Draft Decision Notice and Finding of No Significant Impact

United States
Department of
Agriculture

Forest
Service
October
2014

Spirits Project

Boston Mountain Ranger District

Ozark-St. Francis National Forests

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Introduction

This Draft Decision Notice and Finding of No Significant Impact for the Spirits Project documents my proposal for selecting management activities within the project area as analyzed in Alternative 1 of the Environmental Assessment (EA). The project area is located in the Ozark National Forest on the Boston Mountain Ranger District southwest of Cass, northeast of Shores Lake in Franklin County, Arkansas (Figure 1).

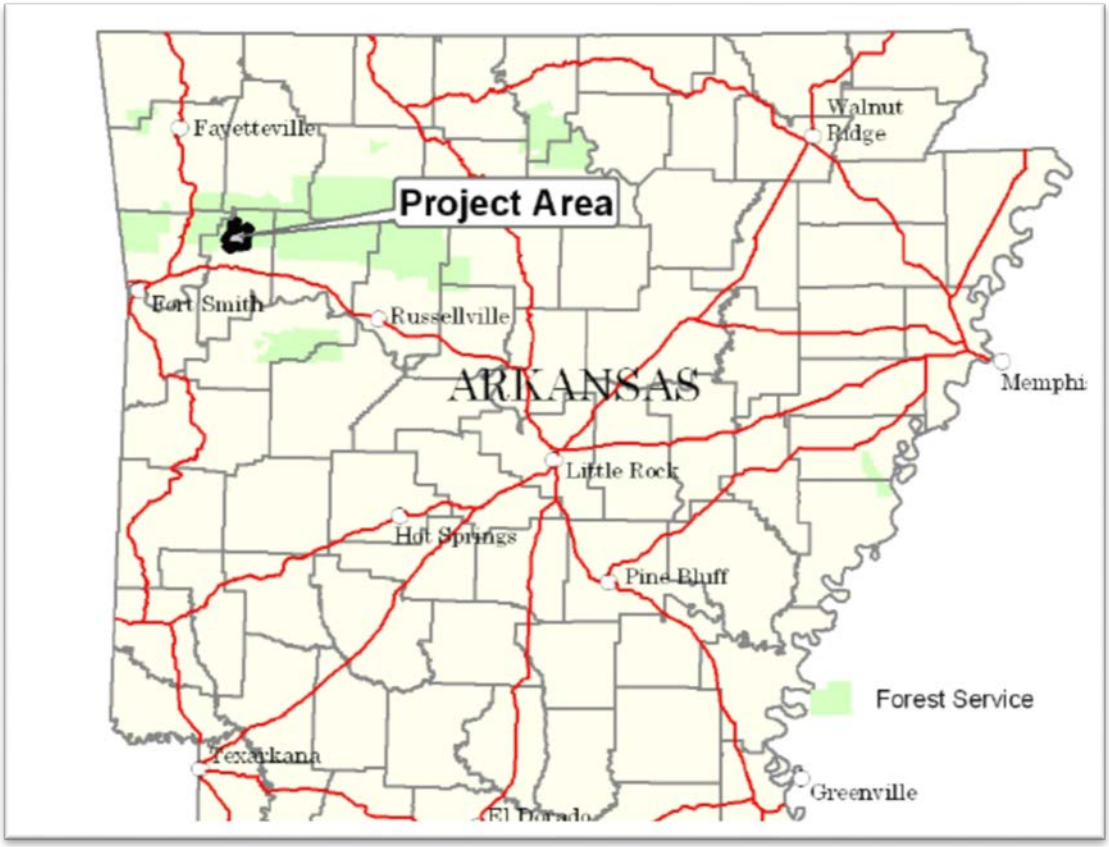


Figure 1. Vicinity map.

The purpose of this project is to improve wildlife habitat including habitat for the endangered Indiana bat, reduce competition between trees, and improve visual quality and access for forest users. Restoration of native ecological systems and improvement of wildlife habitat are the highest priorities in managing our natural resource base in order to have a lasting effect on future conditions of the forest.

The EA documents the analysis of the proposed action and the “no action” alternative. Alternative 1 is the proposed action, designed to meet the purpose and need for the project.

Objection Process

Regulations pursuant to 36 CFR 218 require that we prepare a Draft Decision for your review as part of the pre-decisional administrative review process that is now required for environmental assessments. This new process became effective on March 27, 2013, as a part of the Department of Agriculture's final rule for replacing the Forest Service's appeal process (36 CFR 215) with an objections process as outlined in 36 CFR 218 (Federal Register, Volume 73, No. 59, pp. 18481 to 18504).

One primary difference of the objections process is that eligible parties are able to seek resolution of their unresolved concerns based on the actions of this Draft Decision, through filing an objection prior to a final Decision being made. A legal notice must be published to announce the release of this Draft Decision, which initiates a 45-day objection period. Individuals who submitted a comment regarding the proposed project during any designated opportunity for public comment (i.e. the project scoping period and/or the EA comment period) <u>and</u> whose comment contains the required elements outlined in 36 CFR 218.8 are eligible to file an objection for this project. Instructions for filing an objection are outlined on pages 23-24 of this document.

Draft Decision

As Responsible Official, I have considered several factors during my evaluation of this project. I have reviewed the project file documentation, including the purpose and need for action (EA pp. 11-14), the comments received during the project's comment period (project file); and the direction outlined in the 2005 Revised Land and Resource Management Plan (Forest Plan). I propose to implement Alternative 1 as described in the EA (pp. 22-33).

The proposed action is to improve habitat for threatened, endangered and sensitive species (e.g., the Indiana bat) as well as other wildlife; create forest conditions that are more resilient to outbreaks of insects, disease and wildfire; and to provide for sustainable watershed conditions.

Design Criteria (EA pp. 35-38) are part of the proposed action. They were developed to minimize potential impacts associated with the proposed activities. Analysis of effects presented in the EA is based on the implementation of these non-discretionary features.

Proposed activities would be authorized as described below.

VEGETATION MANAGEMENT

Thinning Methods

Pine Thin (PT) (4,132 acres). Many stands in this category are considered to be overstocked at 90 to 200 square feet of basal area. Mechanically thinning these stands would remove the lower quality trees which would improve the quality of the residual stands by releasing the dominant and co-dominant trees on two to three sides. Poorly formed and suppressed trees would be targeted for removal while maintaining residual basal areas prescribed in plan standards inside Indiana Bat Zones and 70 square feet of well-formed trees with healthy crowns outside of bat zones.

Hardwood Thin (HT) (2,128 acres). Many stands in this category are considered to be overstocked at 100 to 120 square feet of basal area. Mechanically thinning these stands would remove the lower quality trees which would improve the quality of the residual stands by releasing the dominant and co-dominant trees on two to three sides. Poorly formed and suppressed trees would be targeted for removal while maintaining residual basal areas prescribed in plan standards inside Indiana Bat Zones and 70 square feet of well-formed mast producing tree species with healthy crowns outside of bat zones.

Pine/Hardwood Thin (PHT) (120 acres). Many stands in this category are considered to be overstocked at 100 to 120 square feet of basal area. Mechanically thinning these stands would remove the lower quality pine and hardwood trees which would improve the quality of the residual stands by releasing the dominant and co-dominant trees on two to three sides. Poorly formed and suppressed trees would be targeted for removal while maintaining residual basal areas prescribed in plan standards inside Indiana Bat Zones and 70 square feet of well-formed trees with healthy crowns outside bat zones.

Pre-Commercial Thin (PCT) (221 acres). These shortleaf pine sapling stands are overstocked with pine and hardwood seedlings/saplings. These stands would be thinned using hand tools or mechanical means on 12'x12' spacing. Herbicides would be utilized to control stump sprouting and maintain free-to-grow conditions.

Non-Commercial Thin (NCT) (718 acres). These hardwood sapling stands are overstocked with hardwood seedlings/saplings. These stands would be thinned using hand tools or mechanical means on 12'x12' spacing. Herbicides would be utilized to control stump sprouting and maintain free to grow conditions.

Regeneration Methods

Regeneration stands would be delineated on the ground to create optimum edge that would favor the needs of various wildlife species including the Indiana bat, and would follow Forest Plan standards. Maximum even-aged or two-aged regeneration stand size would be limited to 80 acres for pine stands and 40 acres for hardwood stands unless they are the result of natural catastrophic conditions such as fire, insect or disease attack, or windstorm. Openings created by even-aged and two-aged regeneration treatments would be separated from each other by fully stocked stands of at least ten

acres in size with a minimum of 330 feet in width. Regeneration areas would no longer be considered openings when they have reached five years.

Pine Shelterwood (PS) (882 acres). Method of regenerating an even-aged stand in which a new age class develops beneath the residual trees. The initial harvest prepares the seedbed and creates a new age class where natural regeneration is preferred. In the first phase, 70 percent of the overstory is removed. Site preparation would be accomplished utilizing herbicide and controlled burning methods. Periodic herbicide releases would often be necessary to promote desirable tree species. With adequate regeneration, the second phase removes the remaining overstory.

Silvicultural Treatments:

1. Herbicide site preparation
2. Site preparation burn
3. If stand adequately stocked after five years, remove sheltering trees
4. If stand not adequately stocked, implement artificial regeneration as directed by the Forest Plan
5. Apply two herbicide releases of preferred growing stock

Hardwood Shelterwood (HS) (265 acres). Method of regenerating an even-aged stand in which a new age class develops beneath the residual trees. The initial midstory removal and site prep burn prepares the seedbed promoting a new age class where natural regeneration is preferred. In the initial harvest, 70 percent of the overstory is removed. Site preparation would be accomplished utilizing herbicide and controlled burning methods. Periodic herbicide releases would often be necessary to promote desirable tree species. With adequate regeneration, the second harvest removes the remaining overstory.

Silvicultural Treatments:

1. Midstory removal/herbicide stump treatment
2. Site preparation burn to remove leaf litter
3. Harvest treatment
4. Herbicide site preparation
5. If stand adequately stocked after five years, remove sheltering trees
6. If stand not adequately stocked, implement artificial regeneration as directed by the Forest Plan
7. Apply two herbicide releases of preferred growing stock

Site Preparation and Plant (53 acres). These stands have been affected by several catastrophic events such as red oak borer infestation, the ice storm of 2009, two years of extreme drought conditions in 2011 and 2012, and Hypoxylon cankers. Stands would be treated with herbicide site preparation followed by a site preparation burn. Stands would then be artificially regenerated with follow up stocking surveys with two potential herbicide releases and one application of herbicide, then a non-commercial thin. A diversity of native mast producing hardwoods is the objective of this treatment.

Plant Pine and Hardwood (Plant P/HW) (251 acres). These stands have been affected by several catastrophic events such as red oak borer infestations, the ice storm of 2009, two years of extreme drought conditions in 2011 and 2012, and Hypoxylon cankers. Stands would be treated with herbicide site prep followed by a site prep burn. Stands would then be artificially regenerated with follow up stocking surveys with two potential herbicide releases and one application of herbicide, then a non-commercial thin. A diversity of native mast producing hardwoods and shortleaf pine are the target species.

Removal (R) (157 acres). These stands are recently acquired Forest Service land. They were improperly managed from the previous ownerships and are either improperly stocked with shade tolerant species as the overstory or fully stocked with cedar only beneath a previous shortleaf pine seed tree harvest. These stands would have all midstory and overstory trees removed, except the occasional well-formed mast producing hardwood or seed bearing shortleaf pine, and artificial regeneration would be implemented following herbicide site prep with follow up site prep burn. Stocking surveys would be performed with the potential for two herbicide releases and one pre-commercial thinning treatment.

