



**US Army Corps  
of Engineers®**

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Little Rock District

# **Panther Bay Park**

## **Tournament Fish Life Support Facility and Recreation Facilities**

### **Norfolk Lake, Arkansas**

### **Environmental Assessment**

March 27, 2014

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## **1.0 INTRODUCTION**

### **1.1 Purpose Need of the Proposed Action**

The Little Rock District, U.S. Army Corps of Engineers (Corps) proposes to rehabilitate existing recreational structures/sites and construct a modern fishing tournament weigh-in facility (fish life support facility) and other associated recreational improvements on approximately 20 acres in Panther Bay Park on Norfork Lake.

The proposed project was requested by the Arkansas Game and Fish Commission (AGFC) and local entities to help with facilitation of current and future recreation activities on Norfork Lake.

The proposed project includes rehabilitating existing structures in Panther Bay Park and constructing additional recreation facilities within the boundaries of the park including: a vault toilet to flush toilet conversion, a prefabricated metal building (approximately 42x50), paved parking lots, paved roads, a six-lane boat launching ramp, boat landing areas, electricity and water services and a new access road to the boat launch area. Project construct will be completed in two phases.

Phase 1 will be completion of a tournament weigh-in facility and will be a cooperative effort between the Corps, AGFC, Local Bass Clubs, and volunteers. Funding and construction of phase 1 will be accomplished by AGFC. Maintenance and operation of the facilities will remain with Corps.

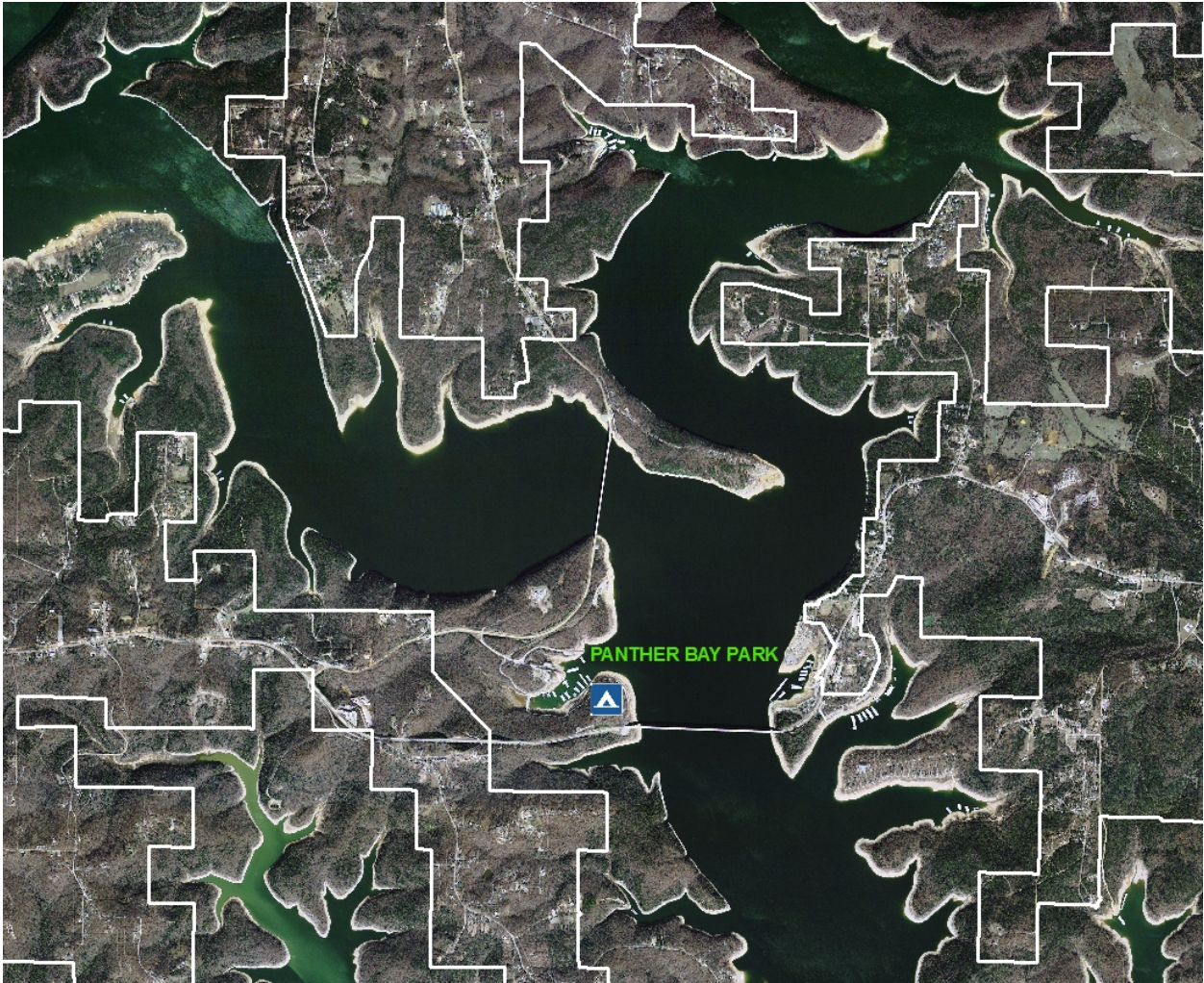
Phase 2 will include construction of a tournament weigh-in facility to include a metal building equipped with tanks, pumps and other equipment required to maintain fish during the weigh-in process. This phase will also convert an existing vault toilet to a waterborne facility. Funding and construction of phase 1 will be accomplished by AGFC. Maintenance and operation of the facilities will remain with Corps.

The National Environmental Policy Act (NEPA) requires the environmental analysis of proposed U.S. Army Corps of Engineers actions affecting human health and the environment. Unless the proposed action will result in significant impacts to the human environment, thus requiring an Environmental Impact Statement, the Council on Environmental Quality (CEQ), through its regulations, authorizes the Federal agencies to publish an Environmental Assessment (EA). Operation and maintenance activities - such as the rehabilitation of existing structures aspects of this proposed action - are normally categorically excluded from NEPA documentation. See ER 200-2-2, Paragraph 9. However, the proposed construction of new structures is not categorically excluded and must be analyzed under NEPA. Therefore, this entire proposed action is analyzed by this EA.

## 1.2 Project Location

Norfork Lake is located in the foothills of the Ozark Mountains in north central Arkansas. The area is generally wooded and rugged with interesting geological formations overlooking the North Fork of the White River. The lake has an irregular shape with numerous arms and coves. Steep bluff formations can be found on both sides of the central and southern portion of the lake. The prominent scenic topographic features of the area include rolling to moderately steep hillsides and ledge outcrops that rise above the river valley. At the upper end of the lake, the terrain is less steep and floodplain flats are common near the river. The lake and surrounding project lands are contained in Baxter and Izzard Counties, Arkansas, and Ozark County in Missouri. The Dam is located at river mile 4.8 on the North Fork River, a tributary of the White River, and is about four miles northeast of Norfork, Arkansas.

Panther Bay Park is located between the northwest end of the U.S. Highway 62 Bridge and the southeast end of the Arkansas Highway 101 Bridge. The park has 270 acres designated to it. The site is sloping to steep, with shoreline areas very suitable for launch ramp development. Heavy vegetation is prevalent throughout the park. A day use area has been located at the former Highway 101 ferry landing. The other abandoned ferry landings sites have been converted into launch ramps and are heavily used. The portion of Panther Bay Park that is to be utilized for this development is adjacent to a small class A campground comprised of 15 campsites having electrical hookups, shared water hydrants, and a small 2-unit shower/restroom. 2 vault toilets serve the picnicking and day-use areas of the park, and a sanitary dump station is located near the park's Hwy 101 entry.



