

**FINDING OF NO SIGNIFICANT IMPACT
ON THE
ENVIRONMENTAL ASSESSMENT
FOR THE
Construction of a New Entrance Road
to the Shady Lake Recreation Area
OUACHITA NATIONAL FOREST
Howard County and Polk County, Arkansas
Project AR PFH 159-1(2)**

INTRODUCTION

The Eastern Federal Lands Highway Division (EFLHD) of the Federal Highway Administration (FHWA) in cooperation with the United States Department of Agriculture (USDA), Forest Service (FS) has prepared and made available for public review and comment the Environmental Assessment (EA) and the Amendment to the EA for the construction of a new entrance road to the Shady Lake Recreation Area. The project is partially located within the Ouachita National Forest, and extends from State Route 246 in Howard County to the Shady Lake Recreation Area in Polk County.

The purpose of the proposed action is to provide safe vehicular access to the Shady Lake Recreation Area, and minimize the potential for conflicts with residents living nearby. The new entrance road will follow the existing 12-foot wide Rocky Hunting Club pioneer road for approximately 0.83 miles. A bridge will be constructed to span the Saline River. The entrance road will then follow new alignment for approximately 0.49 miles. Approximately 0.73 miles of the existing entrance road will be upgraded, ending at the gated entrance north of the Recreation Area.

The proposed project will provide safety improvements to the entrance road, including reducing the potential for conflicts with private properties. The project will also improve the ability for visitors to access the Recreation Area.

SELECTED ALTERNATIVE

The FHWA has selected the Action Alternative, the Preferred Alternative. A new entrance road will be constructed to provide safe access exclusively to the Recreation Area and the Forest. The new entrance road will follow the existing 12-foot wide Rocky Hunting Club pioneer road for approximately 0.83 miles. The entrance road will then follow new alignment for approximately 0.49 miles. Approximately 0.73 miles of the existing entrance road will be upgraded, ending at the gated entrance north of the Recreation Area.

The new entrance road will be designed to County road standards and will have two ten-foot lanes and two-foot shoulders, and will be an asphalt paved surface. A paved parking pull-off will be constructed approximately 0.6 miles south of the Recreation area near the existing dam site. The pull-off will accommodate two cars.

The new entrance road will be designed to a 30 mph design speed. The maximum grade of the road will be 12 percent. Cut and fill will be necessary in order to construct the road due to the steep grade of the hillside. Approximately 30,000 cubic yards of excavation and approximately 25,000 cubic yards of fill will be required to construct the road. The excavation material will be stockpiled and used as the fill. Additional material will be disposed of off-site. The exposed ground will be revegetated with a grass seed mix. In order to upgrade the existing portion of the entrance road, the radii of curves in the road will be widened.

The damaged section of the stone Civilian Conservation Corps (CCC) bridge will be repaired. Loose stones will be re-mortared into place, and missing stones will be replaced with stones of a similar size and color. Object markers will be placed on anchor posts at the ends of the bridge.

New culverts will be installed across tributaries and drainages to maintain hydrologic connectivity. A new crossing over the Saline River south of the Shady Lake Dam will be constructed. The bridge will be concrete with a steel superstructure. The bridge will be 26 feet wide (curb to curb) and 120 feet long. The bridge will span the River; therefore, no piers will be constructed. The bridge is graded, so any water that collects on the bridge will drain to the western side. The bridge will be two feet higher on the west side, so runoff will drain on eastern approach. Riprap will be placed to protect both of the bridge abutments.

A gate will be placed in the existing road to restrict through traffic. The gate will be placed on FS Road 38 south of the intersection with Weyco Road 53800.