Hardwood Sanitation Thin/Salvage (HW Salvage) (486 acres). These stands have been affected by several catastrophic events such as red oak borer infestation, the ice storm of 2009, two years of extreme drought conditions in 2011 and 2012, and Hypoxylon cankers. Damaged, diseased, and insect infested trees would be removed. Stands would be thinned down to shelterwood conditions where possible preferably leaving 30 square feet of basal area. The residual trees would be kept in place as protection for regeneration. Feasibility of commercial timber harvest may not exist within a logical time frame for implementation. All stands would receive site preparation activities preferably utilizing herbicide site prep followed by a site prep burn, stocking surveys, two herbicide releases and one non-commercial thin.

Wildlife Stand Improvement (WSI) (17 acres). Stand would be thinned by removing shade tolerant tree species in the understory and midstory to create gaps in the canopy to allow diffuse and direct light to reach the ground in a patchy mosaic pattern. The residual stand should maintain tree densities prescribed in Indiana Bat Standards and favor tree species such as white oak, post oak, black oak, black cherry, northern red oak, walnut, hickory and shortleaf pine.

See Figure 2. for treatment locations.

Figure 2. Spirits Project Vegetation Treatments Maps

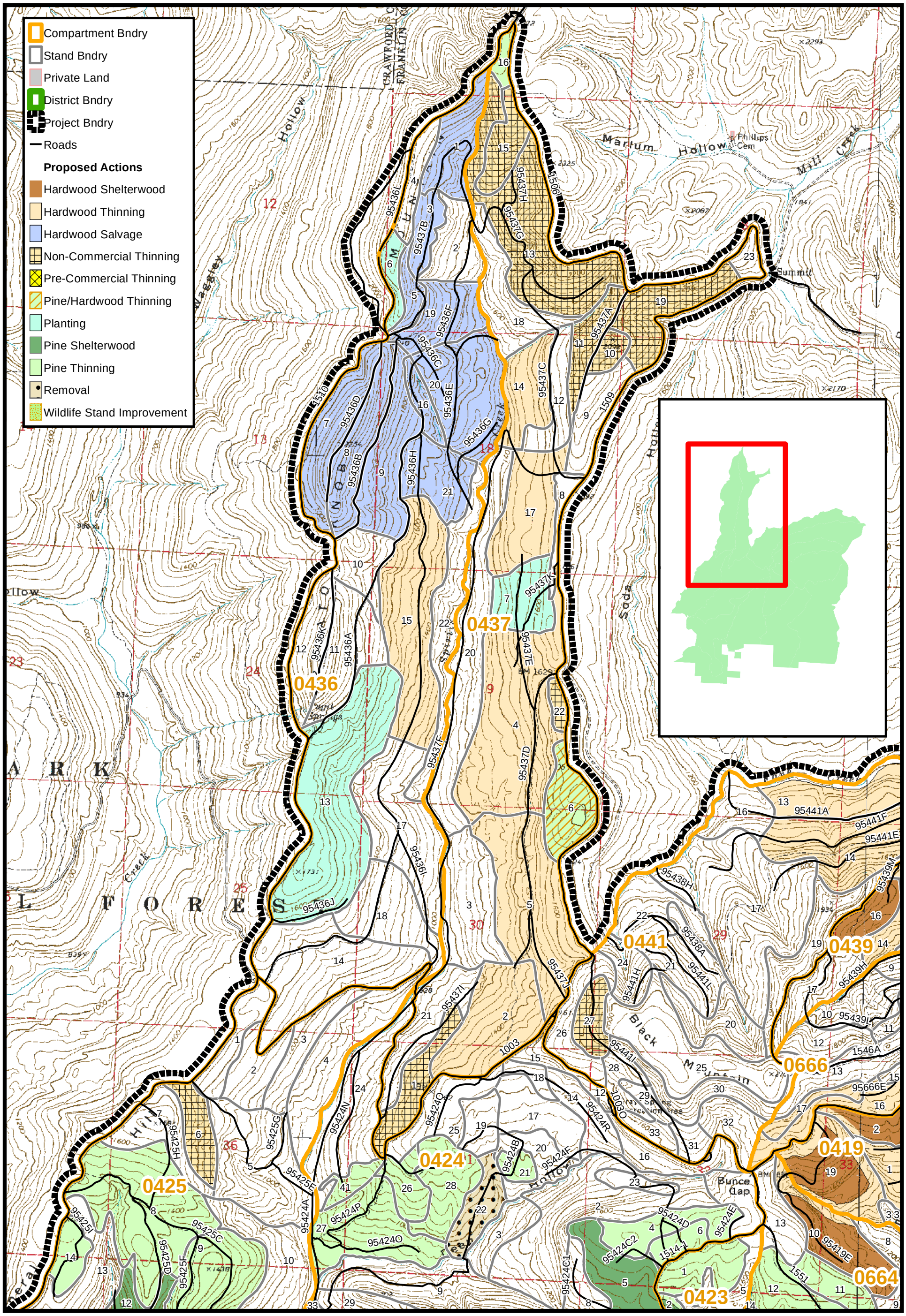
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 2 - Vegetation Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map A



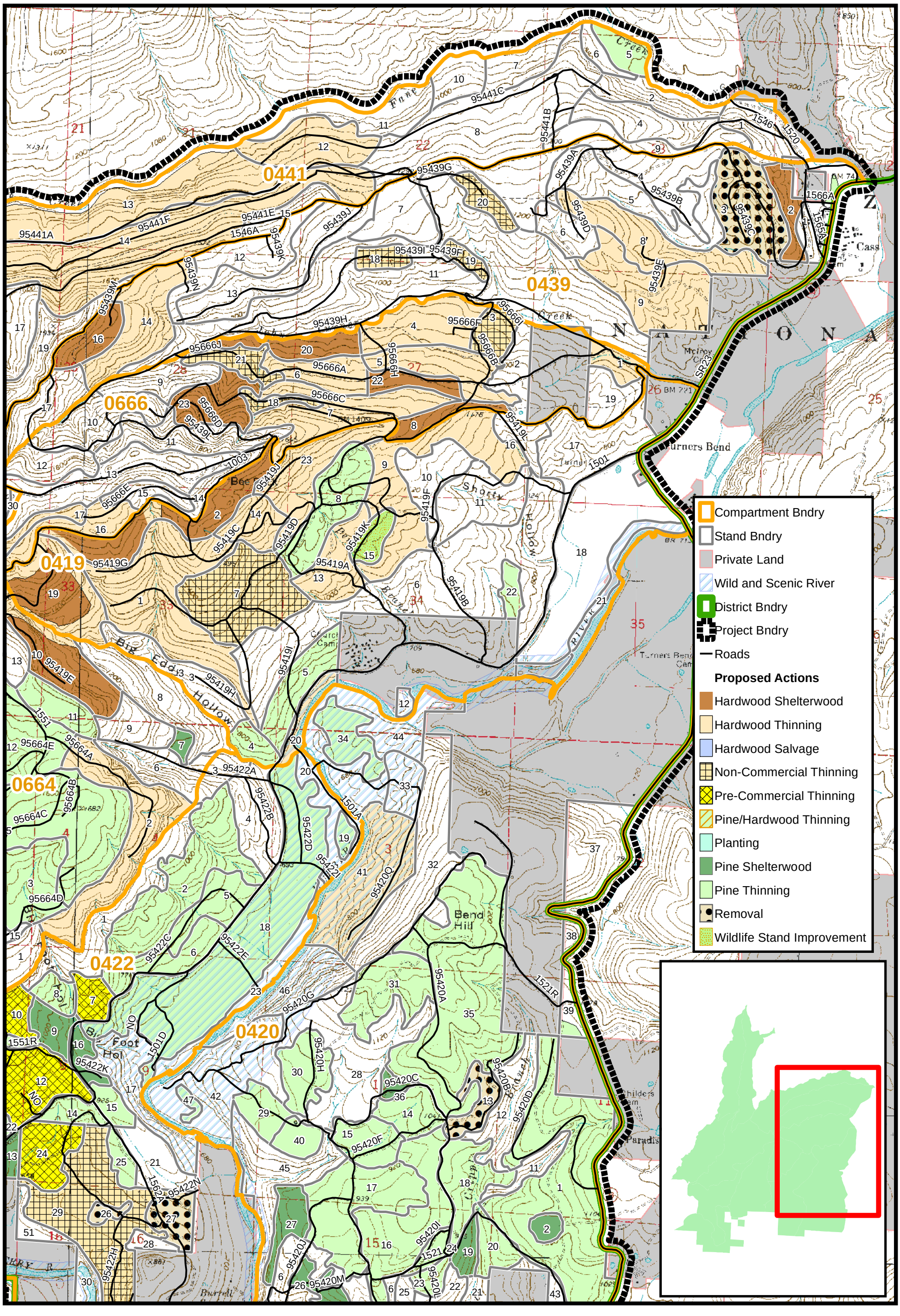
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 2 - Vegetation Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map B



Ozark-St. Francis National Forests

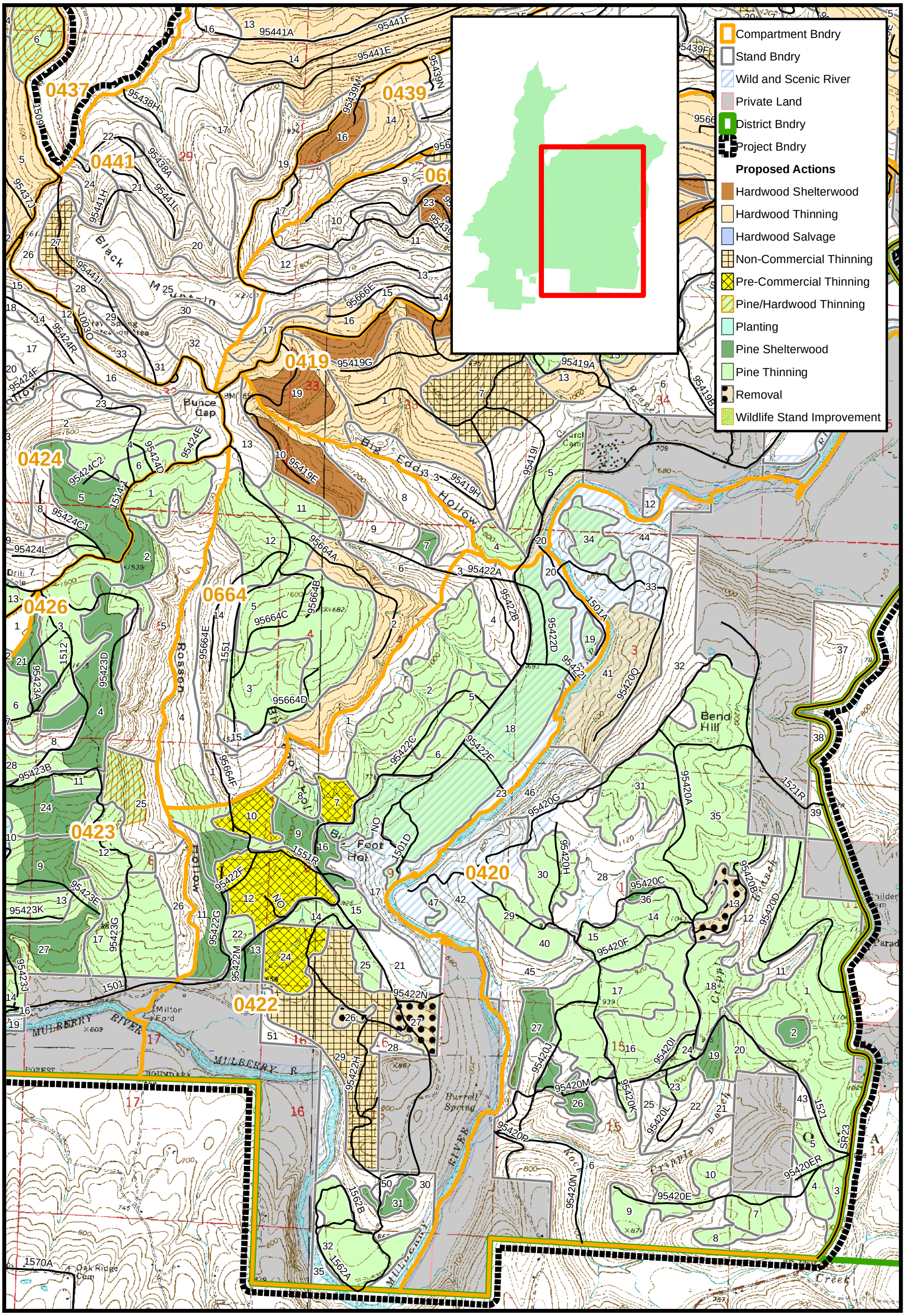
Boston Mountain Ranger District

Spirits Project
Figure 2 - Vegetation Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map C