Project Location

Figure 1



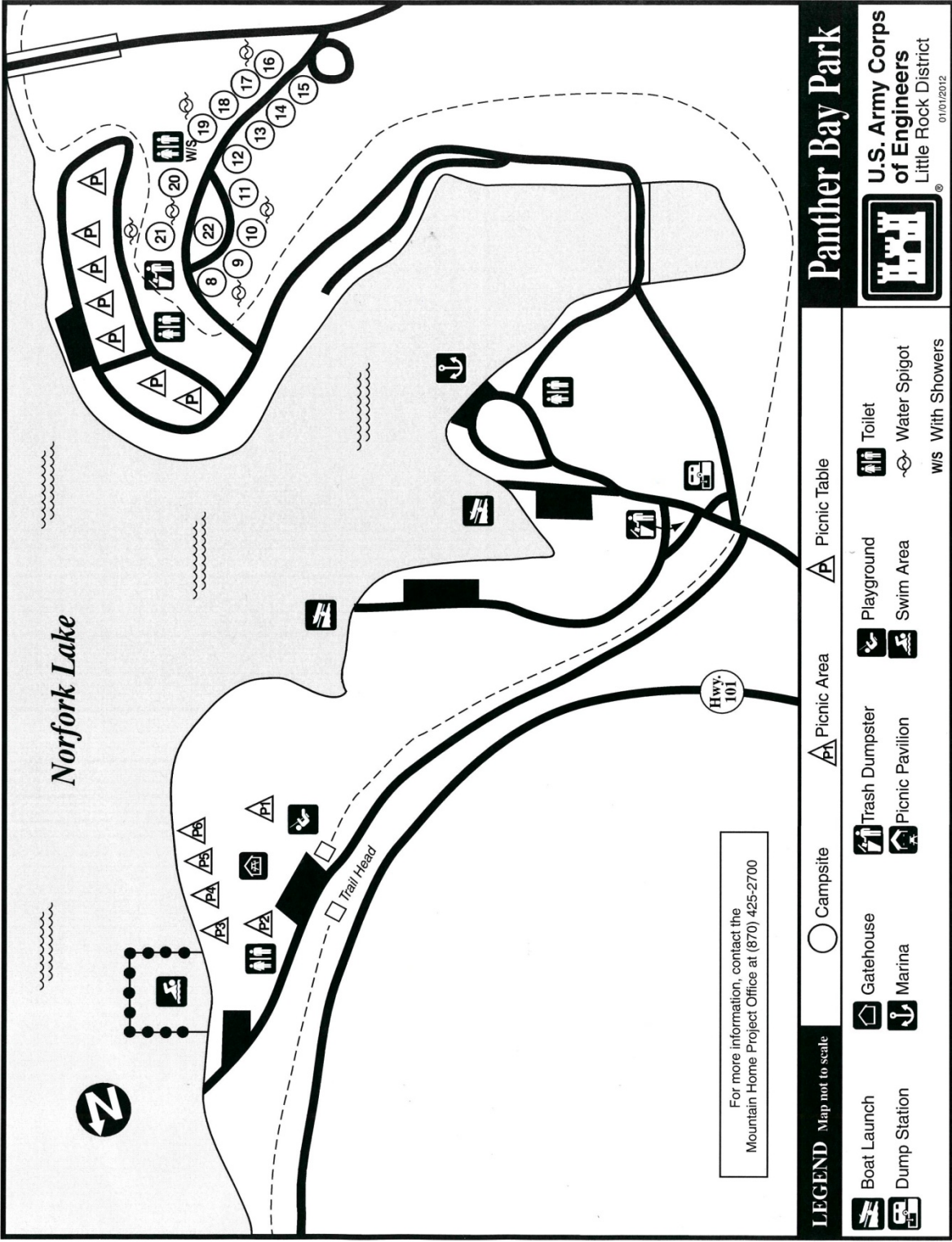


Figure 2  
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Figure 3



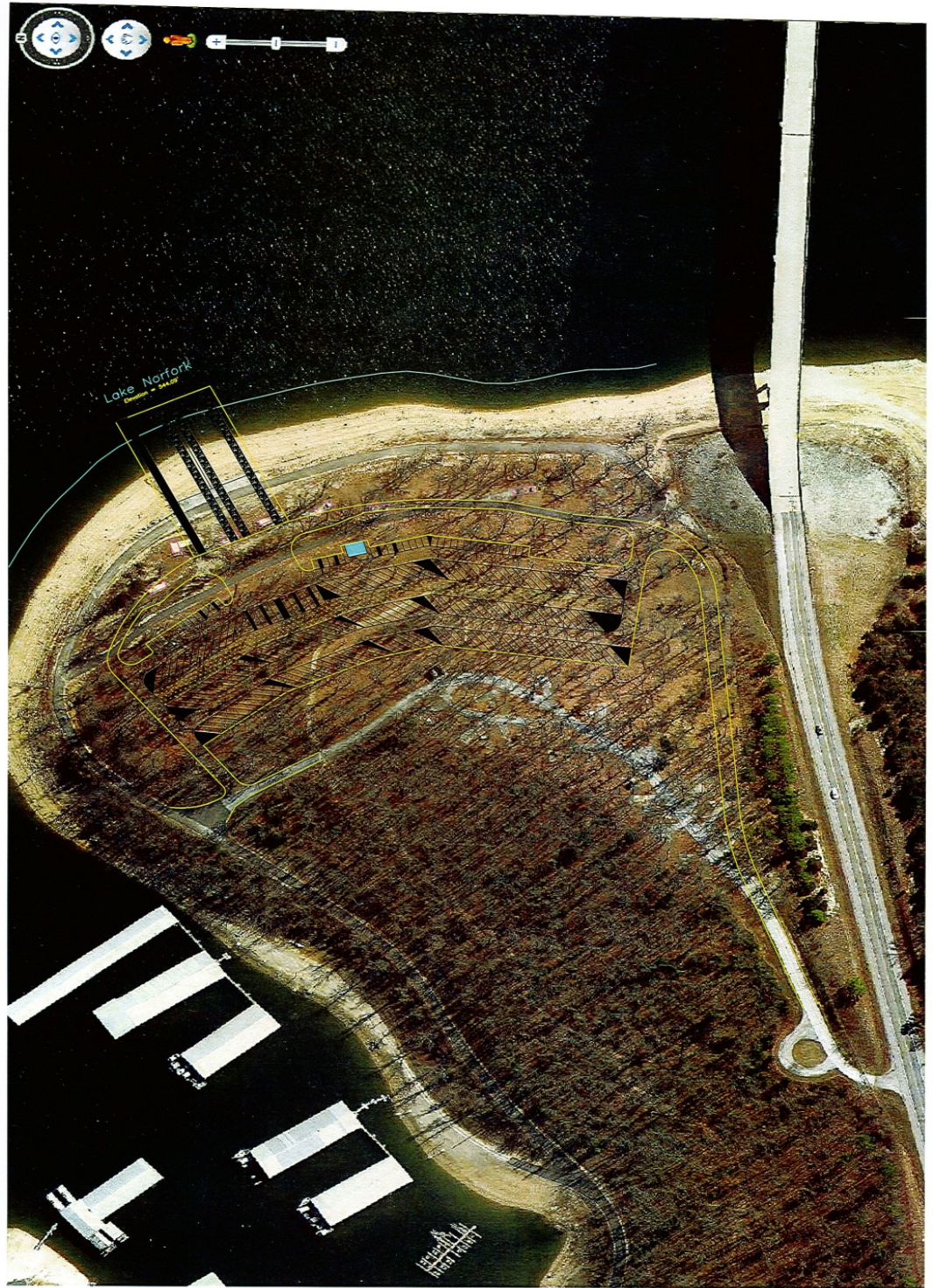


Figure 4

### 1.3 Environmental Compliance

#### Status of Project with Applicable Laws and Statutes

<u>Federal Statutes</u>	<u>Compliance</u>
Archaeological and Historic Preservation Act 16 U.S.C. 469, et. seq.	Full
Clean Air Act of 1977, as amended, 42 U.S.C. 7609, et. seq.	Full
Clean Water Act, (Federal Water Pollution Control Act) 33 U.S.C. 1251, et. seq.	Full
Coastal Zone Management Act, 16 U.S.C. 1451, et. seq.	N/A
Endangered Species Act, 16 U.S.C. 1531, et. seq.	Full
Estuary Protection Act, 16 U.S.C. 1221, et. seq.	N/A
Federal Water Project Recreation Act, 16 U.S.C. 460-12, et. seq.	Full
Fish and Wildlife Coordination Act, 16 U.S.C. 661, et. seq.	Full
Land and Water Conservation Fund Act, 16 U.S.C. 460/ -460/-11, et. seq.	N/A
Marine Protection, Research and Sanctuary Act, 33 U.S.C. 1401, et. seq.	N/A
National Environmental Policy Act, 42 U.S.C. 4321, et. seq.	Full
National Historic Preservation Act, 16 U.S.C. 470a, et. seq.	Full
Rivers and Harbor Act, 33 U.S.C. 401, et. seq.	N/A
Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001, et. seq.	N/A
Wild and Scenic Rivers Act, 16 U.S.C. 1271, et. seq.	Full

<u>Executive Orders, Memorandum, etc.</u>	<u>Compliance</u>
Executive Order 11988, Floodplain Management, May 24, 1977 (42 CFR 26951; May 25, 1977)	Full
Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 CFR 26961; May 25, 1977)	Full
Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act.	Full
Executive Order 12114, Environmental Effects Abroad of Major Federal Actions	N/A

#### **1.4 Project Authority and Regulatory Requirements**

The Norfolk Dam and Lake project was authorized by the Flood Control Act of 28 June 1938 (Public Law 761, 75<sup>th</sup> Congress, 3<sup>rd</sup> Session), as modified by the Flood Control Act approved 18 August 1941 (Public Law 228, 77<sup>th</sup> Congress, 1<sup>st</sup> Session), to include the authorization of the project for flood control and generation of hydroelectric power.