The new entrance road will most likely be constructed in three stages. In the first stage, grading, aggregate base, drainage work, and bridge construction will be completed from the southern portion of the study area from State Route 246 to near the Shady Lake Dam overlook. The road base would be constructed with approximately eight inches of an aggregate, or gravel, material. A surface treatment would be used on the gravel road base to provide a more durable driving surface and to eliminate the generation of dust. The surface treatment would be decided upon during final design, but would likely be a chip seal. Also included would be the installation of the gate to restrict access to the existing entrance road and the installation of signs to direct traffic to the new entrance road. In the second stage, grading, aggregate base, drainage work, and other miscellaneous work will be completed from the northern portion of the study area from near the Shady Lake Dam overlook to the north entrance of the Recreation Area. In the third stage, the entire road length will be paved with asphalt.

No utilities will need to be relocated. Staging will take place in a previously disturbed area, most likely along the proposed road alignment as it is constructed. The new entrance road will be opened to public traffic after the first stage of the project is completed. The three phases will be completed as funding is available.

FHWA prepared an EA and an Amendment to the EA in accordance with 23 CFR 771.119 to assess the environmental impacts of the proposed project; pursuant to the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR 1500 et seq.).

OTHER ALTERNATIVES ANALYZED IN THE EA

The No Action Alternative was also considered in order to meet the purpose and need, as described in the EA, Chapter 1: Purpose and Need. Under the No Action Alternative, no substantial improvements other than routine maintenance operations would be performed.

ALTERNATIVES DISMISSED

The FHWA considered and dismissed from further analysis two alternatives before development of the range of reasonable alternatives for full impact analysis. Brief descriptions of these preliminary alternatives and reasons for their dismissal, are outlined below. Additional detail is provided in the EA, Chapter 2: Alternatives.

New Alignment from State Route 246 to the Saline River: The alternative would construct the initial portion of the entrance road on a new alignment. This alternative was dismissed because of the additional impacts associated with the clearing, excavation, and fill along a longer portion of roadway constructed on a new alignment.

New Alignment Adjacent to the CCC Bridge: A new bridge and roadway approaches would be constructed adjacent to the existing CCC bridge. This alternative was also dismissed because of the additional impacts associated with the clearing, excavation, and fill along a longer portion of roadway constructed on a new alignment.

MINIMIZATION AND MITIGATION COMMITMENTS

In order to minimize and mitigate adverse impacts as a result of the implementation of the Selected Alternative, the FHWA has committed to the following measures:

- Temporary BMPs will be utilized to minimize erosion and sedimentation from ground disturbing activities that expose bare soil. These BMPs will be used only during construction and will be removed once the disturbed area has been permanently stabilized. BMPs include instructing the construction contractor to:
 - Install silt fence, sediment logs, and/or erosion matting as appropriate
 - Do not drive construction equipment across flowing waterways
 - Do not allow construction vehicles to track sediment outside the project limits
 - Do not allow any construction equipment to operate or access the down-slope side of the perimeter control measures
 - Regularly inspect all mechanized equipment
 - Provide watering for dust control within the construction limits, on active haul roads, and in pits and staging areas
 - Collect and store all solid waste
 - Develop a Spill Prevention Control and Countermeasures Plan

- Should construction unearth previously undiscovered archeological resources, work will be stopped in the area of any discovery. The Forest Archeologist will be notified and the FHWA will consult with the State Historic Preservation Officer/Tribal Historic Preservation Officer and the Advisory Council on Historic

Preservation (AHP) as necessary according to 36 CFR Section 800.13, Post Review Discoveries. In the unlikely event that human remains are discovered during constructions, provisions outlined in the Memorandum of Agreement (MOA) will be followed as appropriate.