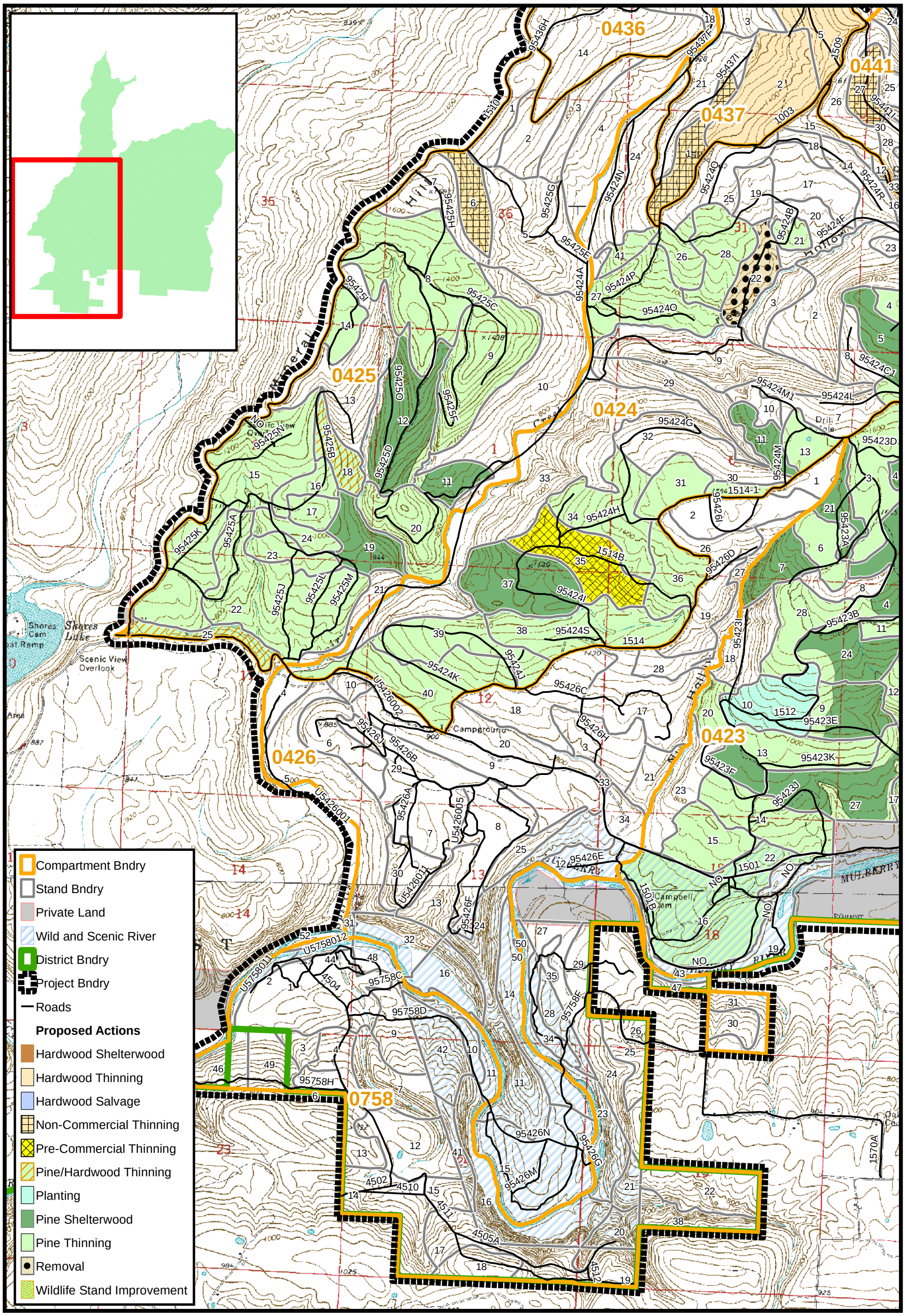
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 2 - Vegetation Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map D



Prescribed burning on approximately 6,107 acres. Not all of the designated areas would be burned at one time. On a rotational basis, specific units would be identified to burn each year based on Forest Plan objectives and guidelines as well as fuel and weather conditions. Burn units may be burned more than once to mimic the natural fire regime and meet management objectives. Burn frequency following initial burns would also be based upon monitoring, but would likely be every three to five years. Control lines would consist primarily of previously established control lines, roads, and/or creeks. In addition to the burn units, site prep burns would be needed in salvage and regeneration areas associated with timber harvesting. Approximately 60 miles of fire line may be needed to burn these areas. This figure may be reduced by the availability of natural fire breaks such as roads and creeks.

Construction of eleven new wildlife openings (approximately 55 acres) to provide a more even distribution of early successional habitat across the landscape for wildlife cover and forage. Work would include the initial clearing of openings with a dozer. Other treatments after initial construction could include one or a combination of the following: Brush hogging; disking; seeding with native warm season grasses or Forest approved wildlife forages; planting of hardwoods and soft mast tree/brush species for wildlife forage and cover at edge or in middle of openings; fertilizing; liming; herbicide applications to remove non-native invasive species or woody encroachment; hay cutting; prescribed burning; hydro-axing or mastication of woody encroachment; chain-saw or hand tool removal of encroaching or woody vegetation; dozer work to enlarge or clear openings. Treatments after initial construction may include follow up maintenance on a one to three year rotational basis. Additional activities may include the construction of approximately two miles of roads to access the openings and road closure devices such as gates (approximately eleven) at ends of the roads to protect the habitat. Openings may range in size from one and a half to five acres.

Restoration or maintenance of 39 existing wildlife openings (up to approximately 195 acres) to provide wildlife forage, cover and habitat, particularly early successional habitat. The project area currently contains less than two percent of early successional habitat. Work may include one or a combination of the following: Brush hogging; disking; seeding with native warm season grasses or Forest approved wildlife forages; planting of hardwoods and soft mast tree/brush species for wildlife forage and cover at edge or in middle of openings; fertilizing; liming; herbicide applications to remove non-native invasive species or woody encroachment; hay cutting; prescribed burning; hydro-axing or mastication of woody encroachment; chain-saw, hand tool or mechanical removal of encroaching or woody vegetation; dozer work to enlarge or clear openings. Enhancement of openings may include enlargement from one acre up to five acres in size. Treatments may include initial restoration and follow up maintenance on a one to three year rotational basis. Additional activities may include the brushing, limbing and maintenance of roads leading to the openings and road closure devices such as gates on roads to protect the habitat (approximately 40 devices). Openings may be from one and a half to up to five acres in size.

Cave gates. Install up to six cave gates at the entrance of caves in the project area. Surveys of caves in 2013 (including one known Indiana bat hibernacula cave) revealed vandalism and human disturbance. Gates would be installed in cooperation with the United States Fish and Wildlife Service to protect Threatened, Endangered, or Sensitive (TES) bat habitat. Gates would be welded and be made with aluminum or steel.

Road closure devices. Install up to fifteen devices such as gates or berms at illegal, closed or decommissioned roads to protect large sites of TES plant habitat areas and to improve watershed conditions. This would include a road closure device on the west side of Big Eddy at an existing low water crossing of the Mulberry River (see Road Management section). See Roads Management for information on other closures.

Glade restoration on eight glades (approximately 150 acres). To restore habitat for TES Species. Methods may include one or a combination of the following: removal of cedar trees, other woody encroachment and/or non-native invasive species through mechanical, hand tools, herbicide or prescribed burning methods for initial restoration and follow up maintenance.

Restoration/maintenance of approximately 52 existing ponds (up to approximately 160 acres). This is to provide wildlife feeding and watering areas, amphibian and reptile habitat, and fisheries habitat. A large percentage of the ponds have little to no water. Restoration activities may include one or a combination of treatments: Mechanical reconstruction or enlargement, clearing of woody vegetation from dams, addition of structure (trees/rocks/artificial reef), liming, fertilizing, treatment of non-native invasive species through mechanical or chemical methods, adding bentonite to help hold water, bank/shore planting, stabilization to improve watershed conditions and to provide wildlife cover/feeding and fish stocking. Activities may include initial restoration/reconstruction and some follow up maintenance if needed. Ponds may be reconstructed in size from half an acre up to three acres each.

Culvert replacements. Surveys revealed that crossings at Cripple Branch at FS 1521 and Big Eddy Hollow at FS 1501 are barriers to fish passage. Existing structures would be replaced with bottomless box bridges. Some stream bank stabilization may be included in construction; utilizing natural materials, rock or geotextile. Other activities may include reshaping or widening of the associated road approaches/departures.

Riparian corridor restoration. Large sections of riparian areas along Spirits Creek, Mulberry River and Nix Hollow need restoration/stabilization due to natural or human caused stream bank failure, illegal trails, etc. These areas would be restored as funding allows to natural vegetative conditions through native cane restoration and/or stream bank stabilization. Methods may include thinning small sections of riparian corridors to a 60-80 basal area to encourage regenerated or planted cane growth, rip-rap, cane, or geotextiles for steam banks. Some fencing may be used in expansive open areas where off highway vehicle use is heavy and cannot be controlled through normal trail/road closures.

Stream/pool habitat restoration. Add large woody debris to Spirits, John Turner, Cripple Branch, Nix, Big Eddy Hollow, Rock and Fanes creeks to create pool habitat for aquatic species if surveys reveal a need.

Non-native invasive species (NNIS) eradication. Treat a maximum of 2,000 acres per year of non-native invasive species. Treatments would include spot spraying or boom-mounted tractor spraying. Chemicals used would be glyphosate, triclopyr, imazapyr, picloram or a combination of any of these. It is estimated that over 2,000 acres within the project area are infested with NNIS. Field surveys of the area revealed Serecia lespedeza, multi-flora rose, air-potato, and Japanese honeysuckle, large areas of tree-of-heaven, silk tree, fescue, bi-color lespedeza and stiltgrass. Any federally or state listed NNIS species would be treated as funding allows. Site specific analysis would occur before any treatment occurs.

Installation of educational/interpretive signs. This would occur at key areas to interpret project activities and restoration efforts as funding allows.

Mobility impaired hunter access (two to ten blinds). This would take place at selected wildlife openings. Portable blinds would be installed as funding allows and would be removed after hunting seasons. Hunters would utilize blinds through a check in system at the local District Office.

See Figure 3 for locations of treatments.