Section 4 of the Flood Control Act approved 22 December 1944, as amended by Section 4 of the Flood Control Act of 1946, and as further amended by Section 209 of the Flood Control Act approved 3 September 1954 (Public Law 780, 83<sup>rd</sup> Congress), authorizes the Department of the Army to provide for recreational use of the lakes under its control.

#### **Regulatory Requirements**

Under the terms of the Federal Clean Water Act and amendments, this action will require a Section 404 authorization and a National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water during construction. The 404 and NPDES permits will be obtained before construction.

## **2.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES**

### **2.1 Description of the Proposed Action**

The proposed action includes rehabilitating existing structures in Panther Bay Park on Norfolk Lake and the construction of a modern fishing tournament weigh-in facility (fish life support facility) and additional recreation facilities within the boundaries of the park to include: a

prefabricated metal building, paved parking lots, paved roads, a six-lane boat launch with courtesy docks, electricity and water services, and an access road to the boat launch area.

Phase 1 will be completion of a tournament weigh-in facility and will be a cooperative effort between the Corps , AGFC, Local Bass Clubs and volunteers. Funding and construction of phase 1 will be accomplished by AGFC

Phase 2 will include construction of a weigh-in facility and the rehabilitation of an existing toilet building, and will also be a cooperative effort between the Corps, AGFC, and local entities. A full description of the construction phases is located under Section 2, Proposed Alternative.

Maintenance and operation of the facilities will remain a Corps responsibility. If any special hydropower operations are required during construction of the new facilities, the Corps will coordinate with Southwestern Power Administration (SWPA) 21days in advance.

The following paragraphs explain in detail the two phases of construction:

### **Phase 1**

1. Construct a boat launch facility including 2 each 42 ft. width concrete boat ramps, 3 each 9 ft. width concrete courtesy dock ramps, parking facilities, and the installation of rip rap along the edge of the ramps to reduce erosion.
2. Improve the park entrance at US Highway 62, to include new gate, installing two-rail fencing, and removing fence-line vegetation for improved traffic visibility.
3. Construct paved entrance road from park entrance off US Highway 62 to new parking areas, approximately 30 feet x 500 feet of paving required.
4. Establish a 300 feet x 320 feet parking area and secondary 90 feet x 320 feet parking area.
5. Establish a 300 feet tournament boat landing area.
6. Phase 1 will be a cooperative effort between the U.S. Army Corps of Engineers, Arkansas Game and Fish Commission, Local Bass Clubs and volunteers. The funding and construction will be accomplished by AGFC. Maintenance and operation will continue under Corps.

### **Phase 2**

1. Construct tournament weigh-in facility (metal building, with electrical service and concrete slab (approximately 42' x 50')) and equip with tanks, pumps and other required equipment. Partners include the U.S. Army Corps of Engineers, Arkansas Game and



Fish Commission, North Arkansas Electric Cooperative, Lake Norfolk and Mountain Home Chambers of Commerce, Local Bass Clubs and volunteers.

2. Convert vault restroom to waterborne. Plumb building, install fixtures and construct septic system.

## **2.2 Alternatives to the Proposed Action (No Action)**

No additional alternatives were evaluated as this is the only acceptable site that meets the needs of a centrally located existing park area with ready access via state highways, suitable slope and elevation above the normal conservation pool for high water access, and room for such an expansion of services. No other parks on Norfolk Lake meet these requirements.

The No Action Alternative would include not constructing the identified recreational facility improvements and result in the area remaining unchanged from its current condition. The purpose of the construction of the fish life support facility and additional recreational facilities will greatly enhance outdoor recreational opportunities and use for the general public and increase the survivability of caught fish which will afford future anglers the same opportunity. Rehabilitation of other park features will provide for safety and security of park users and provide for separating day use and camping facilities thereby reducing user conflicts and improving visitor satisfaction.

## **3.0 EXISTING CONDITIONS**

### **3.1 Land Use**

At the top of conservation pool, 557 feet above m.s.l., the shoreline of the lake has a total length of 380 miles. The Norfolk Project contains a total of 45,548 acres, 22,000 acres of surface water and 14,048 of land at the conservation pool. There are 40,914 acres owned in fee and 4,634 acres managed by flowage easement. The acreage managed by flowage easement is located in the flood control pool.

At the top of the flood control pool, 580 feet above m.s.l., the shoreline length increases to 510 miles. Under these conditions, approximately 30,700 acres of the Norfolk Project acreage are within the flood control pool. This results in only 5,048 acres of land of the total 45,548 Norfolk Project acreages. A portion of the flood control acreage is dually allocated as Project Operations/Recreation-Intensive Use. There are 2,864 acres allocated exclusively for Recreation-Intensive Use, and 66 acres area allocated exclusively for management of fish and wildlife above the flood control pool elevation.

The AGFC has a license for the management of fish and wildlife resources on 37,525 acres of land and water at Norfolk. This includes the 66 acres allocated exclusively for management of fish and wildlife above the flood control pool elevation.

### **3.1.1 Climate**

Norfolk's climate is moderate, with approximately 44 inches of rainfall per year. Much of the rain occurs during the growing season (April-September), but with the single highest monthly average in November. The snowfall average for the area is 7.4 inches per year. The minimum average temperature in the winter is 27 degrees Fahrenheit (F), with a daytime average of 48 degrees F. The minimum summer temperature is 68 F, with a daytime average of 89 F.

### **3.1.2 Topography, Physiography and Soils**

A general description of Norfolk Lake is gently sloped to steep inclines typical of the Ozark highlands. Bluffs of near vertical slope are present where the original Norfolk river channel has eroded the residual limestone substrate. Upper reaches of several small tributaries contain small flood plains and gentle slopes of less than 5%. Primary ridges and connecting spur ridges have 0 to 10% slope with side slopes ranging from 10 to 25% inclines. Aspect is generally described as easterly in nature for all land occurring on the west side of the reservoir and westerly in nature for land occurring on the east side of the reservoir, however the presence of ridges and drainages create aspects of all directions.

Norfolk Lake is located within two physiographic areas of the Ozark Highland. The Salem Plateau is exposed across northern and central Baxter County. The Springfield Plateau is exposed in most of southern Baxter County, Arkansas and in Ozark County, Missouri. The Salem Plateau is characterized by gently sloping to rolling uplands, and steep, stony side slopes with outcrops of dolomite. The elevation ranges from about 700 to 1,000 feet above sea level. There are a few broad areas on uplands that have a gradient of one to 8 percent. Arkana, Doniphan, Gassville, and Moko soils are the major soils on this plateau surface.

The Springfield plateau is adjacent to and higher in elevation than the Salem plateau. This plateau has been strongly dissected by streams. Steep, V-shaped valleys separated by gently sloping to moderately sloping land characterize it. The side slopes have a gradient of 12 to 50 percent. The elevation atop the ridges ranges from about 1,000 to 1,200 feet above sea level. There are a few broad areas on uplands where the gradient is 1 to 8 percent.

Stream valleys are entrenched and are commonly less than one-fourth mile wide. Most flood plains are 100 to 1,000 feet wide.

Soil surveys as published by the Natural Resource Conservation Service are available for Baxter and Fulton counties in Arkansas. These will be referred to for forest management, grazing, and wildlife plantings. In general, most soils adjacent to the lake are classified by the Natural Resource Conservation Service as Arkana-Moko which is: moderately deep and shallow, gently sloping to steep, well drained, cherty, and stony soils that formed in residuum of dolomite and limestone. Within flood plains of tributaries Healing, Razort, Wideman, and Britwater soils

formed in these areas. Soil conservation and management will be a major consideration when performing forest silviculture, wildlife plantings, building park roads, or cattle grazing on any project lands. Soil movement is influenced by climate, soil type, and topography, which are uncontrollable.

The project will be constructed in accordance with Arkansas Department of Environmental Quality (ADEQ) requirements/guidelines. Adequate drainage to prevent runoff will be addressed in design and construction practices complying with ADEQ regulations.