- Along the portion of the existing entrance road proposed for upgrading is a stone CCC bridge. The bridge requires special construction techniques in order to maintain its historic integrity. An MOA includes measures to minimize adverse effects to the structure. These measures include fixing loose stones, replacing missing stones with those of a similar appearance, and matching existing mortar appearance.
- Data recovery of the two impacted archeological sites will be completed to mitigate for the adverse impacts to the sites.
- Visual surveys for migratory birds protected under the Migratory Bird Treaty Act will be conducted prior to initiation of construction and special consideration given to times and dates of construction to avoid impacts to migratory bird species which typically nest in Arkansas from March to September.
- If mature pines (over 30 years old) are to be removed, the area will be checked for the red-cockaded woodpecker and their nesting cavities prior to any land clearing. If a red-cockaded woodpecker is located in the project area, the FWS Arkansas Field office will be contacted.
- In order to minimize the introduction of invasive and/or non-native species, all equipment will be cleaned of seeds, soil, vegetative matter, and other debris that could hold seeds prior to moving equipment onto National Forest Land.

PUBLIC INVOLVEMENT

The public was provided three opportunities to review and comment on the project. Information about the proposed project was made available to the public on the FHWA, Eastern Federal Lands Highway Division's website. Notices were placed in the Mena Star and the Arkansas Democrat Gazette. Comments were requested to be received by April 7, 2009. A flyer containing information regarding the proposed project was also distributed to the Ouachita National Forest mailing list. One comment via phone was received questioning the need for this project. Flyers were also sent to Federal, State, and local agencies that may have an interest in the proposed new entrance road. No agency comments were received.

This EA was made available for public review from July 1, 2011 through August 15, 2011. During this period, hardcopies of the EA were available for review at the Mena-Oden Ranger District 1603 Highway 71 North, Mena AR 71953, and the Polk County Library at 410 Eighth Street, Mena, Arkansas 71953. A flyer containing information regarding the proposed project was also distributed to the Ouachita National Forest mailing list. An electronic version of this document was posted to the FHWA, Eastern Federal Lands Highway Division's website.

An Amendment to the EA was made available for public review from September 1, 2011 through September 30, 2011. During this period, hardcopies of the Amendment were available for review at the Mena-Oden Ranger District 1603 Highway 71 North, Mena AR 71953, and the Polk County Library at 410 Eighth Street, Mena, Arkansas 71953. Hardcopies were also distributed to recipients of the EA and citizens and agencies that provided comments during the previous public comment period. An electronic version of this document was posted to the FHWA, Eastern Federal Lands Highway Division's website.

All comments supported the preferred alternative, and two citizens requested additional information. Comments and responses are included in the Errata.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined at 40 CFR 1508.27, from the regulations of the Council on Environmental Quality that implement the provisions of NEPA, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse – The Selected Alternative will have a permanent beneficial impact to recreational use and aesthetics. The adverse impacts to historic structures and archeological resources will be mitigated through data recovery and mitigation measures as specified in the MOA. Environmental Justice, air quality, noise, and rare and protected species will experience no to negligible impacts. Clearing will have permanent adverse impacts to vegetation and wildlife. Excavation and fill associated with the Action Alternative will have permanent adverse impacts to geology and soils, wetlands, and floodplains. Water quality will have localized temporary adverse impacts as a result of ground disturbing activities associated with construction; however, best management practices will be implemented to minimize erosion from disturbed soil.

The degree to which the project affects public health or safety – It is anticipated that the Selected Alternative will have a beneficial impact on public health and safety. The project objectives included the improvement of safe vehicular access to the Recreation Area and the reduction of conflicts between the Forest visitors and residents outside of the Forest. There will be no long-term impact to air quality, and the improvements to the roadway are anticipated to enhance the safety for staff and visitors.

Unique characteristics of the geographical area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas – The Selected Alternative impacts cultural resources and wetlands. Through coordination with the State Historic Preservation Officer, it was determined that data recovery will adequately mitigate for the adverse effects to archeological resources. Minimization measures were developed to minimize the impact to historic resources. All measures were documented in the MOA. Wetland impacts were minimized to the extent possible, and will be minimal. Park lands, prime farmlands, wild and scenic rivers and ecologically critical areas do not occur in the vicinity of the project.