Figure 3. Wildlife Treatments Maps

Ozark-St. Francis National Forests

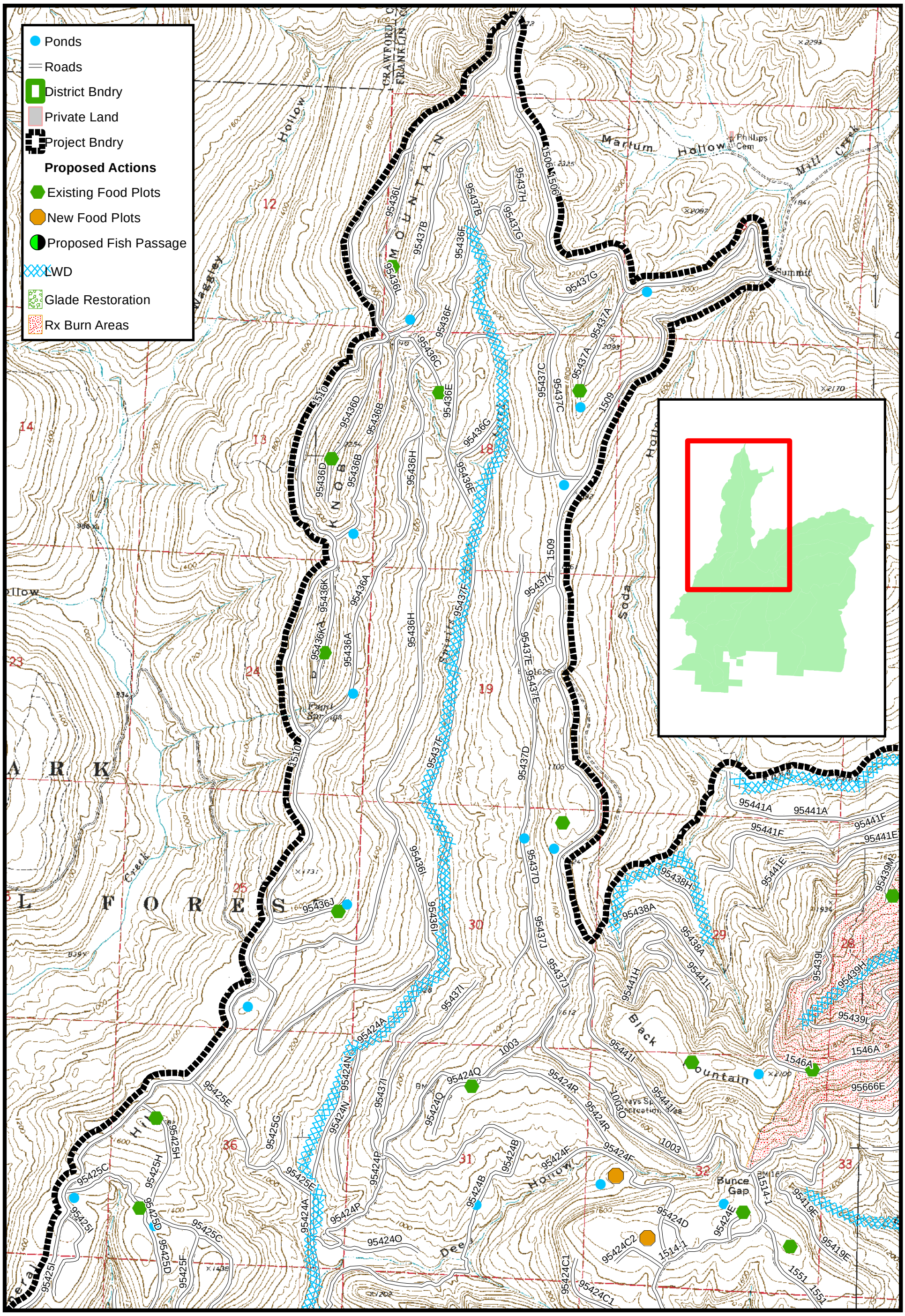
Boston Mountain Ranger District

Spirits Project
Figure 3 - Wildlife Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map A



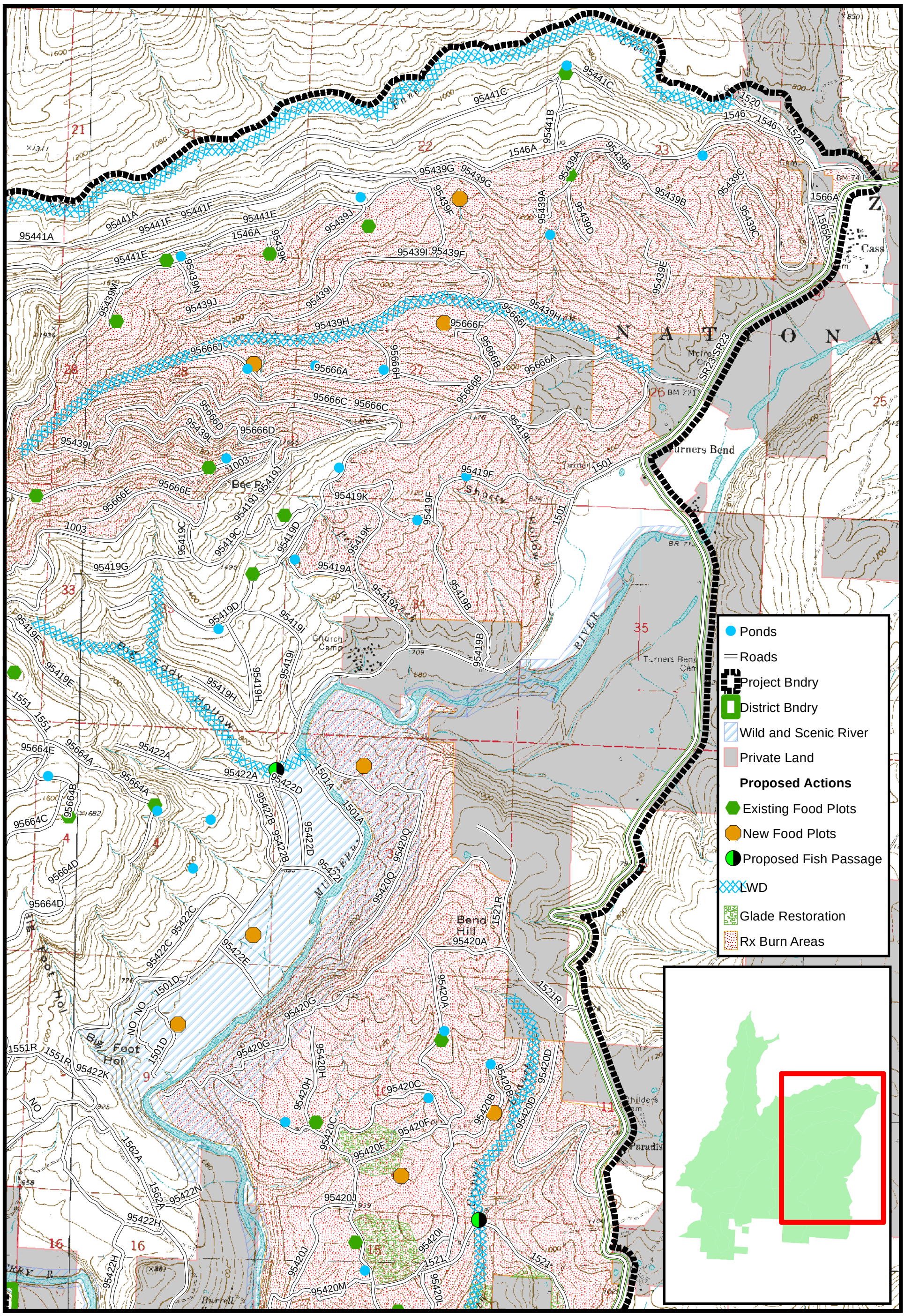
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 3 - Wildlife Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map B



Ozark-St. Francis National Forests

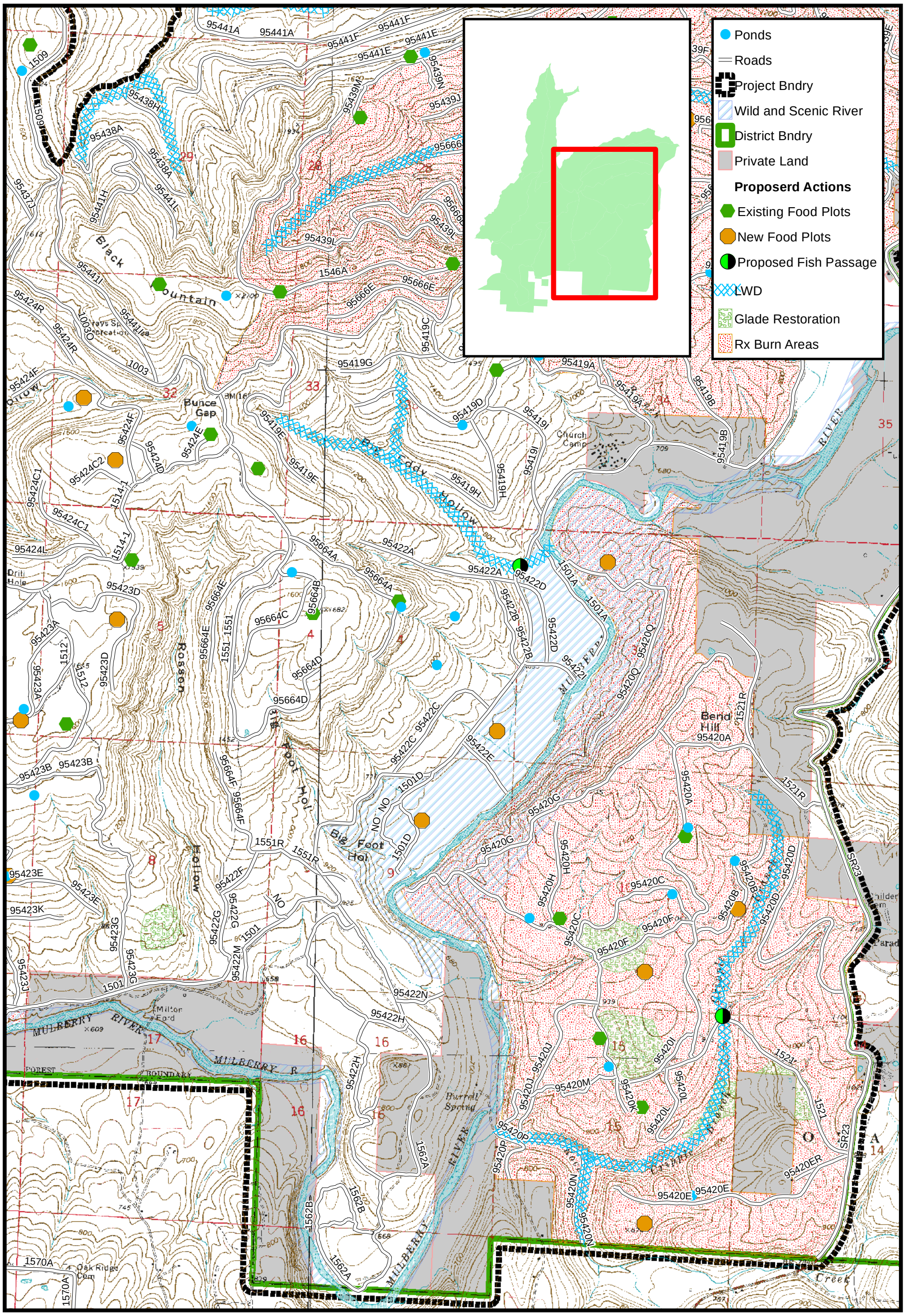
Boston Mountain Ranger District

Spirits Project
Figure 3 - Wildlife Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map C