### **3.2 Water Resources**

The Norfork Lake watershed is a portion of the North Fork River watershed as defined in the U.S. Geological Survey (USGS) Hydrologic Unit Code (HUC) 11010014. Construction of the Norfork Dam on the Norfork River backed water up into Missouri above HWY 160. The total area of the North Fork River watershed is 1,147,100 acres, with a total of 732,900 acres draining to the lake and 414,200 acres draining below the dam. Much of the water that flows into Norfork Lake comes from Ozark County in Missouri and Baxter County in Arkansas; minor contributions come from Fulton and Izzard Counties in Arkansas.

The primary towns in the Norfork Lake watershed are Mountain Home, 13 miles northwest of the Norfork Dam, and the town of Norfork, located at the junction of the North Fork and White Rivers. In addition, there are a number of smaller communities and developments, including the town of Salesville, immediately west of the dam; Briarcliff, which sits to the west of the lower portion of Norfork Lake; Henderson, located just east of the mid-lake portion of Norfork Lake; Gamaliel, which is situated on a peninsula located between the North Fork arm and the Bennet's River arm; and the small communities of Udall and Tecumseh, Missouri, located on the upper reaches of the project just east of the Norfork river. The remainder of the Norfork Lake watershed consists primarily of smaller undeveloped communities, forest and agricultural areas.

### **3.3 Cultural Resources**

Cultural resources at Norfork Lake are managed by implementing the policies and guidelines established by federal archeological and historic preservation laws and regulations. The following laws and regulations provide the basis for the cultural resources management program: Antiquities Act of 1906 (Public Law 59-209); Historic Sites Act of 1935 (Public Law 74-292); Reservoir Salvage Act (Public Law 86-523); National Historic Preservation Act of 1966 (Public Law 89-665); Archeological and Historic Preservation Act of 1974 (Public Law 993-291); the Archeological Resources Protection Act of 1979; and the Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601; 104 Stat. 3048; 25 USC 3001-13) (USACE, 1997).

#### **3.3.1 Archeological Investigations at Panther Bay**

The first archeological work performed on Norfork Lake was done by Arkansas Archeological Survey in 1977. A 10% survey of the lakes shoreline was conducted to determine

the settlement-subsistence patterns of prehistoric peoples in the Norfolk Lake vicinity. Portions of the shoreline within close proximity to the project area were surveyed, but no archeological sites were discovered. In 1993, work was performed by Archeological Assessments Inc. along portions of Panther Bay, and as a result two archeological sites were identified.

### **3.3.2 Recorded Cultural Resources at Panther Bay**

There are two known archeological sites within a one mile vicinity area, 23BA179 and 3BA180, both were originally documented in 1993 by W.J. Bennett et al. during a survey of portions of Bull Shoals Lake and Norfolk Lake in Arkansas and Missouri. They consist of a light scatter of prehistoric artifacts on the surface, neither of which was recommended eligible for nomination to the National Register of Historic Places.

## **3.4 Biological Resources**

### **3.4.1 Vegetation**

The present forest of the Norfolk Lake area bears little resemblance to the original forests. Those original forests included stands of high quality oak, hickory, shortleaf pine, elm, walnut on favorable soils occurring usually on a slope with a northeast aspect. Eastern redcedar and scattered stands of short-leaf pine, usually occurred more successfully than hardwoods on the slopes having poor thin soils with a southwest aspect. During the mid 1800's, farmers who cleared the forests for pasture, cut lumber for building purposes and to sell, settled the area. This caused a decline of the tree quality, cutting the best and generally leaving the poorer trees as growing stock. The overgrazing of the native grasses removed much of the fuel loads for naturally occurring fire to suppress the encroachment of eastern redcedar. Annual burning in the more favorable sites for timber production further degraded the quality of the remaining forest. Today's forest is largely composed of upland oak, hickory, and eastern redcedar. The redcedar has invaded former grasslands and abandoned farmsteads.

Some of the plant communities include post oak savannas. These ecosystems exhibit an open canopy of low density stocking of trees allowing considerable light penetration to the understory, thus permitting a wide variety of shrubs and/or native grass to perpetuate under natural disturbances such as fire. Other plant communities are the dolomite/limestone glades, which are characterized by barrens-like communities of native forbs and grasses occurring on shallow soil over outcroppings of bedrock.

### **3.4.2 Fish and Wildlife**

Norfolk Lakes' fishery is managed in a cooperative effort between Missouri Department of Conservation (MDC) and the AGFC. Norfolk Lake is a warm water fishery with most endemic species of the Ozarks Mountains present. Large mouth, small mouth, Kentucky, spotted, white, and striped, walleye, crappie, channel, flathead, and blue catfish, various sunfish species, are the



common game fish on Norfolk Lake. Stocking programs of certain game fish occur on Norfolk Lake. AG&F submits an annual report of stocking rates and species as required in their license.

The North Fork of the White River is a world-class trout fishery. The tailrace of Norfolk Dam starts the 4.80 miles coldwater discharge portion of the North Fork River. Stocking programs through joint efforts between the AGFC and the U.S. Fish and Wildlife Service (USFWS) supply thousands of rainbow, German brown, cutthroat, and brook trout in this river. Growth rates of stocked trout are tremendous and supply local fishermen with excellent opportunity to take trophy fish. Fishing pressure is heavy and success rates are high.

A 20 acre hatchery pond is operated by the AGFC on the Chapin Point Wildlife Management Area (WMA) located near Clarkridge, Arkansas in Baxter County. The hatchery pond is designed to raise walleye and crappie for stocking purposes for Norfolk Lake and for transfer to other waters of the State.

Forest species of wildlife present include white-tailed deer, eastern wild turkey, gray fox, red fox, and southern flying squirrel, raccoon, opossum, bobcat, and skunks. Black bears were introduced into the area around Norfolk Lake by the AGFC in the 1960's and are occasionally seen by visitors and harvested by hunters. Upland wildlife present includes bobwhite quail, coyote, red fox, and cottontail rabbit. Migratory game birds include mourning dove, greater Canada geese, and various puddle and diver ducks. Aquatic wildlife includes mink, river otter, muskrat, beaver, and numerous non-game species including Bachman's Sparrow, a Missouri-listed endangered species that uses dense river cane stands for nesting areas. Riparian zones provide habitat and travel corridors for aquatic wildlife and are some of the most productive and important of habitat types found on the project. During the fall migration bald eagles, osprey, red shouldered, red tailed, coopers, and sharp shinned hawks are found in abundance. During the spring mating season numerous neo-tropical migrate, passerine songbirds utilize the various habitats types surrounding the lake for breeding and rearing young.

Deer, turkey, squirrel, dove, and rabbit are the species most commonly hunted for game. Trapping for furbearers along the shoreline and upland habitat is common with mink, muskrat, raccoon, and beaver being the most common harvested. Wildlife populations on Norfolk Lake are abundant and several species are expanding their number. Through proper management practices all native species of wildlife can and should continue to maintain or increase in numbers.

Principal furbearing animals found on the project are mink, opossum, coyotes, gray fox, muskrat, beaver, and raccoon. Norfolk has a relatively narrow band of fee land. Wildlife food plots are placed on project lands for wildlife enhancement via contracts, project personnel or cooperative agreements with the AGFC or adjacent landowners. Hunting is allowed on fee land outside park areas within the regulations of the AGFC. The AGFC has a license for the management of fish and wildlife resources on 37,525 acres of land and water at Norfolk Lake.

Specific wildlife studies are coordinated with other agencies such as AGFC, MDC, USFWS, and various colleges and universities. A passerine bird banding program called

Monitoring Avian Productivity and Survivorship Program (MAPS) was conducted on the Chapin Point portion of the Norfolk Lake Wildlife management Area from 2004 to 2008 in cooperation with AGFC, Institute for Bird Populations, and Arkansas State University.

### **3.4.3 Threatened and Endangered Species**

According to the United States Fish and Wildlife Service (USFWS) records, there are no federally listed or proposed threatened and endangered species occurring in the impact area of the project (Panther Bay Park). However, the American bald eagle (*Haliaeetus leucocephalus*) does inhabit areas along Norfolk Lake.

Norfolk Lake is a destination for wintering bald eagles. The bald eagle is a federally listed threatened species that USFWS has proposed for delisting. The lake rarely freezes and has never iced over entirely making fishing available during the winter months. There is a documented nest in the vicinity. This nest site is approximately 1/3 mile from the project site. Each January, personnel from the Norfolk Project Office perform an eagle survey. In 2013, 44 Bald Eagles were observed on the reservoir during the survey.

The MDC has listed the Bachman's Sparrow as a state-listed endangered species. This medium sized sparrow is known to inhabit dry, open oak woodlands and overgrown fields. It is a ground nesting and ground feeding bird that focuses on insects and seeds. There are no known sightings of this species in the impact area.

