



DECISION MEMO
Special Use Permit to Use FS Road 1135 to Access Private Property
Region 8, Forest Service
United States Department of Agriculture
Sylamore Ranger District, Ozark-St. Francis National Forests
Section 7, T 16N, R. 10W
Stone County, Arkansas

Background

Acting as a representative for the Brink Family L.P., Attorney Craig Van Matre has applied for a special use permit to utilize FS Road 1135 to access the family's private property. The requested use area would be limited to a width of 30 feet for a distance of approximately three-tenths of a mile on the National Forest. Its location is illustrated on the attached map.

The Brink property is surrounded by the National Forest on three sides and by the White River on the fourth; there is no alternative route across private land available. FS Road 1135 is a Maintenance Level 2 road which is gated at the Brink property. If a permit is issued, the Brink Family L.P. will assume responsibility for grading and brushing the road as needed to maintain it. The Forest Service will inspect the area at least once annually to ensure the permit holder is following permit terms and conditions.

Decision

I have decided to approve the Brink Family L.P. request for a special use permit. The permit term shall be for a period of 20 years.

I have determined that issue of this special use permit is 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 (EA) or Environmental Impact Statement (EIS):

FSH 1909.15, Chapter 30, § 32.2 (3): "*Approval, modification or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.*" 36 CFR 220.6(e)(3)

The resource conditions listed below were considered to determine whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS. None were identified.

- *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*
- *Archaeological sites, historic properties or areas*

Public Involvement

To comply with the requirements of NEPA and to help identify pertinent issues and management concerns, public involvement was sought. The formal comment period for this proposal coincided with public scoping (see 36 CFR 215.5 and 215.6).

The legal notice initiating the formal 30 day comment period for this project was published in the newspaper of record, *The Stone County Leader*, Mountain View, AR on October 31, 2012.

A scoping-concurrent 30 day comment period letter dated October 29, 2012 was mailed to thirty-four individuals, organizations, agencies and local government officials who are notified when any project is scoped externally or who have asked to be notified when projects involving roads are proposed; it was also posted on the Ozark-St. Francis National Forests' website. The letter described the proposal, invited those interested in or affected by this proposal to make their concerns known and included a map illustrating the location of FS Road 1135. Information regarding submittal of a comment under 36 CFR 215 appeal regulations was provided in both the scoping-concurrent 30 day comment period letter and in the legal notice initiating the 30 day comment period.

The planning record contains copies of the scoping-concurrent 30 day comment period letter, a list of persons to whom the letter was mailed and proof of publication for the 30 day comment period legal notice.

No comments or expressions of interest in this proposal were received from the public during the 30 day comment period.

Findings Required by Other Laws and Regulations

No issues or extraordinary circumstances related to this action that might preclude the use of the categorical exclusion at FSH 1909.15, Chapter 30, § 32.2 (3) have been identified.

This action does not violate or threaten to violate any applicable federal or state laws or regulations, and it is consistent with the standards and guidelines of the Revised Ozark-St. Francis National Forests Land and Resource Management Plan as required by the National Forest Management Act.

Appeal Opportunities

This decision is not subject to appeal pursuant to 36 CFR 215.12 because no comments were received during the formal comment period for this proposal.

Implementation

The process to issue the special use permit may proceed beginning immediately after publication of the legal notice of this decision in the newspaper of record [36 CFR 215.9(c)]

Contact Person

For additional information concerning this decision contact J. Swafford, Sylamore and St. Francis Ranger Districts, Ozark-St. Francis National Forests at 1001 E. Main St., Mountain View, AR 72560, (870) 269-3228 extension 3233.