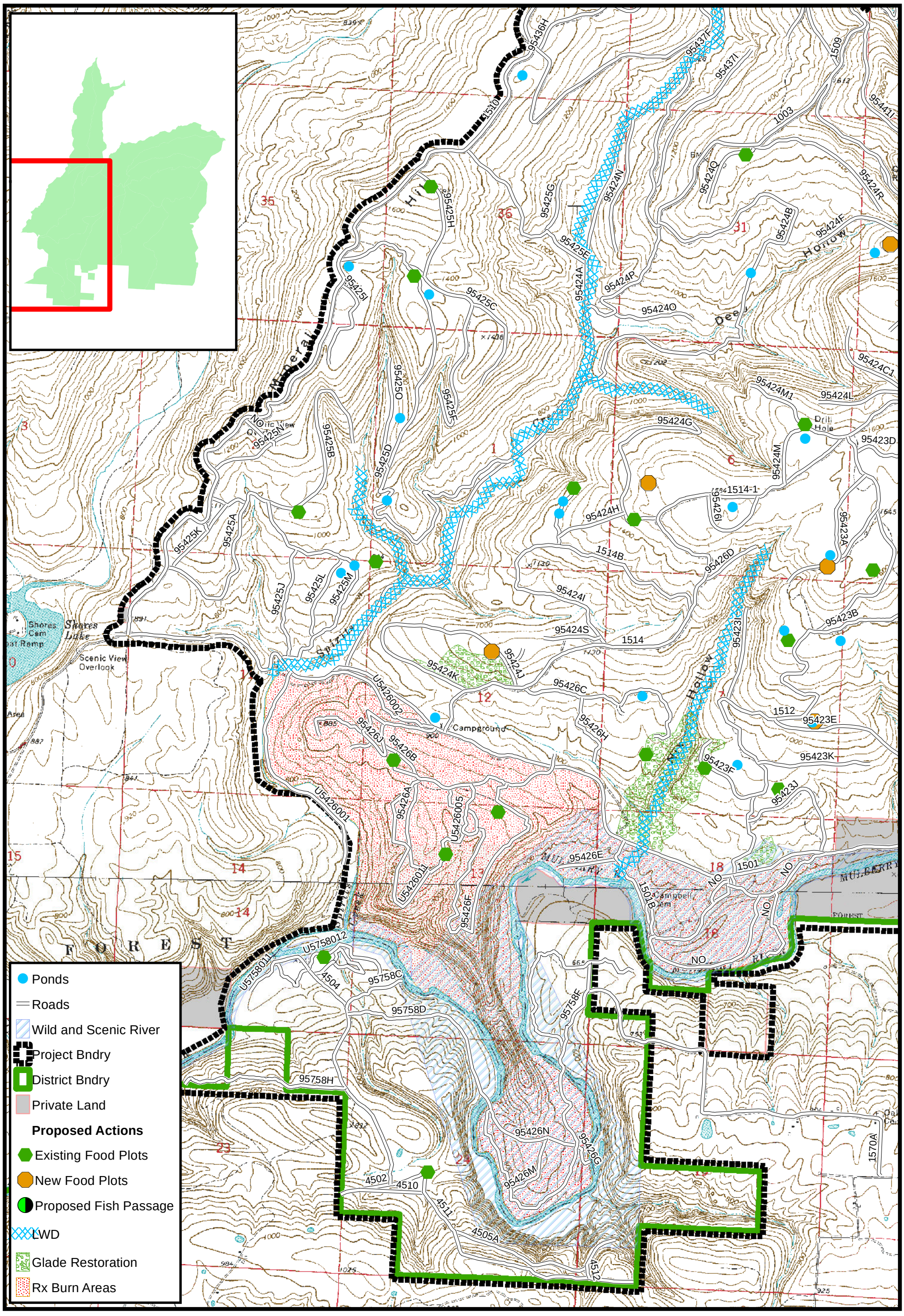
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 3 - Wildlife Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map D



ROAD MANAGEMENT

Decommission approximately 35.20 miles of system roads and approximately 100 miles of unauthorized roads or trails. Over the past 10-15 years, many miles of unauthorized or user created roads and trails have appeared on the landscape. It is estimated, through aerial photography and field inventory, that there are approximately 100 miles of these unauthorized roads within the project area. These, along with Forest Service designated roads would not need to be left on the landscape because the Forest Service roads are no longer needed to conduct resource management activities and the unauthorized roads are unsafe and also contribute to resource degradation. Activities involved in decommissioning would vary depending on the specific road condition encountered such as the amount of natural recovery that has already taken place. The range of decommissioning activities would include scarifying, water barring, planting roads to native grass seed or forest approved forage mix, blocking, and/or full re-contour to the natural topography using heavy equipment (obliteration). This would protect wildlife from vehicular disturbance, provide additional wildlife food sources and reduce erosion from these roads which would contribute to a healthier watershed. These roads and trails would no longer be available for any type of vehicular use.

Reconstruction of approximately 10.7 miles of Forest Service Roads. These roads are seldom used and inadequate for timber resource use and need to be reconstructed to improve access and safety to these areas. About 4.2 miles of the reconstructed roads would be closed and about 6.5 miles would be left open. About 0.17 miles of reconstruction on the existing road template between Shore's Lake Road and 95420Q would include improving the use at the existing low water crossing at that point. This road segment would allow public access to the river and also be used to access timber stands and as a route to remove timber products on the east side of the Mulberry River. This existing crossing would be stabilized with native material at the stream transition line and blocked with a road closure device at the river. It would be used only during periods of very low water levels to lessen any potential for erosion and sedimentation.

Closure of approximately six miles of Forest Service Roads. These roads would be closed to prevent potential environmental disturbance by frequent use and would only be used as needed for resource management activities such as rehabilitating wildlife openings and improving wildlife ponds. Road closure devices such as gates may be placed on the road entrances to temporarily prohibit traffic.

Maintenance of approximately 56.8 miles of Forest Service Roads.
This consists of road maintenance work prior to commercial hauling to make a road suitable and safe for commercial use. Prehaul maintenance includes such activities as surface blading, ditch and drainage maintenance, slide and slough removal, brush removal, and road opening. It does not include reconstruction work. Approximately 46.3 miles of these roads would be closed and 10.5 miles of roads would be left open.

Approximately nine borrow pits would be needed to accomplish road activities. These are needed to reduce costs of performing road work activities and to lessen the impact of construction equipment on roads in the landscape.

See figure 4 for road treatment locations and table 1 for list of roads in the project area.

RECREATION MANAGEMENT

Change vehicle use status on approximately 16 miles of roads currently open to all vehicles (includes OHV use) to roads open to highway vehicles only (excludes OHV use). There are many short, dead-end segments of roads that currently allow OHV use in the project area. These segments have deteriorated over time creating unsafe conditions and are contributing to excess sedimentation in area streams. Excluding OHV use on these segments would improve public safety, improve watershed conditions, and reduce maintenance costs. This proposed action is a function of closing most of these road segments as described in the previous Roads Treatments section.

Change vehicle use status on approximately 29 miles of roads currently open to highway vehicles only (excludes OHV use) to roads open to all vehicles (includes OHV use). Allowing OHV use on these segments would enhance the OHV user experience by allowing for loop routes, create a connected route to the Mill Creek OHV Trail system, and improve public safety and watershed conditions since these roads are maintained on a routine basis.

Develop a spur loop trail of approximately 2.6 miles as part of the Ozark Highlands Trail (OHT) around the rim of Black Mountain. The Ozark Highlands Trail Corridor crosses the northern portion of the project area. Creating a spur loop on Black Mountain would provide excellent scenic views overlooking Gray's Spring Recreation Area while increasing and enhancing hiking opportunities and experiences. This activity would be dependent on funding becoming available.

Open trail to OHVs only on approximately 0.6 mile of existing road. This is needed to complete a loop to connect two segments of existing roads open to all vehicles. Width restrictors would be installed on each end of the trail to prevent use by vehicles wider than OHVs.

Figure 4. Road and Recreation Treatments Maps

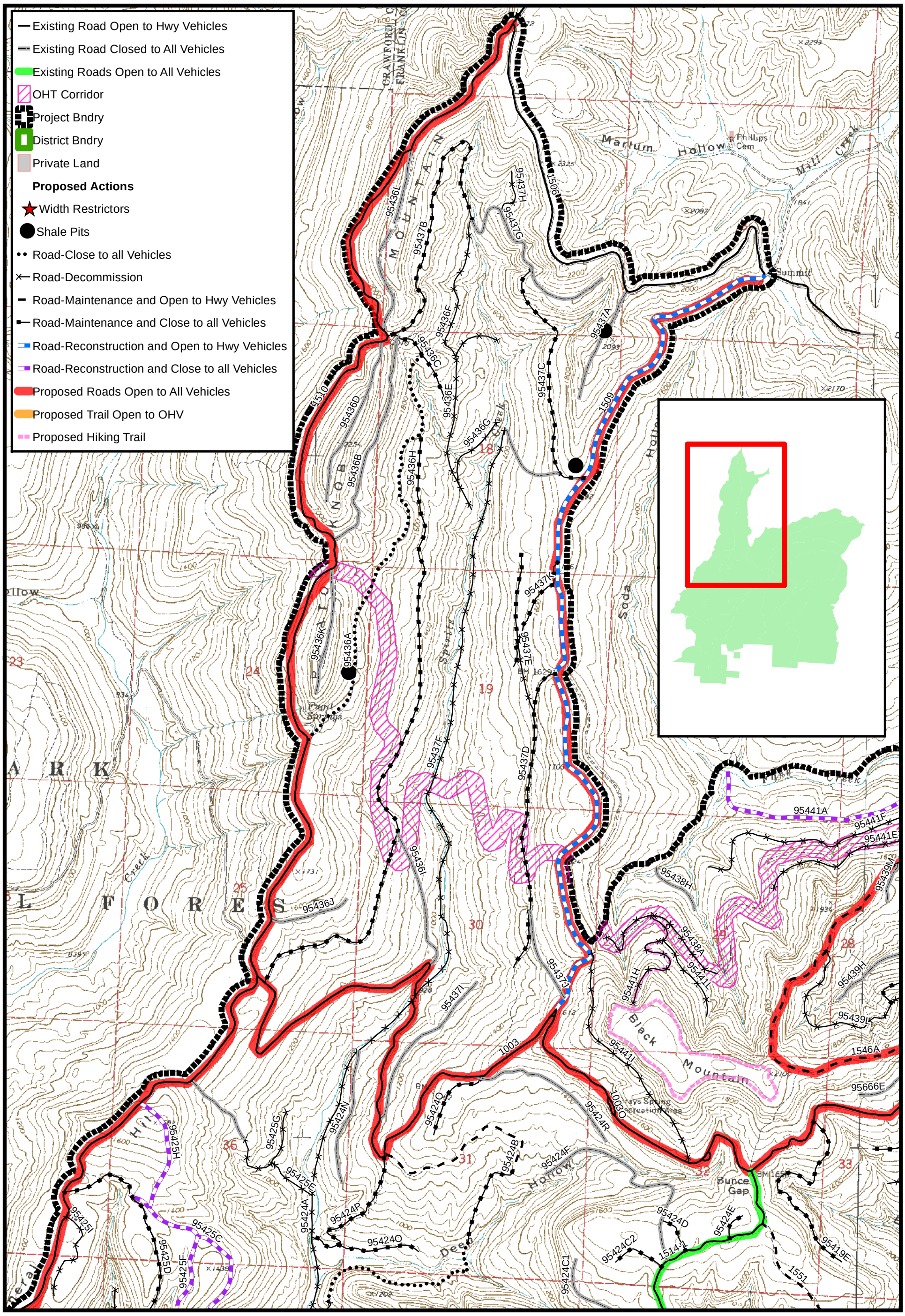
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 4 - Road/Rec. Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map A