The yellow cheek darter is endemic to the area. Since the impoundment and creation of Norfolk Lake, the yellow cheek's habitat and population has been fragmented and these populations are now isolated within the tributaries. The yellow cheek darter is currently listed as a candidate species for consideration to be listed as threatened or endangered by the Service under the Endangered Species Act. The yellow cheek darter is not in the impact area of the project. Therefore no action presented in this EA would have significant impacts to any threatened or endangered species.

There are no known endangered or threatened species in the proposed work area, therefore no action presented in this EA would have significant impacts to any threatened or endangered species.

### **3.4.4 Wetlands**

No wetland habitats have been identified in the project area.

### **3.5 Hazardous, Toxic, and Radioactive Wastes (HTRW)**

A preliminary assessment screening (PAS) has been conducted for Panther Bay Park (see Appendix C). No known HTRW substances are located within Panther Bay Park. Any herbicide or pesticide used in this park will be applied by a licensed applicator and in accordance with all state and federal laws and regulations.

### **3.6 Air Quality**

Norfolk Lake lies within the Northwest Arkansas Intrastate Air Quality Control Region (AQCR), AQCR 021 which includes Baxter and Izzard Counties. Air quality in the entire AQCR 021 and in Arkansas is designated as being unclassifiable or in attainment for all criteria pollutants. Criteria pollutants include ozone, carbon monoxide, nitrogen dioxide, sulphur dioxide, particulate matter and lead.

The Clean Air Act of 1977, as amended, requires federal facilities to comply with all federal, state, interstate, and local requirements regarding the control and abatement of air pollution in the same manner as any nongovernmental entity, including any requirement for permits. No particular Federal requirements are involved that are not already incorporated into Arkansas State law. According to the Arkansas Department of Environmental Quality (DEQ), the entire state of Arkansas is in compliance with all EPA ambient air quality standards. Only ozone concentrations occasionally approach the limit of the standard. The "Conformity Rule" of the Clean Air Act of 1977 (CAA), as amended, states that all federal actions must conform to appropriate State Implementation Plans (SIPs). This rule took effect on January 31, 1994, and at present applies only to federal actions in nonattainment areas (those not meeting the National Ambient Air Quality Standards for the criteria pollutants in the CAA). The state of Arkansas, including Panther Bay Park, is considered an "attainment area" and is therefore exempt from the "Conformity Rule" of the CAA.

### **3.7 Noise**

Noise levels around the Norfolk Lake Project are consistent with those found normally associated with outdoor water recreational activities. These noises emanate from motorboats, personal water craft and other recreational vehicles and equipment.

### **3.8 Socioeconomics**

Panther Bay Park is located on Highway 62/412 in Baxter County, Arkansas. The City of Mountain Home is located about eight miles west of Panther Bay Park. Tourism is a major factor to the local economy. Panther Bay Park is a popular recreation and vacation destination that generates income for local businesses in the form of sales and services. According to the Arkansas Department of Parks and Tourism (2009), Baxter County had over 896,000 visitors in 2008, generating more than \$191 million in local expenditures.

### **3.9 Recreation**

From 2000-2010, there has been an 8.15 percent increase in net in-migration in Baxter County according to the U.S. Department of Commerce (USDOC) census. The 2010 census showed 41,513 persons live in the county and the percentage of the population between 18 and 64 years of age is nearly 54 percent. The influx of retirees is a major factor in this population growth and makeup.

Seventeen Corps parks are located on Norfolk Lake. Two of those parks are leased to marinas (Howard Cove and Jordan). Six areas were converted to lake access only after Park Operations Efficiency Reviews were conducted. Recreation fees collected at Norfolk Lake exceed \$500,000 annually. Other recreation in the form of fishing, boating, other water sports, overnight camping, day use, and hunting also exist at Norfolk Lake.

## **4.0 ENVIRONMENTAL CONSEQUENCES**

### **4.1 Land Use**

The proposed action of constructing a fish life support facility and other recreational improvements within Panther Bay Park will not change the present land use of the existing park or surrounding area. The Norfolk Lake Master Plan and land use maps for Panther Bay Park designates and illustrates the area for project operations and recreation intensive use. Any future changes or additions of land to the park may require environmental review before actions may be taken and must conform to all U.S. Army Corps of Engineers Master Plans (MP) and Operational Management Plans (OMP).

### **4.2 Water Resources**

A short-term insignificant adverse impact on the water resources could result due to the construction of the proposed facilities. However, all Best Management Practices (BMP's) will be followed to prevent erosion/sedimentation and all Section 404 and NPDES permits will be received prior to construction. Adequate drainage and barriers to prevent runoff will be addressed in design and construction practices.

If any special hydropower operations are required during construction of the new facilities, the Corps will coordinate with Southwestern Power Administration 21 days in advance. For any activities that require a drawdown of the lake, the Corps will attempt to schedule such work between September and November.

### **4.3 Cultural Resources**

No cultural resources were recorded or observed. Therefore, no cultural resources will be impacted by the actions proposed in this EA.

#### **4.3.1 Archeological Investigations at Panther Bay**

The Little Rock District Archeologist made a site visit November 21, 2013 and excavated five negative shovel tests within the proposed footprint of the structure and visually inspected the survey area. There are severe impacts due to the development of the Panther Bay Park such as a small class A campground comprised of 15 campsites having electrical hookups, shared water hydrants, and a small 2-unit shower/restroom. No cultural resources were discovered as a result of this survey. Given the previous documentation of this area and the degree of disturbance by



construction of public use facilities in Panther Bay Park, this undertaking will have no adverse effect to historic properties. These findings were submitted to the Arkansas State Historic Preservation Office and Federally Recognized Tribes on November 27, 2013.

#### **4.3.2 Recorded Cultural Resources at Panther Bay**

As a result of this survey performed by the District Archeologist in November 2013, no cultural resources were identified and no impact is expected as a result of this determination.

### **4.4 Biological Resources**

#### **4.4.1 Vegetation**

No action presented in this EA would have significant impacts to any aquatic or terrestrial vegetative resources located in the Norfolk Lake area or Panther Bay Park.

#### **4.4.2 Fish and Wildlife**

No action presented in this EA would have significant impacts to any fish or wildlife habitat located in the project area. A goal of utilizing the fish life support facility would be to increase the survivability of caught fish and release them back into the lake's environment in better condition providing a positive impact to the fishery. The fish life support system will consist of a series of temperature-controlled tanks with intense aeration to ensure fish survivability, which will be a positive impact as a result of the actions proposed in this EA. The AGFC has no objections to actions presented in this EA.

#### **4.4.3 Threatened and Endangered Species**

According to the USFWS records, there are no federally listed or proposed threatened and endangered species occurring in the impact area of the project (Panther Bay Park). However, the American bald eagle (*Haliaeetus leucocephalus*) does inhabit areas along Norfolk Lake. The closest American bald eagle nest is approximately 1/3 mile from the project site and the construction activities will not impact the eagles' habitat.

The MDC has listed the Bachman's Sparrow as a state-listed endangered species. This medium sized sparrow is known to inhabit dry, open oak woodlands and overgrown fields. It is a ground nesting and ground feeding bird that focuses on insects and seeds. There are no known sightings of this species in the impact area.

The yellow cheek darter is endemic to the area. Since the impoundment and creation of Norfolk Lake, the yellow cheek's habitat and population has been fragmented and these populations are now isolated within the tributaries. The yellow cheek darter is currently listed as a candidate species for consideration to be listed as threatened or endangered by the Service under the Endangered Species Act. The yellow cheek darter is absent in the impact area of the project.

There are no known endangered or threatened species in the proposed work area, therefore no action presented in this EA would have significant impacts to any threatened or endangered species.

#### **4.4.4 Wetlands**

No wetlands exist in the proposed action area; therefore, no impacts to any wetlands would occur.

#### **4.5 Hazardous, Toxic, and Radioactive Wastes (HTRW)**

No action presented in this EA would have any significant impacts on any hazardous, toxic, or radioactive wastes in the project area since none occur.

#### **4.6 Air Quality**

No impacts to air quality will occur due to the proposed action.

#### **4.7 Noise**

Norfolk Lake is a popular boating destination. No impacts above what already exist will occur due to the proposed action in this EA.

#### **4.8 Socioeconomics**

The facilities will serve as a focal point for the local community to gather and host fishing tournaments. Another benefit will be that the constructed facilities will provide fishing tournament anglers and members of the general public a safe place to gather in case of inclement weather during fishing tournaments. The community will likely see positive impacts on social and economic conditions due to the increased visitation to the area as a result of the fish life support facility and construction/rehabilitation of park facilities. The no action alternative is potentially a negative impact as it could likely result in less revenue for the community and the opportunity for community cohesion may not evolve.

