



DECISION MEMO
MATNEY KNOB TOWER PROJECT
Region 8, Forest Service, U.S. Department of Agriculture
Sylamore Ranger District, Ozark-St. Francis National Forests
T18N-R13W Sec. 12, Baxter County, AR

Background

Matney Knob is a communication tower site on the Sylamore Ranger District. Repeaters mounted on a 60 foot tower enable radio communications in the vicinity for Baxter County's Office of Emergency Management, the Arkansas Game and Fish Commission, and the Arkansas Forestry Commission and others. The site is accessed via Forest Service Road 1104A off State Highway 341.

The existing communication tower is supported by guy wires. It is owned by the Arkansas Game and Fish Commission and has been under special use permit (SYL10094) since 1959; the use area is less than one acre. The tower's condition and that of the equipment associated with it no longer support the needs of Baxter County's Office of Emergency Management.

Baxter County's Office of Emergency Management has applied for a special use permit to construct, operate and maintain a new self-supporting (no guy wires) 190 foot communication tower and associated structures on the Matney Knob tower site.

The purpose of this action is to provide conditions that support a safe and high-quality communications environment in that vicinity.

Decision

After review of the project planning record, I have decided to approve the Baxter County's Office of Emergency Management request. I find this action will ultimately provide safer, more reliable radio communication service in the areas surrounding Matney Knob than that which is currently available.

Specifically, the following are approved:

1. Issue of a new permit to Baxter County's Office of Emergency Management to
 - a. Occupy and maintain a communications tower and associated structures that include a radio equipment building, propane generator and tank, and a fence.

- b. Use and maintain Forest Service Road 1104A.
 - The use area shall involve less than 2 acres adjacent to the Arkansas Game and Fish Commission's permitted use area.
2. Baxter County's Office of Emergency Management is approved to construct a new tower and associated structures.
 - a. Before construction can begin the following requirements must be met:
 - The permit must be finalized.
 - Site plans and specifications
 - must be prepared by an architect or engineer licensed by the State of Arkansas, and
 - must comply with National and State codes, and
 - must be approved by Ozark-St. Francis National Forests engineering and communications staff.
 - b. A memorandum of understanding must be in place between Baxter County's Office of Emergency Management and all tenants with repeaters on the existing 60 foot tower ensuring
 - all tenants on the existing 60 foot tower will be moved to the new tower, and
 - Baxter County's Office of Emergency Management will be responsible for dismantling the 60 foot tower and associated structures and removing them from the site.
 - The dismantling and removal operation must be done within 6 months after all repeaters have been moved.
3. The new tower must be self-supporting (no guy wires), be no more than 190 feet in height and provide spots for at least six repeaters.
 - a. A concrete foundation will be poured to support the new tower.
 - Excavation for the foundation may be done with equipment or by blasting.
 - b. A 10 foot x 10 foot building with temperature control to house upgraded radio equipment may be constructed.
 - c. Power may be routed underground from an existing power pole to the new tower and associated structures.
 - d. A back-up propane generator and propane tank may be installed.
 - e. The use area may be fenced.
4. To facilitate construction activities and to maintain the site following construction of the tower and associated structures, vegetation on the use area may be removed with mechanical equipment, chainsaws or other hand tools.

Other Requirements:

5. Inspections during construction and the final inspection on the construction must be conducted by a qualified engineer.
6. Baxter County's Office of Emergency Management will be responsible for obtaining all other agency permits or authorizations required to implement these actions and for the tower's subsequent operation.
7. Baxter County's Office of Emergency Management must coordinate with the Arkansas Highway Department during the construction and dismantling operations to ensure appropriate measures are implemented to protect vehicle traffic on State Highway 341.
8. To ensure appropriate measures are taken to provide for the safety of visitors hiking on the Ozark Highlands Trail, Baxter County's Office of Emergency Management must inform contractors and county employees implementing construction, dismantling or maintenance operations of the trail's proximity to the site.
9. If any artifacts or human remains are found during implementation of these actions, all work will cease and the appropriate authorities will be notified.
10. A forest approved seed mixture or certified weed free straw must be used to re-establish ground cover on the areas disturbed during construction and on areas that were occupied by the 60 foot tower and associated structures.

Categorical Exclusion from Documentation in an Environmental Assessment or Environmental Impact Statement

I have determined this action falls within the following category listed in regulations at 36 Code of Federal Regulations (CFR) 220.6 that are excluded from documentation in an environmental assessment or environmental impact statement:

FSH 1909.15, Chapter 30, § 32.2 (3) (vi): "Approval, modification or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land. (vi) approving an additional telecommunication use at a site already used for such purposes" [36 CFR 220.6(e)(3)]

In reaching this determination, I considered the potential for effect on scenic quality and the following resource conditions. I found no extraordinary circumstances related to this action that preclude the use of the aforementioned categorical exclusion or warrant preparation of an environmental assessment or environmental impact statement.

- *Federally listed threatened or endangered species or designated critical habitat or Forest Service sensitive species;*
- *Flood plains, wetlands, or municipal watersheds;.*

- *Congressionally designated areas such as wilderness, wilderness study areas or national recreation areas;*
- *Inventoried Roadless Areas;*
- *Research Natural Areas;*
- *Native American religious or cultural sites, and*
- *Other archaeological sites, historic properties and/or areas*

Public Involvement

On March 25, 2014, one-hundred twenty-six (126) letters describing the proposal and asking for comment by April 28, 2014 were mailed to Native American tribes associated with Arkansas, individuals that have asked to be notified when these types of actions are proposed, individuals that have asked to be notified when actions are proposed within the vicinity of the Ozark-Highlands Trail, local government officials for communities within the vicinity of the area that would be served by the new tower, and members of the Baxter and Stone County Quorum Courts.

A similar letter was posted on the Ozark-St. Francis National Forests' website the same week as the letters were mailed, and the project was listed on the 3rd Quarter Schedule of Proposed Actions (SOPA) for fiscal year 2014.

In total, five responses were received prior to the April 28, 2014; no responses were received after that date. None of those providing a response voiced objection to the action, raised any concerns, or provided information for my consideration.

Findings Required by Other Laws and Regulations

This action is consistent with the standards and guidelines of the Ozark-St. Francis National Forests' Land and Resource Management Plan as required by the National Forest Management Act and will comply with all applicable federal and state laws and regulations.

Appeal Opportunities

This decision is not subject to appeal.

Implementation

Issue of the permit may be implemented immediately. Construction of the new tower may be implemented when the requirements outlined under item 2 of this decision document have been fully met.

Contact Person

For additional information concerning this decision, contact J. Swafford, District Technical Services Assistant (jswafford@fs.fed.us) or Jan Franks, District NEPA Coordinator (jlfranks@fs.fed.us) at the Sylamore Ranger District Office 1001 East Main, Mountain View, AR 72560, (870)269-3228.

/s/ ***James R. McCoy***

JAMES R. McCOY
District Ranger
Sylamore - St. Francis Ranger District
Ozark-St. Francis National Forests

August 20, 2014

Date

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