

1 **DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

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4 **NAME OF PROPOSED ACTION:** Bull Shoals Lake Shoreline Management Plan (SMP)
5 Update

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7 **PURPOSE AND NEED FOR THE PROPOSED ACTION**

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9 This revised Shoreline Management Plan is the required U.S. Army Corps of Engineers (Corps)
10 approval document (Title 36, Section 327.30 and ER 1130-2-406) that protects and manages
11 shorelines of USACE Civil Works water resource development projects under Corps jurisdiction in
12 a manner that promotes safe and healthful public use of shorelines while maintaining
13 environmental safeguards. The objectives of management actions in this SMP are to balance
14 permitted private uses and natural resource protection for general public use. This SMP revision
15 replaces the last updated 2001 Bull Shoals Lake SMP.

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17 With the proposed Shoreline Management Plan revision, an Environmental Assessment (EA) is
18 being completed to evaluate existing conditions and potential impacts of proposed alternatives.
19 The EA is prepared pursuant to the National Environmental Policy Act (NEPA), Council on
20 Environmental Quality (CEQ) regulations (40 CFR, 1500–1517), and the Corps implementing
21 regulation, Policy and Procedures for Implementing NEPA, ER 200-2-2, 1988.

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23 **ALTERNATIVES:**

24 Three alternatives were evaluated for the draft EA:

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 - 27 ■ Alternative 1 (Conservative)
 - 28 ■ Alternative 2 (Sustainable Conservation-Preferred)
 - 29 ■ Alternative 3 (No Action)

30 Other alternative scenarios were evaluated during the alternatives formulation process, including
31 an extreme conservative option which consisted of no new shoreline permits issued; this was the
32 initial Alternative 1. Under this scheme there would be no net gain of permits, no additions or
33 modifications to existing permits, maintenance of existing SMP permits only, and no new
34 rezoning requests. An evaluation of public scoping comments indicated that the majority of the
35 public would not favor these restrictions, so the initial Alternative 1 was screened out. A more
36 liberal scenario (Alternative 5) was also evaluated during the process, with the following
37 provisions: Rezoning requests will be considered, including an addition of Limited Development
38 Areas, if within 200 feet of shoreline, wherever requested if in Low Density lands classification;
39 parking on private lands allowed for lake access; path permits could be issued that did not go to a
40 dock—could extend 200 feet to any point on lake shore in Low Density lands classification;
41 would allow deck overs on boat slips and covered swim platforms. Again, based on the
42 preponderance of public comments wanting the lake to remain as is, limiting development and
43 growth, and maintenance of existing water quality, Alternative 5 was also screened out, primarily
44 due to a potential addition of 12.9 more miles of LDA (19.4 miles currently exist in the preferred
45 alternative). The alternatives carried forward for additional evaluation are numbered 1-3 and are
46 discussed below.

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1 **Conservative (Alternative 1):** In this alternative, the most substantial difference in allocations
2 from the No Action Alternative is the removal of 69.2 miles of LDA Unsuitable (for
3 development), a reduction of Public Recreation Area from 139.4 shore line miles to 52.6 miles,
4 and an increase in Protected lands to 751.2 miles from the 593.6 miles in the No Action
5 Alternative. Components of this alternative include:
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- 7 ▪ No net gain of permits (maintenance of permit only);
- 8 ▪ No new reallocation requests allowed;
- 9 ▪ Parking for new docks required within 200 feet of the dock site;
- 10 ▪ No PWC lifts allowed on outside of the dock;
- 11 ▪ New docks will not be allowed;
- 12 ▪ No dock modification allowed;
- 13 ▪ No new mowing and path permits allowed;
- 14 ▪ Only hand tools are allowed for vegetation modification;
- 15 ▪ No new RE outgrants allowed;
- 16 ▪ Only alternative power sources (e.g. solar) will be allowed for new facilities;
- 17 ▪ Existing Vegetation modification limited to 99ft. (Mowing/under brushing/limbing 33ft,
18 under brushing/limbing 33ft, and under brushing 33ft);
- 19 ▪ No buoy conversions to docks;
- 20 ▪ Seasonal deferral of accepting permit application (3 months, December through
21 February);
- 22 ▪ No new usable LDA/RLDA added (use elevation 654 to determine LDA use);
- 23 ▪ No additions or modifications to facilities.

