIG PINEY RANGER DISTRICT

POPE & SEARCY COUNTIES, ARKANSAS

DECISION

Based upon my review of the Southwestern Power Administration's (SWPA) Utility Corridor and Tower Site Vegetation Management Project Environmental Assessment (EA), I have decided to implement The Proposed Action.

An amendment will be made to SWPA's existing Special Use Permits that allows the use of selected herbicides and adjuvants to treat woody stem vegetation and any type of non-native invasive species (NNIS) within the Transmission Line #3001 ROW and the Tower Communication Site on White Oak Mountain on National Forest lands.

This Decision will permit SWPA to integrate herbicide treatment with current mechanical vegetation management practices. The application of herbicide would be accomplished through manual, hand-application methods (i.e., backpack spraying) and include Forest Plan Standards that dictate when, where and how herbicide can be used. No motorized or boom mounted applications are approved.

DECISION RATIONALE

The Proposed Action was selected because it best addressed the purpose and need in a safe, balanced, cost effective way providing for a level of resource outputs that can be maintained in perpetuity without harming land productivity. It was selected over Alternative 1 (No Action) because Alternative 1 did not best address the needs of the area (safer work environment, less heavy mechanical treatments required) or move the area toward achieving the desired future conditions outlined in the Revised Land and Resource Management Plan (RLRMP). The Proposed Action will provide more permanent seral habitat, reduce the amount of heavy mechanized equipment use required (lessening soil compaction and soil disturbance that occurs with that use), and provide a safer work environment for SWPA's employees and their contractors that maintain the ROW. A landscape Architect was consulted for this proposal, they concluded that Proposed Action will not have a negative visual effect on the permit area, and it may lessen the frequency of maintenance activities which will have a positive visual effect.

The use of herbicides is critical to controlling the population and spread of non-native invasive

species. Manual control measures are not effective management treatments for the control of NNIS present within the project area.

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information (peer reviewed science), a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Analysis shows this project:

1) Provides enhanced wildlife habitat through improvement of habitat in linear openings (EA, pg. III-33).
2) Provides for control of invasive species (EA, pg. II-1, &4).

Other Alternatives Considered

In addition to the Proposed Action the EA considered one other alternative. A comparison of the Proposed Action to the other alternative considered can be found on pages II-7 through II-8 in the EA. Below is a summary of the alternative considered.

Alternative 1 (No Action)

The No Action Alternative is a requirement of the National Environmental Policy Act (NEPA). None of the activities in the Proposed Action would be implemented. Other activities allowed under previous decisions/permits would continue to be implemented.

The Southwestern Power Administration's (SWPA) Utility Corridor and Tower Site Vegetation Management Project EA is the primary document upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Ozark St-Francis National Forests' Schedule of Proposed Actions on June 3rd, 2011, and updated periodically during the analysis. On the same date, an initial scoping letter and map was mailed to 88 neighboring landowners, the Native American Tribes, and other interested parties explaining the project proposal. They were asked to comment on, or involve themselves in, the proposed project, and were informed about the kinds of decisions to be made. A legal notice explaining the proposal was published in Russellville's *The Courier*, the Big Piney Ranger District's official paper of record. The initial scoping effort resulted in five responses (2 from Native American Tribes and 3 from members of the public).

The Draft Environmental Assessment (EA) was not completed in 2011 due to other priorities. During this time, the regulations that apply to the National Forest changed from 36CFR 215 to 36CFR 218 (the objection process). Since the Draft EA had not been sent out for its official 30-day comment period, a decision was made to switch the project to the 36CFR 218 process. As a result, on May 20, 2013, a second project initiation letter was mailed out to 92 neighboring landowners, the Native American Tribes, and other interested parties. The letter including a map explained the project proposal and the change from the 36 CFR 215 regulations to the 36 CFR 218 regulations. A legal notice was published in Russellville's *The Courier* on May 21st, 2013, and the project initiation letter was posted to the Ozark-St Francis National Forests Website.

Eight letters were returned as undeliverable. This public involvement effort resulted in two responses from the public.

All interested parties who responded to our public involvement efforts received a notice informing them that the Draft EA was ready for review.

The Draft EA was posted on the Ozark St-Francis National Forest website on March 21, 2014. A legal notice to receive comments was published in Russellville's *Courier* newspaper March 23, 2014. Two cover letters were emailed to interested parties who responded to the initial scoping effort on March 21, 2014. No comments were received during this 30 day period.

The EA lists agency personnel and others consulted in Chapter IV.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The actions are consistent with the intent of the management goals, objectives, and standards in the 2005 Revised Land and Resource Management Plan (RLRMP) for the Ozark St-Francis National Forest, this finding incorporates appropriate guidelines and mitigation measures. The project is feasible and reasonable, and results in applying management practices, protecting the environment while maintaining natural communities and minimizing effects of non-native invasive species. Goals and objectives from the 2005 RLRMP that apply to this project are as follows:

1) Across all community types, maintain a range of 3.8 to 6.8 [percent of the total forest and woodland acreage in regeneration forest conditions (0-10 years old). (RLRMP page 2.10)
2) Treat at least 200 acres per year for reduction or elimination of non-native, invasive species. (RLRMP page 2.12)
3) Improve and maintain bobwhite quail habitat on 5,000 acres per year for the first decade. (RLRMP page 2.13)
4) Improve and maintain habitat for whitetail deer on 10,000 acres per year for the first decade. (RLRMP page 2.13)
5) Improve and maintain habitat for eastern wild turkey on 10,000 acres per year for the first decade. (RLRMP page 2.13)
6) Improve and maintain habitat for black bear on 8,000 acres per year for the first decade. (RLRMP page 2.13)