#### **4.9 Recreation**

Increases in park camping, day use and visitation are likely to be the major benefits of the proposed action. The potential for increased camping and day use fees would be realized with the addition of the proposed project. The improvement in park facilities and opportunities for increased recreational pursuits by the general public would have a positive impact. The Arkansas Department of Parks and Tourism (ADOPT) concurs and says in its consultation letter, “we feel these upgrades will not only enhance, but also increase the opportunities for outdoor recreation and tourism”. Failure to implement the proposed actions could have a negative impact on recreation in the area.

#### **4.10 Cumulative Impacts**

The proposed action in the EA would likely not result in significant impacts to the human environment. However, failure to implement the actions proposed in this EA could have a negative impact on the community since the opportunity for the visiting public will remain stagnant. By implementing the actions proposed in the EA, opportunity for growth and community cohesion will exist, which, in turn is likely to increase revenues and area growth providing a positive impact.

**TABLE 1**  
**COMPARATIVE IMPACTS OF ALTERNATIVES**

<b>ATTRIBUTE</b>	<b>NO ACTION</b>	<b>PROPOSED ACTION</b>
<b>Land Use</b>	<b>N/A</b>	<b>N/A</b>
<b>Water Resources</b>	<b>N/A</b>	<b>-S</b>
<b>Cultural Resources</b>	<b>N/A</b>	<b>N/A</b>
<b>Biological Resources</b>	<b>N/A</b>	<b>+ S/L</b>
<b>HTRW</b>	<b>N/A</b>	<b>N/A</b>
<b>Air Quality</b>	<b>N/A</b>	<b>N/A</b>
<b>Noise</b>	<b>-S/L</b>	<b>-S/L</b>
<b>Socioeconomic</b>	<b>-L</b>	<b>+S/L</b>
<b>Recreation</b>	<b>-L</b>	<b>+S/L</b>
<b>Cumulative Impacts</b>	<b>-L</b>	<b>+S/L</b>

\* Requirements of PL 91-611, Section 122, Rivers & Harbors Act of 1970.

+ = Positive Impact ++ = Significant Positive Impact

- = Negative Impact -- = Significant Negative Impact

S = Short Term Effect L = Long Term Effect N/A = Not Applicable

## 5.0 FINDINGS

The proposed action to rehabilitate existing recreational structures/sites and construct a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake has been evaluated in this EA. There have been no significant impacts to the human environment identified from this assessment.

## 6.0 COORDINATION

U.S. Fish and Wildlife Service –  
Arkansas Department of Environmental Quality -  
Arkansas Department of Health -  
Arkansas Department of Parks and Tourism -  
Arkansas Game and Fish Commission  
Arkansas Historic Preservation Program -  
Southwestern Power Administration –  
Coordination with the above agencies will be conducted by letter.

## **7.0 LIST OF PREPARERS**

1. Mark Eddings, Natural Resource Specialist, Norfolk Project Office, U.S. Army Corps of Engineers, Little Rock District.
2. Jon Hiser, Natural Resources Manager, Norfolk Project Office, U.S. Army Corps of Engineers, Little Rock District.
3. Jason Gramlich, Natural Resource Specialist, Operations Technical Support, U.S. Army Corps of Engineers, Little Rock District.
4. Rodney Parker, Archeologist, Environmental Section, Planning and Environmental Division, U.S. Army Corps of Engineers, Little Rock District.
5. Bob Singleton , NEPA Specialist, Environmental Section, Planning and Environmental Division, U. S. Army Corps of Engineers, Little Rock District.
6. , Assistant District Counsel, Office of Counsel, U.S. Army Corps of Engineers, Little Rock District.

## APPENDIX A      COORDINATION LETTERS



January 27, 2014

Mr. Richard W. Davies  
Executive Director  
Arkansas Department of Parks and Tourism  
#1 Capitol Mall, Rm 4A-900  
Little Rock, AR 72201

Dear Mr. Davies:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfolk Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50'), converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at [mark.eddings@usace.army.mil](mailto:mark.eddings@usace.army.mil).

Sincerely,

Encls

Tracy N. Fancher  
Operations Manager  
Mountain Home Project Office

January 27, 2014

Dr. Paul K. Halverson  
Director of Health  
Arkansas Department of Health  
4815 West Markham  
Little Rock, AR 72205

Dear Dr. Halverson:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfork Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfork Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50'), converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at [mark.eddings@usace.army.mil](mailto:mark.eddings@usace.army.mil).

Sincerely,

Encls

Tracy N. Fancher  
Operations Manager  
Mountain Home Project Office

January 27, 2014

Mr. Mike Knoedl  
Director  
Arkansas Game and Fish Commission  
#2 Natural Resources Drive  
Little Rock, AR 72205

Dear Mr. Knoedl:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfolk Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50'), converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at [mark.eddings@usace.army.mil](mailto:mark.eddings@usace.army.mil).

Sincerely,

Encls

Tracy N. Fancher  
Operations Manager  
Mountain Home Project Office



January 27, 2014

Ms. Frances McSwain  
Director  
Arkansas Historic Preservation Program  
1500 Tower Building, 323 Center Street  
Little Rock, AR 72201

Dear Ms. McSwain:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfolk Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50'), converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at [mark.eddings@usace.army.mil](mailto:mark.eddings@usace.army.mil).

Sincerely,

Encls

Tracy N. Fancher  
Operations Manager  
Mountain Home Project Office

January 27, 2014

Mr. George Robbins  
Southwestern Power Administration  
One West Third Street  
Tulsa, OK 74103-3519

Dear Mr. Robbins:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfolk Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50'), converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at mark.eddings@usace.army.mil.

Sincerely,

Encls

Tracy N. Fancher  
Operations Manager  
Mountain Home Project Office

January 27, 2014

Mr. Jim Boggs  
Arkansas Field Supervisor  
U.S. Fish and Wildlife Service  
110 South Amity Road, Suite 300  
Conway, AR 72032

Dear Mr. Boggs:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfolk Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50'), converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at [mark.eddings@usace.army.mil](mailto:mark.eddings@usace.army.mil)

Sincerely,

Encl

Tracy Fancher  
Operations Manager  
Mountain Home Project Office



January 27, 2014

Ms. Teresa Marks  
Director  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
Little Rock, AR 72118-5317

Dear Ms. Marks:

The Little Rock District, U.S. Army Corps of Engineers (USACE) proposes to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake.

The proposed project includes rehabilitating/upgrading existing structures in Panther Bay Park on Norfolk Lake and the construction of several new features on approximately 16 acres of the park's southeastern boundary. The new construction will include two multi-lane concrete boat launch ramps (approximately 42'x80'), three concrete courtesy dock ramps, paved parking lots (300'x320' and 90'x320') and the installation of rip rap along the edge of the ramps for erosion control. Plans also call for construction of a modern fishing tournament weigh-in facility (approximately 42'x50)', converting a vault toilet to a waterborne facility, and a paved road (approximately 30' x500') to the facilities which will also serve as an entrance/exit to the area from the state highway, a boat landing area, as well as electricity and water services to the facilities. All actions will be limited to the land and facilities as shown on the attached map.

Panther Bay Park is located off US Highway 62/412 approximately 6 miles east of the city of Mountain Home, Arkansas. This area is designated for Recreation Intensive Use in the project master plan. The total designated park area contains approximately 270 acres above the top of the conservation pool. The portion of the park that will be impacted by this construction is approximately 16 acres in the southeastern section of the park near the designated campground. Recreational facilities at this location include 15 campsites with paved turnouts and electrical outlets, one water-borne toilet, one vault toilet, seven picnic sites, and one paved lakeside parking area.

The Corps of Engineers is requesting information and comments that would assist in the preparation of an Environmental Assessment for the proposed project. Please submit any information your agency may have by March 2, 2014 to the Mountain Home Project Office, 324 West 7<sup>th</sup> Street, Mountain Home, Arkansas 72653. If your comments are not received by this date, we will assume that your agency has no comments on the proposed action.

Our POC for this study is Natural Resource Specialist Mark Eddings. He may be reached at (501) 340-1401, or email at [mark.eddings@usace.army.mil](mailto:mark.eddings@usace.army.mil).