25 **Sustainable Conservation (Alternative 2-Preferred):** Alternative 2 includes unique
26 management measures, but also includes management measures shared by the other action
27 alternatives. In this alternative, allocations are markedly different to the allocations in
28 Alternative 4, No Change. The most substantial difference in allocations is the removal of all
29 LDA Unsuitable lands, with conversion to Protected lands allocation. PRA lands have been
30 reduced from 139.4 shore line miles (16.9%) to 52.6 miles, representing 6.4% of the shoreline.
31 These PRA lands were converted to RLDA (6.9 miles), or Protected, which totals 740.9 miles,
32 representing 90.1% of the shoreline in this alternative. Components of this alternative include:
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- 34 • The top of conservation pool is changed from 654 msl to 659 msl due to White River
35 Minimum Flows;
- 36 • Valid permits for private floating facilities or vegetation modifications will not be
37 rescinded from the current permittees (Private Floating Facility or vegetation
38 modification);
- 39 • Approximately 60 docks are brought into compliance through changes to Limited
40 Development Areas (LDA) and Restricted Limited Development Areas (RLDA) zoning;
- 41 • 1-20 boat stalls for private floating facilities;
- 42 • 1.6 miles of unsuitable LDA is converted to useable LDA;
- 43 • Suitable LDA now totals 19.4 miles (was 17.8 miles); 69 miles of unsuitable LDA was
44 removed;
- 45 • The shoreline allocations match land classifications identified in the *Bull Shoals Lake*

1 *Master Plan;*

- 2 • Local policies are incorporated into the *SMP*;
- 3 • *SMP* now matches how the lake has been managed;
- 4 • Underbrush which consists of non-flowering trees or shrubs that are two inches or less in
- 5 diameter at ground level are allowed to be removed through a permit;
- 6 • New permit applications only accepted during October through April;
- 7 • Rezoning requests will not be considered or accepted;
- 8 • Aligned with Scoping comments received during Scoping phase;

- 9 • Considered and evaluated 32 site specific comments received from Scoping phase.

10
11 **No Action (Alternative 3):** The No-Action alternative is defined as the Corps continuing
12 utilization of the current *SMP*, with the inclusion of new policies enacted since 2006, which
13 include the following policies:

- 14 • Parking for LDAs;
- 15 • Non-ambulatory Access;
- 16 • Solar Power for PFF;
- 17 • Alternative 3 would also include SWLR 1130-2-48.

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20 **ANTICIPATED ENVIRONMENTAL IMPACTS:** Consideration of the effects disclosed in
21 the EA, and a finding that they are not significant, is necessary to prepare a FONSI. This
22 determination of significance is required by 40 CFR 1508.13. Additionally, 40 CFR 1508.27
23 defines significance at it relates to consideration of environmental effects of a direct, indirect or
24 cumulative nature.

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26 Criteria that must be considered in making this finding are addressed below, in terms of both
27 context and intensity. The significance of both short and long term effects must be viewed in
28 several contexts: society as a whole (human, national); the affected region; the affected interests;
29 and the locality. The context for this determination is primarily local. The context for this action
30 is not highly significant geographically, nor is it controversial in any significant way.
31 Consideration of intensity refers to the magnitude and intensity of impact, where impacts may be
32 both beneficial and adverse. Within this context, the magnitude and intensity of impacts
33 resulting from this decision are not significant. The determination for each impact topic is listed
34 below.

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36 **1. The degree to which the action results in both beneficial and adverse effects. A**
37 **significant effect may exist even if the Federal agency believes that on balance the effect**
38 **will be beneficial.** Existing conditions at the lake allow for some continued development around
39 the lake, but it should be noted that reallocation of lands under the Preferred Alternative would
40 enhance water quality by reducing available LDA and PRA shoreline miles and converting 69.2
41 miles of Unsuitable LDA lands to the Protected lands allocation, thereby retaining more of the
42 natural shoreline vegetation. Approximately 90.1% of the linear shoreline would have a natural
43 vegetated shoreline due to these land reallocations identified in the Preferred Alternative. There
44 would be insignificant impacts to climate, topography, geology and soils under this alternative.

1 The aquatic environment of the lake should benefit from a potential reduction in storm water
2 runoff velocity, reduced sedimentation, improved water quality, and a cleaner substrate for
3 macroinvertebrate production and fish spawning activity. This alternative would also enhance
4 wildlife foraging and movement patterns, offer more protection for threatened and endangered
5 species that inhabit the area, and result in minimal impacts to cultural resources. A provision for
6 additional potential development opportunities coupled with an abundance of lands remaining in
7 their natural condition would balance and enhance recreational experiences, which would
8 potentially stimulate the socio-economics of the area. This balanced approach should provide a
9 safe and aesthetically pleasing recreational experience for the public that visits and/or lives at
10 Bull Shoals Lake.