The degree to which the effects on the environment are expected to be controversial – Comments received during the public comment period were generally in

support of the project; therefore the effects on the environment are not expected to be controversial.

The degree to which the effects on the quality of the human environment are highly uncertain or involve unique or unknown risk – There are no known impacts on the quality of the human environment that can be considered highly uncertain or involve unique or unknown risks.

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 Selected Alternative will not set a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – The FS has present and future projects that create or improve Forest facilities. Increased visitation could adversely impact air quality through increased vehicular emissions. However, the existing gravel entrance road will become a paved road, reducing the amount of dust generated. The combination of improving Forest facilities and improving access could lead to increased use of the Ouachita National Forest by the general public. This increased use supports the USFS' motto ("Caring for the Land and Serving People"). Overall, the cumulative impact on the natural and human environment is minor. The Selected Action when combined with other past, present, and future actions will not have significant impacts.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of significant scientific, cultural, or historical resources – Through coordination with the State Historic Preservation Officer, it was determined that data recovery will adequately mitigate for the adverse effects to two National Register eligible/listed archeological resources and a historic structure. Minimization measures were development to minimize the impact to historic resources. All measures were documented in the MOA.

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 – The Selected Alternative will not adversely affect an endangered or threatened species or its habitat.

Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment – The Selected Alternative does not knowingly threaten a violation of any federal, state, or local law for the protection of the environment. All applicable permits will be acquired prior to construction.

CONCLUSION

The FHWA has determined that the Selected Alternative will not have any significant impact on the environment. There are no significant impacts on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements or precedence were identified. Implementation of the Selected Alternative will not violate any Federal, State, or local environmental protection law. This

Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment (EA) and supporting documentation, which has been determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:



Kurt A. Dowden
Planning and Programming Manager
Eastern Federal Lands Highway Division
Federal Highway Administration

10/31/2011

Date

Approved:



Melisa L. Ridenour
Division Engineer
Eastern Federal Lands Highway Division
Federal Highway Administration

3 Oct 11

Date

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ERRATA

The combination of the EA, the Amendment to the EA, and this errata form the complete and final record on which the FONSI is based. Additionally, the FHWA's responses to substantive comments on the EA are included. The "Responses to Comments" section addresses those comments that warranted clarification or explanation.

Section 3.7, Wetlands and Waters of the EA incorrectly identifies the Saline River as an Extraordinary Resource Water. The North, Alum, Middle, and South Forks of the Saline River occur in a separate Saline River drainage within the State.

RESPONSES TO COMMENTS

The following comments were received from citizens during the comment period following distribution of the Environmental Assessment. Some of the comments have been edited to protect personal information provided as part of the comment.

Charley David & Evelyn R. Bright (and others)

August 1, 2011

Comment Summary: Mr. & Mrs. David Bright have been regular visitors of Shady Lake, camping there multiple times per year for almost four decades. In their response, they expressed their support for the proposed new entrance road to the Shady Lake Recreation Area, citing safety concerns regarding the old road. Such concerns include the dangers of driving the couple's 31-foot camper on the current entrance road, as it has become too narrow and is almost like a one-way road. In addition to their support for the road project, Mr. & Mrs. Bright are also in support of the installation of a gate on the old road to direct all through traffic to the proposed new entrance road.

Response: Thank you for your comment.

Mark & Carla Lam (and others)

Undated Letter

Comment Summary: Mr. & Mrs. Lam have expressed their gratitude toward the Shady Lake Entrance Road realignment project. They are regulars to the Shady Lake camping facilities, and have been using them for over 40 years. In addition to being in support of the entrance road realignment, they are also in support of the installation of a gate on the current entrance road to close it off to through traffic.

Response: Thank you for your comment.