Sincerely,

Encls

Tracy N. Fancher  
Operations Manager  
Mountain Home Project Office



February 12, 2014

Mark Eddings, Natural Resource Specialist  
Mountain Home Project Office  
324 West 7<sup>th</sup> Street  
Mountain Home, Arkansas 72653

RE: Panther Bay Park on Norfolk Lake  
City of Mountain Home, Baxter County, AR

Dear Mr. Eddings:

Your recent request for comments on the referenced project has been considered. Regarding the proposed rehabilitation of existing structures and new construction of various recreational improvements; the Water Division requires the project team to consider:

- Compliance with the requirements of the NPDES Stormwater Program,
- Short Term Activity Authorization prior to working in wetted areas of the lake,
- And, incorporating best management practices into the design to minimize impacts to surface waters.

If you have any questions concerning water regulations, please contact Mark Hathcote at (501) 682-0028 or Mo Shafii at (501) 682-0616. Thank you for the opportunity to comment.

Sincerely,  
Arkansas Department of Environmental Quality

/s/ Nathaniel P. Nehus /s/

Nathaniel P. Nehus  
Ecologist  
Water Division

**Eddings, John M (Mark) SWL**

---

**From:** Taylor Brown [Taylor.Brown@arkansas.gov]  
**Sent:** Wednesday, February 05, 2014 8:16 AM  
**To:** Eddings, John M (Mark) SWL  
**Cc:** Marty Morgan; Darcia Routh  
**Subject:** [EXTERNAL] RE: re: Rehab/upgrades at Panther Bay

Mr. Eddings,

Alterations to the water system would require a plan submittal. I can forward the submittal forms and instructions for that, if needed. The correspondence specifically requested comments relating to an Environmental Assessment. For that, I have forwarded the letter to Darcia Routh at our office.

Taylor Brown, PE  
Water Quality Engineer  
Arkansas Department of Health  
4815 W. Markham St., Slot 37  
Little Rock, AR 72205-3867  
501.661.2699  
Fax: 501.661.2032



## Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Mike Beebe

Nathaniel Smith, MD, MPH, Director and State Health Officer

Engineering Section, Slot 37  
www.HealthyArkansas.com/eng/

Ph 501-661-2623  
After Hours Emergency 501-661-2136

Fax 501-661-2032

November 19, 2013

Mr. Michael Cantrell  
Arkansas Game and Fish Commission  
PO Box 729  
Calico Rock, AR 72519


RE: Proposed Norfolk Lake Boat Launch Facility, Baxter County, Arkansas

Dear Mr. Cantrell,

A staff review has been made of the information received on the referenced project. The proposed project will take place in source water protection areas for public water sources used by USACOE Panther Bay, Mountain Home Waterworks, and Sunrise Point Resort. Best management practices should be utilized to prevent any sediment or other contaminant from entering the lake during construction. Furthermore, we request that the aforementioned operations be notified before construction has started.

If you have any questions or comments, please coordinate them through Brad Jones at 501-661-2067.

Sincerely,

  
Lyle Godfrey, P.E.  
Chief, Technical Support  
Engineering Section

CC: Mountain Home Waterworks, 720 S Hickory, Mountain Home, AR 72653  
USACOR NFW15 Panther Bay, 324 West 7<sup>th</sup>, Mountain Home, AR 72653 ✓  
Sunrise Point Resort, 88 Sunrise Point Lane, Mountain Home, AR 72653  
Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203

LG:DR:bj



**DEPARTMENT OF  
PARKS & TOURISM**

1 Capitol Mall  
Little Rock, AR 72201  
501-682-7777

Great River Road Division  
501-682-1120  
Arkansas.com

History Commission  
501-682-6900 (TDD)  
Ark-ives.com

Human Resources Section  
501-682-7742 (TDD)

Keep Arkansas  
Beautiful Division  
501-682-3507 (TDD)  
KeepArkansasBeautiful.com

State Parks Division  
501-682-1191 (TDD)  
ArkansasStateParks.com

Tourism Division  
501-682-7777 (TDD)  
Arkansas.com

**Mike Beebe  
GOVERNOR**

**Richard W. Davies  
EXECUTIVE DIRECTOR**

**DIVISION DIRECTORS**

Cynthia Dunlap  
ADMINISTRATION

Greg Butts  
STATE PARKS

Joe David Rice  
TOURISM

Maria Cichar  
GREAT RIVER ROAD

Dr. Wendy Richter  
HISTORY COMMISSION

Robert Phelps  
KEEP ARKANSAS  
BEAUTIFUL

**AN EQUAL  
OPPORTUNITY/  
AFFIRMATIVE ACTION/  
AMERICANS WITH  
DISABILITIES ACT  
EMPLOYER**



February 3, 2014

Mr. Mark Eddings  
Natural Resource Specialist  
Mountain Home Project Office  
324 West 7<sup>th</sup> Street  
Mountain Home, AR 72653

RE: Rehabilitating/Upgrading structures  
Panther Bay Park on Norfolk Lake  
Baxter County, AR  
ORGP 14-008

Dear Mr. Eddings,

We appreciate the opportunity to comment on Little Rock District, U.S. Army Corps of Engineers proposal to rehabilitate existing structures and construct a new boat launch, a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfolk Lake in Baxter County, Arkansas.

As the overall purpose of the project is to provide public boat access ramps and courtesy docks along with a modern fishing tournament weigh-in facility and additional supporting structures, we feel that these upgrades will not only enhance, but also increase the opportunities for outdoor recreation and tourism. With that being said, we do not foresee a conflict with this project.

If you have any questions or require additional assistance, please feel free to contact me at 501-682-6947 or [amanda.b.jones@arkansas.gov](mailto:amanda.b.jones@arkansas.gov).

Sincerely,

Amanda B. Jones  
Environmental Review Coordinator  
Project Officer, Region 1  
Outdoor Recreation Grants Program

## APPENDIX B      ACRONYMS AND ABBREVIATIONS

## **ACRONYMS AND ABBREVIATIONS**

<b>ADOPT</b>	<b>Arkansas Department of Parks and Tourism</b>
<b>AGFC</b>	<b>Arkansas Game and Fish Commission</b>
<b>AQCR</b>	<b>Arkansas Interstate Air Quality Control Region</b>
<b>BMP</b>	<b>Best Management Practice</b>
<b>CAA</b>	<b>Clean Air Act</b>
<b>CEQ</b>	<b>Council on Environmental Quality</b>
<b>Corps</b>	<b>U.S. Army Corps of Engineers</b>
<b>DEQ</b>	<b>Arkansas Department of Environmental Quality</b>
<b>FONSI</b>	<b>Finding of No Significant Impact</b>
<b>HTRW</b>	<b>Hazardous, Toxic, and Radioactive Wastes</b>
<b>HUC</b>	<b>Hydrologic Unit Code</b>
<b>MAPS</b>	<b>Monitoring Avian Productivity and Survivorship Program</b>
<b>MDC</b>	<b>Missouri Department of Conservation</b>
<b>MP</b>	<b>Master Plan</b>
<b>NEPA</b>	<b>National Environmental Policy Act</b>
<b>OMP</b>	<b>Operational Management Plan</b>
<b>NPDES</b>	<b>National Pollution Discharge Elimination System</b>
<b>PAS</b>	<b>Preliminary Assessment Screening</b>
<b>SIPS</b>	<b>State Implementation Plans</b>
<b>SWPA</b>	<b>Southwest Power Administration</b>
<b>USDOC</b>	<b>U.S. Department of Commerce</b>



**ACRONYMS AND ABBREVIATIONS (continued)**

<b>USFG</b>	<b>U.S. Fish and Wildlife Service</b>
<b>USGS</b>	<b>U.S. Geological Survey</b>
<b>WMA</b>	<b>Wildlife Management Area</b>

## APPENDIX C      PRELIMINARY ASSESSMENT SCREENING (PAS)

**PRELIMINARY ASSESSMENT SCREENING  
(PAS)**

PROJECT: NORFORK LAKE

LOCATION: Panther Bay Park (Modernization)

NF TRACT#: Tracts 207-1 thru 208-1D

A site investigation revealed no evidence that hazardous substances have been stored, released, or disposed of on the property involved. No unusual odors, suspicious seepage, or other evidence of the presence of hazardous waste were observed. No artifacts, historical resources, or other cultural resources were observed.

  
INSPECTOR/NATURAL RESOURCE SPECIALIST

20 March 2014  
DATE

## APPENDIX D      30 DAY PUBLIC REVIEW PERIOD COMMENTS AND RESPONSES

APPENDIX E

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

## FINDING OF NO SIGNIFICANT IMPACT

**NAME OF PROPOSED ACTION:** Panther Bay Park, Norfork Lake, Baxter County, Arkansas

**PURPOSE AND NEED FOR THE PROPOSED ACTION.** The U.S. Army Corps of Engineers, Little Rock District, proposes to rehabilitate existing recreational structures/sites and construct a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfork Lake. The facilities will serve as a focal point for the local community for various recreational opportunities. By implementing the actions proposed in the Environmental Assessment (EA), opportunities will exist for the development of positive community relations, improve fish health and survival, and potential economic growth for the local area.