/s/ *James R. McCoy*

December 6, 2012

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

Date

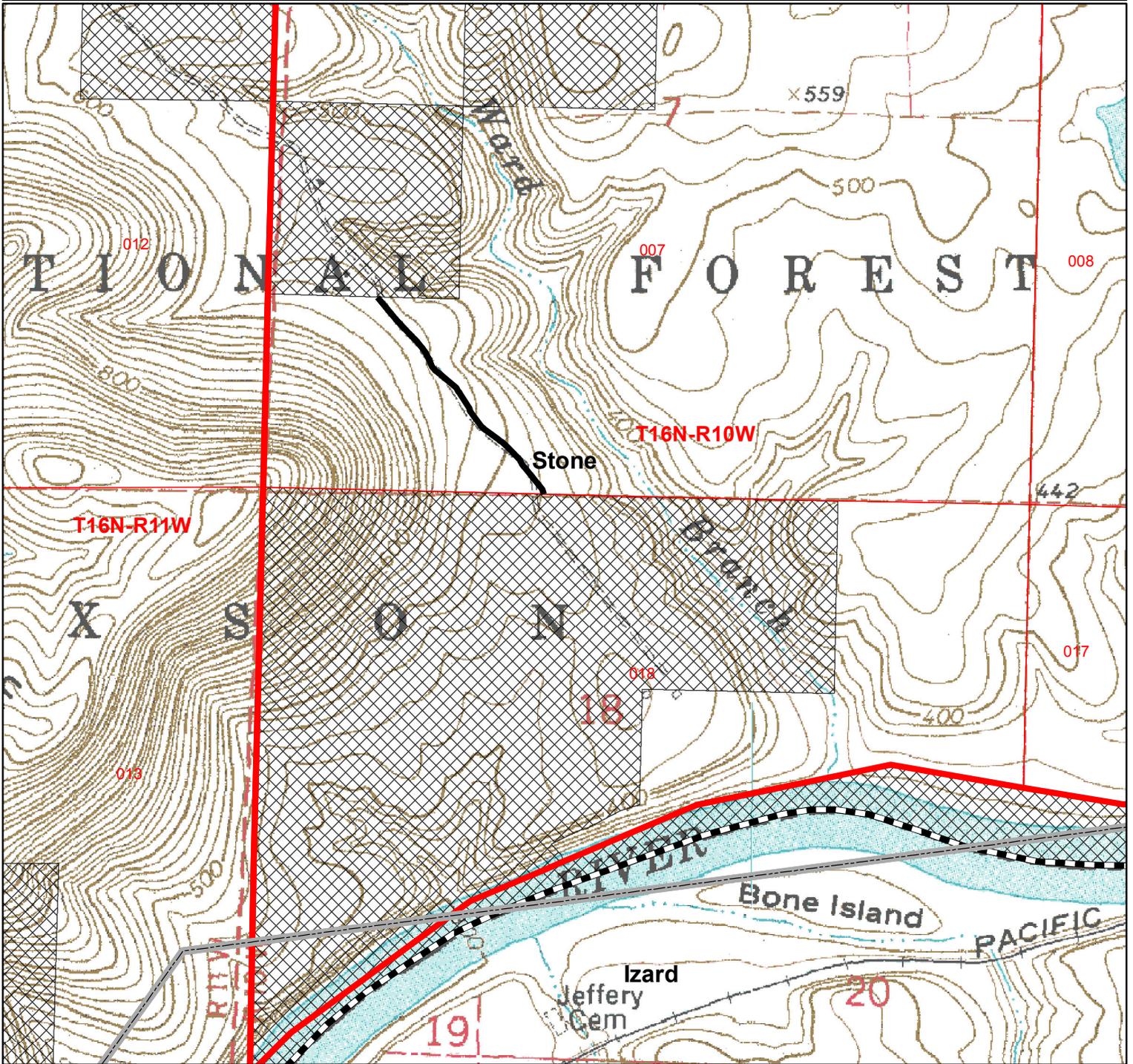
attachment (1) map

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Ozark-St. Francis National Forests Sylamore Ranger District

Special Use Request to Use Road 1135



- FS Road 1135, Subject to Request for a Permit
- Stone-Izard County Line
- District Boundary
- Townships
- Sections
- Private

Legal Description

T16N-R10W Sec. 7

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