



Decision Memo

Ruby Pine Project

USDA Forest Service Boston Mountain Ranger District,

Ozark-St. Francis National Forests

Franklin County, Arkansas

Background, Decision and Rationale for Categorical Exclusion under the National Environmental Policy Act

I have decided to implement the **Ruby Pine Project** consisting of thinning of overstocked shortleaf pine stands. The project area is in section 18 of T 11N R 29W and sections 19, 20, 29, and 30 of T 11N R 28W. It is in stands 33, 34, 40, 41, and 44 of compartment 431 and stand 49 of compartment 432. Included is a map showing the project area.

The purpose for this project is to improve forest and ecosystem health. These trees are growing too close together resulting in stress by competition and loss of vitality and resiliency to insects and disease. To remedy this we will thin stands of shortleaf pine trees on approximately 62 acres. This includes a food plot restoration by removal of encroached trees.

Based on my review of the project file and the rationale described below, I have determined that this is an action with no associated extraordinary circumstances having a significant effect on the human environment.

The Council on Environmental Quality NEPA regulations at 40 CFR 1507.3 provide that agencies may, after notice and comment, adopt categories of actions that typically do not have a significant effect on the human environment and therefore do not require preparation of an environmental assessment or an environmental impact statement (40 CFR 1500.4(p), 1501.4(a)(2), 1508.4).

A categorical exclusion is not an exemption from NEPA, but rather a method of complying with NEPA. Categorical exclusions are administrative tools to promote efficiency in the NEPA review process by reducing excessive paperwork for those categories of actions that, based upon extensive practice and experience, have been determined not to have (individually or cumulatively) significant environmental effects. Forest Service categorical exclusions are set forth at 36 CFR 220.6(e).



A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action and if:

- (1) The proposed action is within one of the categories established by the Secretary at 7 CFR part 1b.3; or
- (2) The proposed action is within a category listed in 36 CFR 220.6(d) or (e).

The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

- I have determined that this action is within the following category:

36 CFR 220.6(e)(12): *Harvest of live trees not to exceed 70 acres, requiring no more than ½ mile of temporary road construction. (ii): Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.*

- I have considered the following resource conditions in my determination of the presence of extraordinary circumstances and whether the extraordinary circumstances that are related to the proposed action warrant further analysis and documentation in an environmental assessment or an environmental impact statement:
 - a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species Consultation with the Fish and Wildlife Service for the Indiana bat and the Northern long-eared bat (NLEB) was recently completed. The Ozark-St. Francis National Forest, as well as the entire Region 8, is currently using the "Endangered Species Act Section 7(d) *Determination for the Continued Implementation of Forest Plans and Associated Projects within the Known Range of Northern Long-eared Bat in the Forest Service Southern Region*" (available at https://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3837023.pdf) until the final Biological Opinion (BO) is returned for the NLEB (estimated July 24, 2015). If the new BO contains new information or requirements not addressed in the biological evaluation for this project, then a new biological evaluation may be written or informal consultation with the local Fish and Wildlife Service office may be required. This project is expected to have no negative effects on threatened or endangered species.
 - b. Flood plains, wetlands, or municipal watersheds None occur, so there will be no impact.
 - c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas None occur, so there will be no impact.



- d. Inventoried roadless areas None occur, so there will be no impact.
- e. Research natural areas None occur, so there will be no impact.
- f. American Indian and Alaska Native religious or cultural sites None occur, so there will be no impact.
- g. Archaeological sites, or historic properties or areas Some archaeological sites exist in the proposed project area. The proposed activities have been designed to exclude areas where sites recommended eligible for nomination to the National Register and sites of undetermined eligibility are located. All historic properties or cultural resources will be avoided and left undisturbed. If during the implementation of this project, any historic properties or cultural resources are discovered or identified, the Forest Archaeologist will evaluate sites through the Arkansas Historic Preservation Program and appropriate mitigation measures will be determined. Using these guidelines, archaeological sites will not be affected by activities associated with the project.

Public Involvement

A proposal to implement the Ruby Pine Thinning Project was first provided to the public and other agencies for comment on April 21, 2015. The proposal was mailed to persons owning land within one mile of the proposed activities and to people who have expressed an interest in activities conducted by the Boston Mountain Ranger District. In all, 81 scoping letters were mailed. One response was received, voicing disapproval of logging in general but not responsive to this specific project. .

Findings Required by Other Laws

This decision is consistent with the Revised Ozark-St. Francis National Forests Land and Resource Management Plan (RLRMP 2005). The planning process that guides this management plan is in compliance with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531). The overall goal of managing Forest Service lands is to sustain the multiple uses of its renewable resources in perpetuity while maintaining the long-term productivity of the land. Resources are to be managed so they are utilized in the combination that will best meet the needs of the American people. This project was designed in conformance with forest plan decisions to protect and improve renewable resource quality while maximizing net public benefits.

The management practices associated with these actions involve the potential manipulation of vegetation. Specifically these practices shall:

1. *Be best suited to the multiple-use goals established for the area with potential environmental, biological, cultural, aesthetic, engineering and economic impacts, as stated in the regional guide and forest plan considered.*



The project meets the intent of the Forest Plan and the multiple use goals of the area. No significant environmental impacts are predicted.

2. Be chosen after considering the potential effects on adjacent lands.

These practices were chosen after considering the potential effects on the adjacent area. No effects are anticipated for residual trees and adjacent stands.

3. Avoid permanent impairment of site productivity and ensure conservation of soil and water resources.

This project avoids permanent impairment of site productivity and ensures conservation of soil and water resources.

4. Provide the desired effects on water quantity and quality, wildlife and fish habitat, regeneration of desired species, forage production, recreation uses, aesthetic values, and other resource yields.

These practices do not significantly change the noted qualities of the area.

The management practices associated with these actions do not have a disproportionately high and adverse effect on the human health or the environment of minority or low-income populations (Executive Order 12898, 2/11/94).

Implementation Date

This decision is not subject to appeal and may be implemented immediately. For further information regarding this project, contact Mike Hennigan at (479) 667-2191.

William Dunk

WILLIAM DUNK

District Ranger

July 9, 2015

Date

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