The proposed project includes rehabilitating existing structures in Panther Bay Park and constructing additional recreation facilities within the boundaries of the park including: a vault toilet to flush toilet conversion, a prefabricated metal building (approximately 42x50), paved parking lots, paved roads, a six-lane boat launching ramp, boat landing areas, electricity and water services and a new access road to the boat launch area. Project construct will be completed in two phases.

Phase 1 will be completion of a tournament weigh-in facility and will be a cooperative effort between the Corps, AGFC, Local Bass Clubs, and volunteers. Funding and construction of phase 1 will be accomplished by AGFC. Maintenance and operation of the facilities will remain with Corps.

Phase 2 will include construction of a tournament weigh-in facility to include a metal building equipped with tanks, pumps and other equipment required to maintain fish during the weigh-in process. This phase will also convert an existing vault toilet to a waterborne facility. Funding and construction of phase 1 will be accomplished by AGFC. Maintenance and operation of the facilities will remain with Corps.

**ALTERNATIVES.** The following alternatives were evaluated in detail in the attached EA:

Proposed Action: The U.S. Army Corps of Engineers, Little Rock District, proposes to rehabilitate existing recreational structures and sites, and construct a modern fishing tournament weigh-in facility and other associated recreational improvements at Panther Bay Park on Norfork Lake. The proposed project includes rehabilitating existing structures in Panther Bay Park and constructing additional recreation facilities within the boundaries of the park including a vault toilet to flush toilet conversion, a prefabricated metal building (approximately 42x50), paved parking lots, paved roads, a six-lane boat launching ramp, boat landing areas, electricity and water services and a new access road to the boat launch area.

No Action: Acceptance of a 'no-action' plan would result in no new construction of additional recreational facilities in Panther Bay Park. The “no action” alternative would reduce potential outdoor recreational opportunities for the general public. The “no action” alternative would also limit the opportunities that might exist for the development of positive community relations and potential economic growth for the local area.

No additional alternatives were evaluated as this is the only acceptable site that meets the needs of a centrally located existing park area with ready access via state highways, suitable slope and elevation above the normal conservation pool for high water access, and room for such an expansion of services. No other parks on Norfolk Lake meet these requirements.

### **ANTICIPATED ENVIRONMENTAL IMPACTS:**

Consideration of the effects disclosed in the EA, and a finding that they are not significant, is necessary in order to prepare a Finding of No Significant Impact (FONSI). This determination of significance is required by 40 CFR 1508.13. Additionally, 40 CFR 1508.27 defines significance as it relates to consideration of environmental effects of a direct, indirect or cumulative nature.

Criteria that must be considered in making this finding are addressed below, in terms of both context and intensity. The significance of both short and long term effects must be viewed in several contexts: society as a whole (human, national); the affected region; the affected interests; and the locality. The context for this determination is primarily local, as shown in Figure 1 of the EA. The context for this action is not highly significant geographically, nor is it controversial. Consideration of intensity refers to the magnitude and intensity of impact, where impacts may be both beneficial and adverse. Within this context, the magnitude and intensity of impacts resulting from this decision are not significant. The determination for each impact topic is listed below.

1. **The degree to which the action results in both beneficial and adverse effects. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.** The EA indicates that there will be beneficial economic effects and improved availability of public recreational facilities. If the No Action alternative is implemented, beneficial impacts for wildlife and natural resources will result although minor in intensity.
2. **The degree to which the action affects public health or safety.** Implementing the Proposed Action would not create hazardous conditions affecting public health or safety.
3. **The degree to which the action affects unique characteristics of the potentially affected area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** The Little Rock District Archeologist surveyed the project area on February 11, 2005. No archeological resources were recorded or observed. No other unique characteristics or resources have been identified in the project area.

4. **The degree to which effects on the quality of the human environment are likely to be highly controversial.** The proposed improvements will benefit the public therefore the U. S. Army Corps of Engineers, Little Rock District does not regard this activity as controversial, and the public response (comments from individuals/organizations/agencies) to the EA proved the proposed activity is not controversial.
5. **The degree to which the possible effects on the human environment is highly uncertain or involve unique or unknown risks.** There is no uncertainty involving the impacts of this action. The facilities and resources are to be maintained in a similar manner as existing facilities.
6. **The degree to which the action may establish a precedent for future actions with significant impacts.** The rehabilitation of existing structures and the construction of recreation facilities are consistent with Little Rock District policies and do not alone establish precedent for future actions that may have significant impacts.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** Cumulative effects analyses for the physical and biological resources that would potentially be affected are presented in the EA. Cumulative effects on these resources focus on impacts to wildlife, endangered species, and socioeconomics. The Proposed Action would not result in any significant cumulative impacts in regard to any reasonably foreseeable action in the project area.
8. **The degree to which the action may adversely affect items listed or eligible for listing in the National Register of Historic Places, or other significant scientific, cultural or historic resources.** Neither the proposed action nor the no action alternative will have adverse effects on cultural resources. There are already severe impacts to the work zone due to the development of the Panther Bay Park including the construction of a small Class A campground comprised of 15 campsites having electrical hookups, shared water hydrants, and a small 2-unit shower/restroom building. The Little Rock District Archeologist surveyed the project area on November 21, 2013. No archeological or historical resources were recorded or observed. Given the documentation of this area and the degree of disturbance by the construction of public use facilities in the park, this undertaking will have no adverse effect to historic properties. These findings were submitted to the Arkansas State Historic Preservation Office and Federally Recognized Tribes on November 27, 2013.
9. **The degree to which the action may adversely affect an endangered or threatened species or its critical habitat.** According to the United States Fish and Wildlife Service (USFWS) records, there are no federally listed or proposed threatened and endangered species occurring in the impact area of the project (Panther Bay Park). However, the American bald eagle (*Haliaeetus leucocephalus*) does inhabit areas along Norfork Lake.



The closest American bald eagle nest is approximately 1/3 mile from the project site and the construction activities will not impact the eagles' habitat. None of the construction activity or normal use of the park is within line of sight of the nest, therefore, no further consultation regarding Section 7 of the Endangered Species Act is required.

The yellow cheek darter is endemic to the area. Since the impoundment and creation of Norfolk Lake, the yellow cheek's habitat and population has been fragmented and these populations are now isolated within the tributaries. The yellow cheek darter is currently listed as a candidate species for consideration to be listed as threatened or endangered by the Service under the Endangered Species Act. The yellow cheek darter is not in the impact area of the project.

The MDC has listed the Bachman's Sparrow as a state-listed endangered species. This medium sized sparrow is known to inhabit dry, open oak woodlands and overgrown fields. It is a ground nesting and ground feeding bird that focuses on insects and seeds. There are no known sightings of this species in the impact area.

- 10. Whether the action threatens a violation of Federal, State or local law or requirements imposed for the protection of the environment.** No such violations will occur. Under the terms of the Federal Clean Water Act and amendments, this action will require a Section 404 authorization and a National Pollutant Discharge Elimination System (NPDES) permit to discharge storm water during construction. The section 404 permit and the NPDES permit will be obtained before construction. All structures will be constructed above elevation 557' msl with the exception of the boat ramp. If any special hydropower operations are required during construction of the new facilities, the Corps will coordinate with Southwestern Power Administration 21 days in advance. For any activities that require a drawdown of the lake, the Corps will attempt to schedule such work between September and November.

## **CONCLUSIONS:**

The impacts identified in the prepared EA have been thoroughly discussed and assessed. No impacts identified in the EA would cause any significant adverse effects to the human environment. Therefore, due to the analysis presented in the EA and comments received from a 30-day public review period that began on \_\_\_\_\_, 2014 and ended on \_\_\_\_\_, 2014, it is my decision that the preparation of an Environmental Impact Statement (EIS) as required by the National Environmental Policy Act (NEPA) is unwarranted and a "Finding of No Significant Impact" (FONSI) is appropriate. The signing of this document indicates the Corps' final decision on the proposed action as it relates to NEPA. The EA and FONSI will be held on file in the Environmental Section, Planning Branch, Planning, Environmental, and Regulatory Division for future reference. Consultation with regulatory agencies will be ongoing to ensure compliance with all federal, state, regional, and local regulations and guidelines.

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Date

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Courtney W. Paul  
Colonel, US Army  
District Engineer