Tommy & Connie Dean (and others)

Undated Letter

Comment Summary: Mr. & Mrs. Dean have been camping at Shady Lake since the 1960s, and have brought a number of new patrons to the Forest since they began using its facilities. They, along with their co-signers, have expressed the danger present in driving a camper on the current entrance road, and have given their support for the realignment project. In addition, Mr. & Mrs. Dean support gating off the current entrance road upon the completion of construction.

Response: Thank you for your comment.

Darrell & Theresa Bailey (and others)

Undated Letter

Comment Summary: The signatories of this letter (Mr. & Mrs. Darrell Bailey, Mr. & Mrs. Mickey Ford, and Mr. & Mrs. Barry Bailey) are residents of Shady Lake who live along the current entrance road to the Shady Lake Recreation Area. They have expressed their concerns for the safety of visitors driving campers as well, citing the current road's inability to allow two opposing campers to meet each other safely; the letter states that many visitors have stopped returning to Shady Lake because of the safety hazards. In addition, the signatories, owners of Tyson's chicken farms, experience adverse effects that stem from the increase in tourism to the area – many tourists take it upon themselves to explore their chicken houses, turn around in their driveways late at night, and litter on their property. As such, Mr. & Mrs. Bailey, as well as the others, are in full support of gating off the current road to through traffic upon completion of construction.

Response: Thank you for your comment.

Robin Chambers

July 27, 2011

Comment Summary: Mrs. Robin Chambers has expressed concerns regarding increased tourism within Shady Lake, and the subsequent increase in traffic on the current entrance road. She comments that the increase in traffic has brought disrespectful tourists to the area, as well as danger to her seven children. As such, Mrs. Chambers is in full support of the new entrance road alignment, as well as the installation of a gate at the end of the current road to force Shady Lake Recreation Area traffic away from the residences along the current entrance road.

Response: Thank you for your comment.

Frances Dobbs

August 9, 2011

Comment Summary: Ms. Dobbs has highlighted the need for the new entrance road to the Shady Lake Recreation Area, citing the high volume of traffic to the Forest, primarily in the summer months. She expresses her concerns for the residents' ability to access their own properties safely, as well as for the safety of domestic and wild animals. In addition, Ms. Dobbs believes that the proposed new entrance road will be beneficial to Forest visitors, and will have minimal impacts to the environment. Ms. Dobbs is in full support of the realignment of the Shady Lake Recreation Area entrance road.

Response: Thank you for your comment.

George & Joan Jackson (and others)

Undated Letter

Comment Summary: Mr. & Mrs. Jackson are long-standing visitors to the Shady Lake Recreation Area. The couple states that the current entrance road has become much too narrow and has been in need of construction for a long time. In addition, the couple is in favor of placing a gate at the end of the current entrance road following construction of the new alignment, citing the increased security for campers and their families.

Response: Thank you for your comment.

Jason L. Mitchell on behalf of the Arkansas Game and Fish Commission

July 19, 2011

Comment Summary: Mr. Mitchell has expressed his support of the realignment of the Shady Lake Recreation Area entrance road. He has, however, also expressed his concerns regarding the proposed gate to block through traffic on the current entrance. As an Area Manager for the Caney Creek Wildlife Management Area (WMA), Mr. Mitchell has expressed concerns that blocking the existing road would block any emergency access to the area should the new entrance area be blocked or unusable. With the removal of the Weyerhaeuser Corporation's land from the WMA, Weyco Road 53800 is to be gated. Placing a gate at the end of the current entrance road would effectively cut emergency access to the area, forcing all emergency vehicles to rely solely on the new entrance road. He strongly encourages reconsideration of the closure to through traffic on the current entrance road.

Response:

Closure of the existing entrance to through traffic is necessary in order to dissuade through traffic from continuing to use this road. However, coordination with Arkansas Game and Fish will continue regarding access to the Caney Creek WMA.

Terry D. Cole on behalf of the Choctaw Nation of Oklahoma

July 22, 2011

Comment Summary: The Choctaw Nation deferred to the Osage and Caddo Nations.

Response: Your response is noted.