11
12 **2. The degree to which the action affects public health or safety.** No significant adverse
13 effects to public health or safety will result from the preferred alternative. Minimal impacts to
14 boat congestion may occur from the continued issuance of shoreline use permits (i.e. dock
15 permits).

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17 **3. The degree to which the action affects unique characteristics of the potentially affected**
18 **area, such as proximity to historic or cultural resources, park lands, prime farmlands,**
19 **wetlands, wild and scenic rivers, or ecologically critical areas.** The Arkansas Department of
20 Environmental Quality (ADEQ) has classified Bull Shoals Lake as an Extraordinary Resource
21 Water and the Missouri Department of Natural Resources (MDNR) has designated it as a Class
22 A waterbody. Implementation of the Preferred Alternative is not anticipated to have any
23 significant effect on the classification of Bull Shoals Lake by either ADEQ or MDNR. There
24 would be no effect on cultural resources with implementation of an updated Shoreline
25 Management Plan. Individual requests for use of project lands would be evaluated on a case-by-
26 case basis to ensure compliance with the National Historic Preservation Act. Park lands, prime
27 farm lands, wetlands, wild and scenic rivers, or ecologically critical areas will not be impacted
28 by implementation of the preferred alternative.

29
30 **4. The degree to which effects on the quality of the human environment are likely to be**
31 **highly controversial.** The project will benefit the public through maintaining a balance of
32 terrestrial and aquatic resource preservation with the Corps' recreation mission. Therefore the
33 Little Rock District, Corps of Engineers does not regard this activity as controversial.

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35 **5. The degree to which the possible effects on the human environment is highly uncertain**
36 **or involves unique or unknown risks.** The uncertainty of the impacts of this action is low since
37 shoreline allocations around the lake shore and provisions of the preferred alternative results in a
38 projection of known and regulated activities with implementation of the preferred alternative.

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40 **6. The degree to which the action may establish a precedent for future actions with**
41 **significant impacts.** Because the proposed action involves updating the existing Bull Shoals
42 Lake Shoreline Management Plan, which provides checks and balances on future shoreline
43 activities, the action should not establish a precedent for significant future impacts.

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45 **7. Whether the action is related to other actions with individually insignificant but**
46 **cumulatively significant impacts.** Although additional individual actions can be assumed with

1 this preferred alternative, no cumulative significant impacts are anticipated with this action.

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3 **8. The degree to which the action may adversely affect items listed or eligible for listing in**
4 **the National Register of Historic Places, or other significant scientific, cultural or historic**
5 **resources.** The preferred alternative does not directly threaten impact to any historic properties
6 or other significant scientific, cultural, or historical resources. Coordination with Federal, State,
7 and local agencies and Federally Recognized Tribes will be utilized to avoid, minimize or
8 mitigate potential unforeseen impacts.

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10 **9. The degree to which the action may adversely affect an endangered or threatened**
11 **species or its critical habitat.** The proposed action will not adversely affect any Threatened &
12 Endangered species as areas with known T&E species and species habitat was classified as
13 Environmentally Sensitive lands during the Master Plan update. Individual requests for use of
14 project lands would be evaluated to ensure compliance with the Endangered Species Act.

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16 **10. Whether the action threatens a violation of Federal, state or local law or requirements**
17 **imposed for the protection of the environment.** No such violations will occur. All applicable
18 Federal, state or local laws and regulations will be complied with during the implementation of
19 the action.

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22 **CONCLUSIONS:** The impacts identified in the prepared EA have been thoroughly discussed
23 and assessed. No impacts identified in the EA would cause any significant adverse effects to the
24 human environment. Therefore, due to the analysis presented in the EA and comments received
25 from a 32-day public review period that began on 12 February 2018 and ended on 16 March
26 2018, it is my decision that the preparation of an Environmental Impact Statement (EIS) as
27 required by the National Environmental Policy Act (NEPA) is unwarranted and a “Finding of No
28 Significant Impact” (FONSI) is appropriate. The signing of this document indicates the Corps
29 final decision of the proposed action as it relates to NEPA. The EA and FONSI will be held on
30 file in the Civil Works Branch, Programs and Project Management Division of the Little Rock
31 District, Corps of Engineers for future reference. Consultation with regulatory agencies will be
32 ongoing to ensure compliance with all federal, state, regional, and local regulations and
33 guidelines.

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PAUL E. OWEN, P.E.
Colonel, EN
Commanding
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