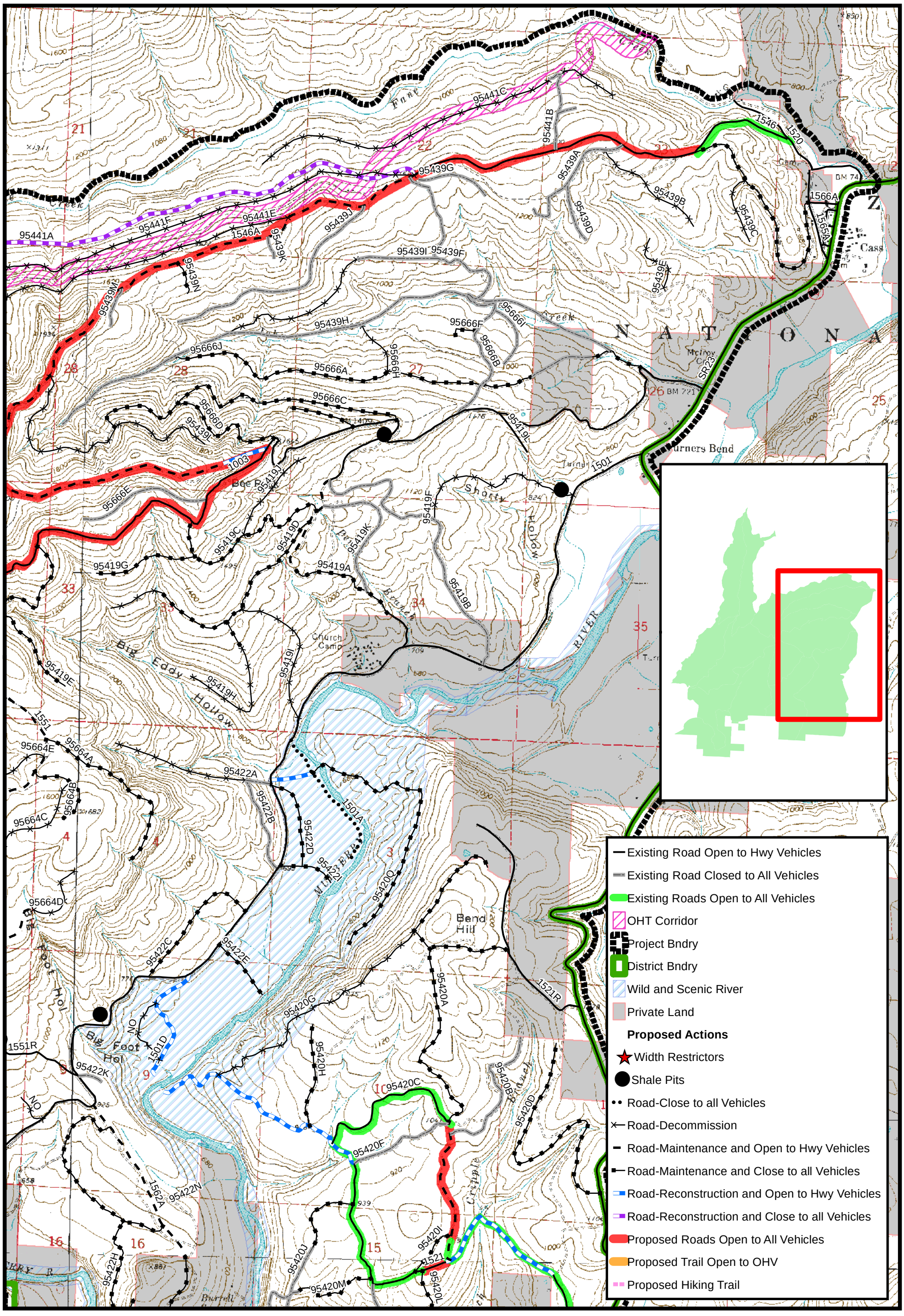
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 4 - Road/Rec. Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map B



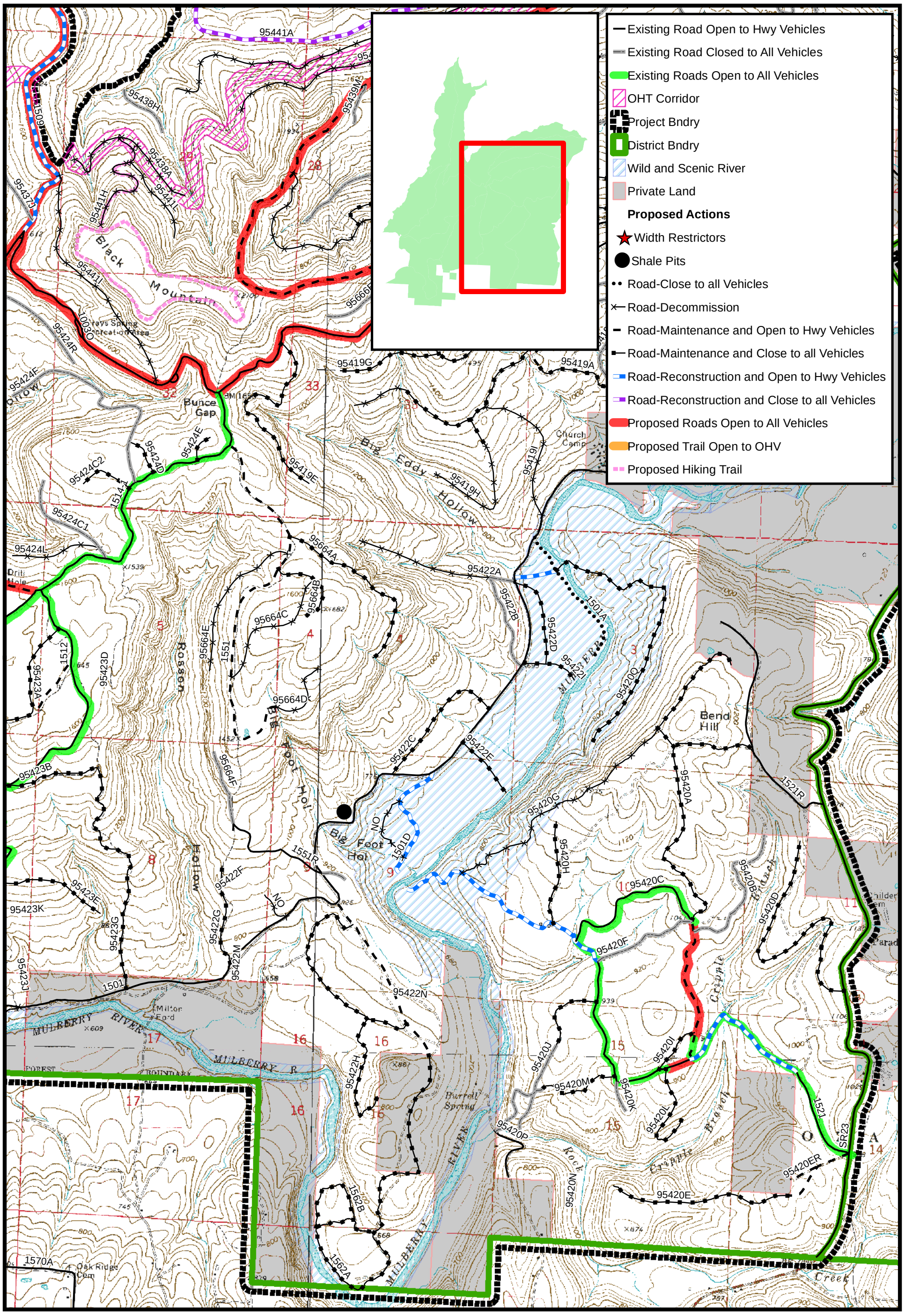
Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 4 - Road/Rec. Treatments