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976, NFMA implementing regulations in 36 Code of Federal Regulations (CFR) Section 218, the National Historic Preservation Act, the Endangered Species Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

The Proposed Action, which alters vegetation, complies with the requirements of the NFMA [under 16 U.S.C. 1604 (g)(3)(B)]. The Responsible Official may authorize site-specific projects and activities on National Forest System (NFS) lands only where:

1. Provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives,

2. Soil, slope, or other watershed conditions will not be irreversibly damaged.

3. Streams, stream banks, 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 activities are likely to seriously and adversely affect water conditions of fish habitat.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the Proposed Action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
2. **The degree to which the proposed action affects public health or safety**. There will be no significant effects on public health and safety. The EA discloses the effects of exposure of forest users and the public to various hazards such as herbicides, and concludes that no thresholds will be exceeded and/or hazards that ca not be mitigated (See EA pages III-2&3, III-8-11, III-32-34, III-38&39, and III-42-44)
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area; a heritage categorical exclusion (CE) was completed for this project on May 20th, 2011. Project implementation will not have adverse effects to historical properties. The CE included a list of known and recorded archeological sites, their recommendations of eligibility for possible inclusion in the Register of Historic Places (NRHP), and avoidance of adverse effects (See EA page III-55).
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the effects of the Proposed Action.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because the Purpose and Need for the project and the actions proposed in the PA are within the scope of the RLRMP (See EA pages I-3-I-6).

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. The Past, Present and Reasonably Foreseeable Future Actions within the project area are listed on page II-13 of the EA. The cumulative effects of these actions along with the PA are disclosed throughout chapter III of the EA and conclude that there are no significant impacts (See EA pages III-1-III-56).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. A heritage categorical exclusion was completed for this project on May 20, 2011. Project implementation will have no adverse effects to historical properties. The CE included a list of known and recorded archeological sites, their recommendations of eligibility for possible inclusion in the Register of Historic Places (NRHP), and avoidance of adverse effects (See EA page III-55).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because the EA concluded, based on the findings of the BE sent to and concurred with by the US Fish and Wildlife Service, that the PA would was not likely to adversely affect the Indiana bat, gray bat, or Ozark big-eared bat. (See EA pages III-40-III-43).

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment**. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages I-1-I-9). The action is consistent with the Ozark St.-Francis Revised Land and Resource Management Plan. (See EA pages I-2-I-3, I-5-I-6, and I-8)

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This decision is subject to objection pursuant to 36 CFR 218.8. Objections must meet requirements stated in 36 CFR 218.8(d) in order to be considered. A written Notice of Objection must be postmarked or received within 45 days after the date the legal notice of decision is published in Russellville's *The Courier*. The Objection must be filed with: Ozark-St. Francis National Forests, ATTN: Objections Reviewing Officer, 605 West Main, Russellville, AR 72801, 36 CFR 218.3(a). Objections may be faxed to (479) 964-7229. Hand-delivered objections must be delivered to the Ozark St.-Francis Supervisors Office in Russellville within normal business hours of 8:00 a.m. to 4:30 p.m. Objections may also be mailed electronically in a common digital format to **ozarkobjection@fs.fed.us** . Objections should not be filed with the Responsible Official at either Hector or Jasper.

Who may file an objection?
36 CFR 218.5 (a) Individuals and entities as defined in §218.2 who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment may file an objection. Opportunity for public comment on an EA includes during scoping or any other instance where the responsible official seeks written comments.

Filing an objection
36 CFR 218.8 (a) Objections must be filed with the reviewing officer in writing. All objections are available for public inspection during and after the objection process.

(b) Incorporation of documents by reference is not allowed, except for the following list of items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection. All other documents must be included with the objection.

1) All or any part of a Federal law or regulation.
2) Forest Service directives and land management plans.
3) Documents referenced by the Forest Service in the proposed project EA or EIS that is subject to objection.
4) Comments previously provided to the Forest Service by the objector during public involvement opportunities for the proposed project where written comments were requested by the responsible official.

(c) Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues (see paragraph (d)(6) of this section).

(d) At a minimum, an objection must include the following:
(1) Objector's name and address as defined in §218.2, with a telephone number, if available;
(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) When multiple names are listed on an objection, identification of the lead objector as defined in §218.2. Verification of the identity of the lead objector must be provided upon request or the reviewing officer will designate a lead objector as provided in §218.5(d);
(4) The name of the proposed project, the name and title of the responsible official, and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented;
(5) A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
(6) A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment (see paragraph (c) of this section).

IMPLEMENTATION DATE

Timing of project decision 36 CFR 218.129 (c): When no objection is filed within the objection filing period (see §§218.26 and 218.32):
(1) The reviewing officer must notify the responsible official.
(2) Approval of the proposed project or activity documented in a ROD in accordance with 40 CFR 1506.10, or in a DN may occur on, but not before, the fifth business day following the end of the objection filing period.

Further information about this decision can be obtained from Mike Mulford, NEPA Coordinator, Big Piney Ranger District, P.O. Box 427, Jasper, AR 72641; (870) 446-5122; fax (870) 446-2063; e-mail: mmulford@fs.fed.us

Timothy E. Jones Date

District Ranger

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