0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 1 1.5 2 Kilometers

Map C



Ozark-St. Francis National Forests
Boston Mountain Ranger District

Spirits Project
Figure 4 - Road/Rec. Treatments

0 0.25 0.5 0.75 1 Miles

0 0.225 0.45 0.9 1.35 1.8 Kilometers

Map D

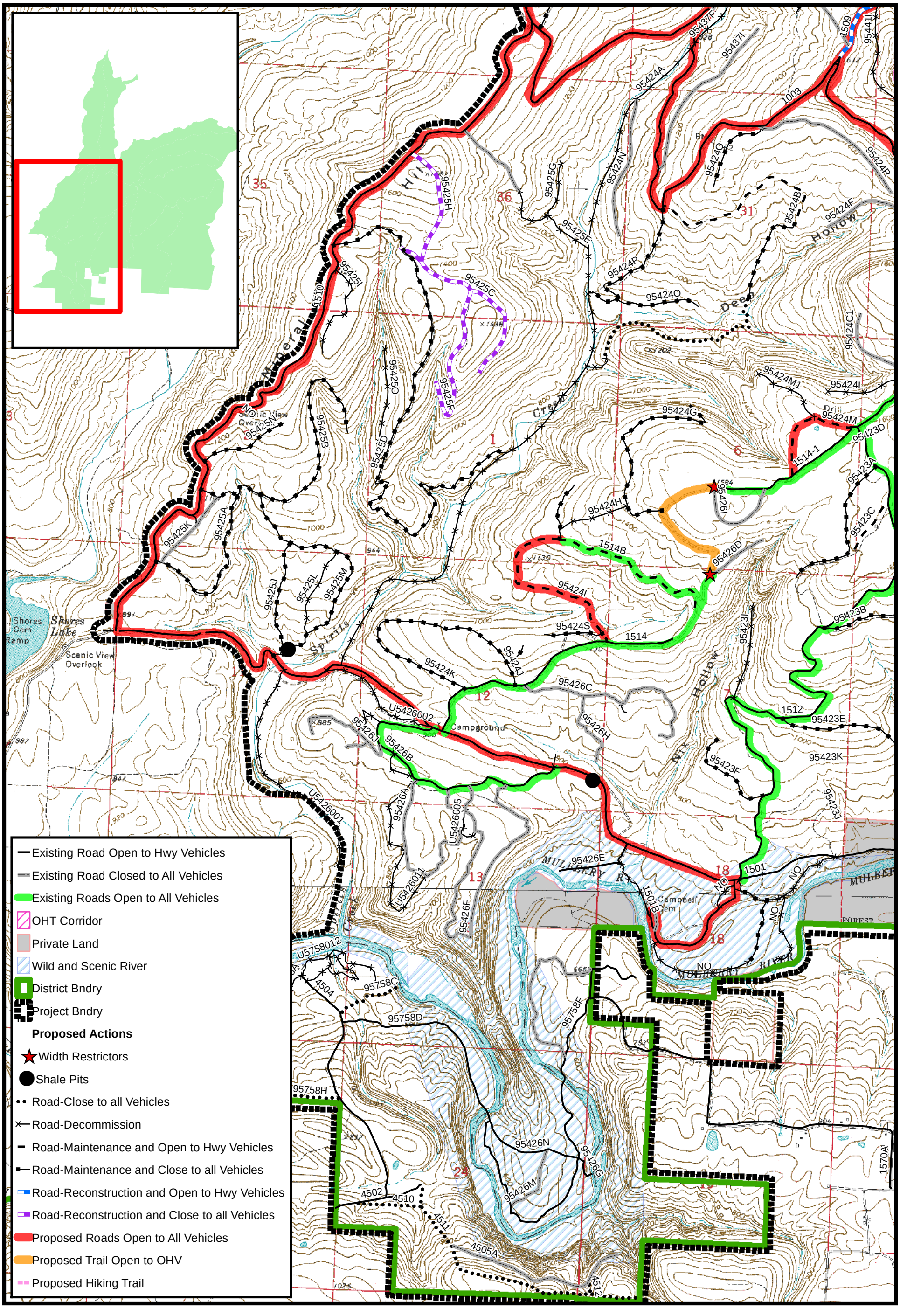


Table 1. Roads Treatments

Table 1: Road Treatments for Spirits Project

Treatment	Identification	Name	Miles
Close	95436A	SOAP STONE	1.85
Close	1501B1	CAMPBELL CEMETERY	0.10
Close	95758H		0.72
Close	95758C		0.29
Close	4510	GAS LINE	0.27
Close	4511	GAS LINE	1.14
Close	4512	GAS LINE	0.06
Close	95424B		0.87
Close	1501A		0.61
Decommission	95441C		1.63
Decommission	95424M1	FIRE BREAK	0.31
Decommission	95664C		0.61
Decommission	95436F		0.63
Decommission	95438A		0.69
Decommission	95423I		0.40
Decommission	95439B		0.52
Decommission	95441H		0.63
Decommission	95419I		0.64
Decommission	95420G		1.11
Decommission	95424H		0.30
Decommission	95424L		0.38
Decommission	95425G		0.24
Decommission	95436G		0.32
Decommission	95664E		0.68
Decommission	95425E		0.45
Decommission	95419J		0.44
Decommission	95425I		0.43
Decommission	95436E		0.90
Decommission	95437F		2.53
Decommission	95439E		0.29
Decommission	95439L		1.24
Decommission	95441I		1.05
Decommission	95441L		0.39
Decommission	95422A	BURT	0.58
Decommission	95424A		3.16
Decommission	95666H		0.24
Decommission	95439C		0.30

Treatment	Identification	Name	Miles
Decommission	95419F		0.78
Decommission	95439I		0.70
Decommission	95419H		0.57
Decommission	95441E		1.36
Decommission	95664D		0.32
Decommission	95441F		2.27
Decommission	95425L		0.38
Decommission	95425O		0.48
Decommission	U5426006		0.05
Decommission	U5426007		0.06
Decommission	NONE		0.15
Decommission	NONE		0.32
Decommission	NONE		0.35
Decommission	NONE		0.34
Decommission	NONE		0.48
Decommission	NONE		0.12
Decommission	NONE		0.05
Decommission	1501B	CAMPBELL CEMETERY CANOE ACCESS	0.22
Decommission	95424B	ELLIS	0.11
Decommission	95437E		0.30
Decommission	95437H		0.22
Decommission	95419D		0.20
Decommission	U5758018		0.48
Decommission	U5758012		0.45
Decommission	U5426002		0.53
Decommission	U5426005		0.18
Decommission	U5426001		1.01
Decommission	U5426008		0.17
Decommission	U5426009		0.20
Decommission	U5426011		0.37
Decommission	U5426011		0.47
Decommission	U5758011		0.15
Decommission	95758A		0.26
Maintenance & Close	1546A		1.09
Maintenance & Close	95424O		0.35
Maintenance & Close	95666KR		0.28
Maintenance & Close	95422G		0.44
Maintenance & Close	95423G		1.09
Maintenance & Close	95424G		0.92

Treatment	Identification	Name	Miles
Maintenance & Close	95436C	HIGH LAND	0.39
Maintenance & Close	95437D	CIRCLE BACK ROAD	1.31
Maintenance & Close	95439N		0.15
Maintenance & Close	95420I		0.23
Maintenance & Close	95666C		1.48
Maintenance & Close	95424D	DEEP HOLLOW	0.03
Maintenance & Close	95419G		0.44
Maintenance & Close	95420E	WOLF BONE	0.78
Maintenance & Close	95420Q		1.27
Maintenance & Close	95422D		0.42
Maintenance & Close	95423A		0.65
Maintenance & Close	95424Q		0.35
Maintenance & Close	95437B	RAGFIELD	1.34
Maintenance & Close	95666D		0.57
Maintenance & Close	95666F		0.11
Maintenance & Close	95419C		0.86
Maintenance & Close	95422C		0.61
Maintenance & Close	95419D		0.47
Maintenance & Close	95423F		0.41
Maintenance & Close	95666A		1.26
Maintenance & Close	95666J		0.34
Maintenance & Close	95664B		0.38
Maintenance & Close	95419A	PERRY CURVE	0.50
Maintenance & Close	95425J		0.77
Maintenance & Close	95436H		2.76
Maintenance & Close	95424P		0.66
Maintenance & Close	95420A	DRY MOUND	1.24
Maintenance & Close	95420L		0.49
Maintenance & Close	95422I		0.24
Maintenance & Close	95425D		2.17
Maintenance & Close	95437E		0.37
Maintenance & Close	95419E		0.94
Maintenance & Close	95420H		0.45
Maintenance & Close	95422E		0.28
Maintenance & Close	95423B		0.40
Maintenance & Close	95424E	BUNCE GAP KNOB	0.13
Maintenance & Close	95424K		0.74
Maintenance & Close	95420D	HEN TRACK	1.03
Maintenance & Close	95437C	SLATEY ROAD	1.06
Maintenance & Close	95664A		0.81

Treatment	Identification	Name	Miles
Maintenance & Close	95424J		0.53
Maintenance & Close	95425M		0.83
Maintenance & Close	95425N		0.37
Maintenance & Close	95424C2		0.24
Maintenance & Close	95437K		0.51
Maintenance & Close	95420J		0.34
Maintenance & Close	95420D	HEN TRACK	0.27
Maintenance & Close	1562B		0.42
Maintenance & Close	95425P		0.05
Maintenance & Close	95425C		0.35
Maintenance & Close	95424S		0.24
Maintenance & Close	95424B	ELLIS	0.41
Maintenance & Close	95419D		0.47
Maintenance & Close	95420G		0.50
Maintenance & Close	NONE		0.15
Maintenance & Close	NONE		0.27
Maintenance & Close	95419H		0.13
Maintenance & Close	95666A		0.24
Maintenance & Close	95423E		0.62
Maintenance & Close	95425B		1.27
Maintenance & Close	95425A		0.73
Maintenance & Close	95424D		0.15
Maintenance & Close	1514B		0.25
Maintenance & Close	1562A		1.92
Maintenance & Close	95420M		0.38
Maintenance & Close	NONE		0.10
Maintenance & Close	95422J		0.73
Maintenance & Close	95422H		0.75
Maintenance & Open	1546A		3.47
Maintenance & Open	95420ER		0.11
Maintenance & Open	1514B	UPPER CAMPBELL	0.70
Maintenance & Open	95423C	CAMPBELL FLAT	0.27
Maintenance & Open	95424I		0.82
Maintenance & Open	95420E	WOLF BONE	0.33
Maintenance & Open	95424B	ELLIS	0.84
Maintenance & Open	95419A	PERRY CURVE	0.46
Maintenance & Open	1562A		0.76
Maintenance & Open	1551		1.68
Maintenance & Open	95420A		0.63
Maintenance & Open	95424M		0.29

Treatment	Identification	Name	Miles
Maintenance & Open	95424M		0.16
Proposed OHV	1510		8.11
Proposed OHV	1501		3.08
Proposed OHV	1501B		0.74
Proposed OHV	1003		6.19
Proposed OHV	1546A		4.86
Proposed OHV	1509		3.77
Proposed OHV	95420A		0.53
Proposed OHV	1521		0.10
Proposed OHV	95424I		0.81
Proposed OHV	95424M		0.45
Reconstruct & Close	95441A	HORSE FOOT	2.21
Reconstruct & Close	95425C		0.80
Reconstruct & Close	95425H		0.51
Reconstruct & Close	95425F		0.69
Reconstruct & Open	1501D		0.55
Reconstruct & Open	1521		1.05
Reconstruct & Open	1521		0.65
Reconstruct & Open	1509		3.83
Reconstruct & Open	1546A		0.19
Reconstruct & Open	NONE		0.18

Reasons for the Draft Decision

My criteria for making this Draft Decision was based on how well the management actions analyzed in the EA meet the purpose and need of the project, and address issues raised during the scoping process and the comment period. We considered how the proposed treatments in the Spirits Project respond to the goals and objectives of the Forest Plan. In evaluating the effects of the proposed activities as described in the EA, it is my judgment that alternative 1 achieves the stated purpose and need and brings the project area closer to the Forest Plan desired condition.

The focus of the proposed action is to create and enhance habitat diversity for animals and plants, including threatened, endangered, and/or sensitive species in a way that protects resources, meets the purpose and need and does not conduct management activities above and beyond what is needed to meet those goals.

In making this Draft Decision, I took into account the interests and values of the public, and carefully considered the appropriate type and level of treatment needed to achieve Forests Plan goals and project objectives. Alternative 1 provides adequate benefits to the public within the framework of existing laws, regulations, policies, public needs, and capabilities of the land, while meeting the stated purpose and need for this project. Based on all of these factors, it is my judgment that Alternative 1 best provides for the greatest net benefit to the public. No single factor determined my Draft Decision.

My Draft Decision is based on a review of the record that shows consideration of relevant scientific information, including responsible opposing views, and as appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

It is for these reasons I am proposing Alternative 1, the Proposed Action as my Draft Decision.

Consideration of Public Comments

I considered all comments and opinions that have been received to date on this project in making this Draft Decision. We invited Federal, State and local government agencies, the general public, and other groups and individuals potentially interested in or affected by the project to review and comment on our proposed action (EA p. 17-20). All comments received and documentation of how those comments or concerns were addressed is included in the project record and in the EA on pages 17-20.

Alternatives Considered

Two alternatives were considered in detail: alternative 1 – the proposed action as described in the EA (p. 22-34) and alternative two - no action. The analysis, as documented in the EA (pp. 39-90), used current and desired conditions as comparison to determine effects. These alternatives provided a reasonable range of alternatives based on the issues identified and the scope of the proposal.

I have not proposed the selection of alternative 2 because it would not meet the purpose and need for action identified for this project. Alternative 2 would not move us toward the desired goals and objectives stated in the Forest Plan to the degree of Alternative 1 (EA pp. 39-90).

Public Involvement and Scoping

The Project was listed in the Schedule of Proposed Actions. In July 2013, a "scoping" letter and activity maps were posted on the Ozark-St Francis National Forests website. We received five responses to the scoping letter. The comments and forest service responses are part of the project file and may be viewed at the district office. A Forest Service Interdisciplinary Team (ID Team) reviewed the comments received during the scoping period and determined that most issues were addressed through project design or mitigation measures.

The Draft Environmental Assessment was made available for public comment beginning 18 June 2014. We received thirteen comments within the comment period. The comments and responses to those comments are documented in the project file and in the EA pages 17-20. I considered all comments received on this project before proposing the Draft Decision.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that Alternative 1, the proposed action, would not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, I propose that an environmental impact statement not be prepared. I base my findings on the context and intensity of the project as analyzed and documented in the EA and project file.

Context means that the significance of an action must be analyzed in several contexts (i.e. local regional, worldwide), and over short and long time frames. For site-specific actions, significance usually depends upon the effects in the local context rather than in the world as a whole. This project is limited in scope and duration. The project was further designed to minimize short- and long-term environmental effects through the application of project design criteria (EA pp. 35-38). It is my determination that the effects of implementing Alternative 1 would not be significant locally, regionally or nationally.

Intensity refers to the severity of the expected project impacts and is defined by the 10 points below.

1. **Effects may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.**

Effects associated with the proposed project are discussed in the EA. The actions will not have significant impacts on resources identified and described in the

Environmental Consequences section of the EA (pp. 39-90). The effects of the decision to be made are not significant in the long and short terms.

2. **The degree to which the proposed action affects public health or safety.**

Herbicides are proposed to be used to control invasive plants in the project area. The EA discusses use of herbicides and documents the risk assessments for herbicides considered in the EA (pp. 46-47; 51-52; 72-73). The herbicide risk assessment evaluated the potential for harm to non-target plants, wildlife, human health, and aquatic organisms.

Project design criteria are incorporated into the proposed action to minimize or eliminate potential risks of herbicide use (EA pp. 35). The EA concludes that based on the best available science, herbicide exposure from this project would not measurably affect human health (pp. 87-90), sensitive plants (Appendix A), fisheries and aquatic habitat (pp. 71-72), and wildlife (pp. 73-74, Appendix A).

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.**

The Mulberry River, a designated Wild and Scenic River, is within the project area. This project is not proposing any action that will affect the free flowing characteristics defined as "existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway (within the ordinary high watermark of the main river)." Implementation of the project, including project design criteria, would ensure the outstandingly remarkable values of the smallmouth bass fishery and recreation are maintained (EA pp 71-72; 74-80).

In accordance with Section 106 of the National Historic Preservation Act, 36 CFR 800, FSH 2360, and the Programmatic Agreement between the U.S. Forest Service, relevant federally-recognized Tribes, and State Historic Preservation Offices (SHPO) of Arkansas and Oklahoma, the Forest archaeologist reviewed the scope and scale of the proposed project and determined the proposed project would cause no effect to historic properties (EA pp. 84-86).

Wetlands and floodplains occur within the project area. Implementation of project design criteria would minimize impacts to wetlands and floodplains and ensure no significant effects to those resources (EA pp 35-38; 44; 54-55).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The effects of the herbicide treatments proposed in this project area are known and they are not unique. Glyphosate is one of the most widely used herbicides in the country and has been extensively studied. The original Risk Assessment for glyphosate

(SERA 2003) was updated in 2011 (SERA 2011) in order to incorporate the extensive literature available and the availability of numerous formulations. These Risk Assessments reference hundreds of studies and provide some of the most thorough and comprehensive information for these herbicides. The literature and assessments applicable to this project did not indicate project treatments would be highly controversial (EA pp. 51-52; Appendix A). Concerns regarding herbicide use were identified through the project's public comment opportunities. While some commenters have concerns about the use and unknown effects of herbicide treatments, no evidence has been presented showing environmental effects of these activities within the project area are different than has been disclosed in EA (detailed responses are included in the project record).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

Possible effects on the human environment are generally known and understood. The EA (pp. 39-90) discloses potential environmental impacts supported by accepted techniques and reliable data. The analysis discloses incomplete and unavailable information (EA pp. 55). The recognized potential effects resulting from the proposed activities are supported by literature and assessments and do not involve unique or unknown risks.

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 actions proposed will not lead to another future action or actions that will have significant effects either individually or in combination with each other or with this action. The Spirits Project EA represents a site specific analysis. Any future proposals would need to consider all relevant scientific and site-specific information available at the time and would require full compliance with NEPA. Neither the alternatives analyzed here, nor any of their individual components would establish a precedent for future actions with significant effects, nor would they represent a decision in principle about future consideration.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

Cumulative effects are analyzed in the EA for each resource area potentially affected (pp. 39-90). As part of the proposed action, design features are incorporated to minimize potential direct and indirect effects (EA pp. 35-38) and bring the proposed activities into compliance with Forest Plan standards and other relevant laws and regulations, thereby reducing any potential cumulative impacts. Consideration of potential cumulative effects included past, present and reasonably foreseeable future activities. The analysis disclosed in the EA and supporting documents determine this project would not cause significant cumulative effects on biological or physical

resources when considered in relation to other actions.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural resources or historical properties.**

Project design features (EA pp. 35-38) for treatment areas within the Spirits Project Area ensure compliance in implementing Section 106 of the National Historic Preservation Act, 36 CFR 800, FSH 2360, and the Programmatic Agreement among the U.S. Forest Service, relevant federally-recognized Tribes, and State Historic Preservation Offices (SHPO) of Arkansas and Oklahoma. No significant effects to historical properties were identified (EA pp. 84-87).

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.**

Biological evaluations were completed for threatened, endangered, proposed, and sensitive plant and animal species. Informal consultation with the Fish and Wildlife Service was required for this project due to the activities that are proposed to occur within and adjacent to the primary management zone for Indiana bat hibernacula and the crossing proposed on the Mulberry River, which is near potential habitat for the Spectaclecase mussel. Consultation for the Spirits Project was conducted on June 25, 2013. Additional consultation was initiated on July 21, 2014 regarding new information about an Ozark big-eared bat maternity site found outside of the analysis area. Further consultation was conducted in October 2014 due to minor changes in the proposed action. ***The final decision will not be signed until concurrence is received from USFWS regarding the minor changes submitted in October 2014.*** Alternative 1 does not contribute to loss of viability of any native or desired non-native plant or animal species or contribute to trends toward Federal listing of any species (EA pp. 55-74; Appendix A.).

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

Actions to be implemented under this Draft Decision are fully consistent with the Forest Plan. The proposed alternative would not threaten a violation of federal, state, or local law, or requirements imposed for the protection of the environment; see the section below for further details regarding applicable laws and regulations. This action is also in full compliance with the National Environmental Policy Act and is consistent with the National Forest Management Act and its requirements detailed in 36 CFR 219.

The Indiana bat, a federally endangered species, is known to occur in the project area. Four other endangered species: the gray bat, Ozark big-eared bat, American burying

beetle, and spectaclecase may also occur. Thirteen Regional Sensitive species occur or are suspected to occur within the project area. Alternative 1 proposed actions *may impact individuals or habitat, but will not likely contribute to a trend toward Federal listing or cause a loss of viability to the following sensitive species:* Longnose darter, an isopod (*Lirceus bicuspidatus*), Nearctic paduneillan caddisfly, William's crayfish, bald eagle, Bachman's sparrow, Eastern small-footed myotis, Ozark chinquapin, Ozark spiderwort, Southern lady's slipper, Ouachita false indigo/leadplant, Blue Ridge catchfly, gulf pipewort, and small-headed pipewort.

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA)

The Draft Decision to authorize the actions proposed in the Spirits Project is consistent with the intent of the Forest Plan's long-term goals and objectives.

Management practices and activities in Alternative 1 are consistent with Forest-wide and management area direction. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines. The Forest Plan complies with all resource integration and management requirements of 36 CFR 219 (219.14 through 219.27).

Endangered Species Act of 1973, as amended

Biological evaluations were completed for threatened, endangered, proposed, and sensitive plant and animal species. The BAE has been revised and is currently under review with the Fish and Wildlife Service.

National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act requires that all Federal undertakings follow the regulations found at 36 CFR 800 to identify cultural resources and protect historical properties that are within project areas and which may be adversely affected by projects. My Draft Decision is consistent with the Programmatic Agreement among the Ozark-St. Francis National Forests, the Ouachita NFS, the State Historic Preservation Offices (SHPO) of Arkansas and Oklahoma, and relevant federally recognized Tribes.

Executive Order 11988 – Wetlands

Wetlands occur in the project area. If my Draft Decision were implemented, project design criteria would minimize the impact to wetlands in accordance with E.O. 11988.

Executive Order 11990 – Floodplains

Floodplains occur in the project area. If my Draft Decision were implemented, project design criteria would minimize the impact to floodplains in accordance with E.O. 11990.

Executive Order 12898 - Environmental Justice

This project is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations. My Draft Decision is consistent with Executive Order 12898.

Clean Air Act

If my Draft Decision were implemented, anticipated emissions would be of short duration and would not exceed State of Arkansas ambient air quality standards.

Administrative Review and Objection Rights

This Draft Decision is subject to objection pursuant to 36 CFR 218, subparts A and B (Pre- Decisional Administrative Review). Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during designated opportunities for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted, timely, specific written comments regarding the proposal unless based on new information arising after the designated comment opportunities.

A written objection must be submitted within 45 calendar days following the publication date of the legal notice of this opportunity to object in the newspaper of record, for this project the ***Southwest Times Record***. All objections will be open to public inspection during the objection process. It is the responsibility of the objector to ensure their objection(s) is received in a timely manner. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely on date or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection. Objections, including attachments, must be filed via mail, fax, email, hand-delivered, express delivery, or messenger service.

The objection must be filed with the objection reviewing officer in writing. The objection must contain the minimum requirements specified in 36 CFR 218.8(d) and incorporation of documents by reference is permitted only as provided in 36 CFR 218.8(b). At a minimum, the objection must include the following information (36 CFR 218.8(d)):

- The objector's name and address, with a telephone number if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- When multiple names are listed on an objection, identification of the lead objector and verification of the identity of the lead objector must be provided upon request;
- The name of the proposed project for which the decision will be made, the name and title of the Responsible Official, and the name of the forest and/or ranger district on which the proposed project will be implemented; and

- 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
- 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 issue is based on new information that arose after the opportunity for comment.

Written objections must be submitted to: Reggie Blackwell Ozark-St. Francis National Forests Supervisor and Objection Reviewing Officer, 605 West Main Street, Russellville, AR 72801. The office business hours for those submitting hand-delivered comments are 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding federal holidays. Electronic objections must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc or .docx) to ozarkobjection@fs.fed.us

Please type "Spirits EA" in the subject line for e-mail messages and facsimile and include your mailing address and phone number. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Final Decision and Implementation

If an objection is received on this project, a 45-day objection review period will begin. Prior to a written response by the reviewing officer, the reviewing officer or the objector may request to meet to discuss issues raised in the objection and any potential resolution. The reviewing officer has the discretion to determine whether or not adequate time remains in the review period to make a meeting with the objector practical. All meetings are open to the public. If you are interested in attending any resolution discussions, please contact the responsible official or monitor the following website for postings about current objections in the Southern Region of the Forest Service: http://www.fs.fed.us/objections/index.php .

Objections can be dismissed for a number of reasons including if the person did not comment in a timely or specific manner, if insufficient or illegible information was presented, if identity cannot be provided, if the objector withdraws the objection, or if the responsible official cancels the objection process. The responsible official can cancel the objection process if he feels the objection process should be re-initiated; for example, if he believes additional information is needed to further understand the project.

At the end of the objection reviewing period the reviewing officer may consolidate objections and issue one response or may decide to issue a written response to each

objection. The written response(s) will present the reasons for the response, but is not required to be a point by- point response. It may contain instructions to the responsible official. The written response will be the final decision by the U.S. Department of Agriculture on the objections.

Once the reviewing officer has issued the response to the objections and the responsible official has followed any instructions contained in the written response, or if no objections are received, the responsible official may sign the final Decision Notice and implement the project without further legal notice of the decision. Interested and affected parties will be informed of the decision. The signing of the Decision Notice in accordance with 40 CRF 1506.10, may occur on, but not before, the 5th business day following the end of the objection- filing period.

For further information concerning this Draft Decision or the USDA Forest Service objection process, contact Jobi Brown during normal business hours at 479-667-2191 (2175).

Approved by:

William Dunk 10/20/2014

William Dunk
District Ranger
Boston Mountain Ranger District
Ozark-St. Francis National Forest

Date