

DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

NAME OF PROPOSED ACTION: Millwood Lake Shoreline Management Plan (SMP) Update

PURPOSE AND NEED FOR THE PROPOSED ACTION

This revised Shoreline Management Plan is the required U.S. Army Corps of Engineers (Corps) approval document (Title 36, Section 327.30 and ER 1130-2-406) that protects and manages shorelines of USACE Civil Works water resource development projects under Corps jurisdiction in a manner that promotes safe and healthful public use of shorelines while maintaining environmental safeguards. The objectives of management actions in this SMP are to balance permitted private uses and natural resource protection for general public use. This SMP revision replaces the last updated 2012 Millwood Lake SMP.

With the proposed Shoreline Management Plan revision, the U.S. Army Corps of Engineers, Little Rock District, has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (EA), dated June 30, 2022, for the Millwood Lake Shoreline Management Plan Revision, addresses the alternatives that would evaluate existing conditions and potential impacts of land allocations considered in the listed alternatives. Millwood Lake is located in the Gulf Coastal Ecoregion in southwest Arkansas in Howard, Hempstead, Little River, and Sevier counties. The final recommendation is contained in the report of the Chief of Engineers, dated June 30, 2022.

The Final EA, incorporated herein by reference, evaluated two alternatives. The recommended plan is the implementation of Alternative 2, as follows:

Preferred (Alternative 2): The Preferred Alternative land allocation will reduce the LDA to 0.2 miles of shoreline, representing 0.1% of the total shoreline miles. Public Recreation Areas (PRA) are reduced to 26.3 miles (5.9%), the Protected lands allocation is increased to 411.3 miles (92.8%), while Prohibited lands comprise 5.4 miles or 1.2% of the total 443.3 miles of shoreline.

The major changes from the No Action (2012 SMP) to the Preferred Alternative are noted as follows:

Shoreline Allocations (Zoning)

- Park Buffers allocation name changed to Public Recreation Areas
- Certain Public Recreation Areas around the lake have been reduced, thus allowing the potential for vegetation permits in some areas where previously not allowed.
- Certain LDAs have been reduced due to no expected or potential for development around the lake.

Private Floating Facilities (Docks)

- Two printed and one electronic set of engineer-stamped plans of the entire facility are required for new and any modifications to existing facilities. In addition to the actual structure, plans must include all amenities, including but not limited to, lockers/storage, PWC moorage, and solar battery storage.

- Maximum size slip has changed from “the minimum size required to moor the owners’ vessel and not to exceed 3’ beyond the vessel’s length” to 12’ x 30’.
- Maximum walkway length changed from 50’ to 60’.
- Only alternative power sources (e.g.solar) will be allowed for new floating facilities or those existing facilities without service. Existing docks can maintain electrical systems as previously approved. Docks with overhead or underground electrical systems may be modified to accommodate additional electrical needs.
- Roofs must be unpainted or manufactured roofs must be black, blue, gray, tan, green, or brown (in natural tones).
- Permit applicants must own at least 75 feet of common boundary (within limited development areas) to be considered for a dock.
- Perpetual Easements will no longer be accepted as legal access for a new dock.

Vegetation Modification Permits

- Mowing and/or underbrushing will not be permitted across any natural or manmade break in vegetation such as a road, creek, electric distribution line, etc.
- Vegetation modification permits may allow the removal of a tree or shrub 2 inches or less in diameter at ground level.

Other Permits/Outgrants

- Duck blinds must be portable and removed from project lands on a daily basis
- No ski course permits will be issued.
- New outgrants will not be issued for residential amenities such as steps, stairs, water lines, tramways or private electrical service lines that have not previously been issued an outgrant.

The components of the No Acton alternative are described in Section 3.1 of the EA.

ANTICIPATED ENVIRONMENTAL IMPACTS: Consideration of the effects disclosed in the EA, and a finding that they are not significant, is necessary to prepare a 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. The context for this action is not highly significant geographically, nor is it controversial in any significant way. 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. Existing conditions at the lake allow for some continued development around the lake, but it should be noted that reallocation of lands under the Preferred Alternative would enhance water quality by reducing available LDA and PRA shoreline miles and converting 3.8 miles of Unsuitable LDA lands to the Protected lands allocation, thereby retaining more of the natural shoreline vegetation. Approximately 92.5% of the linear shoreline would have a natural vegetated shoreline due to these land reallocations identified in the Preferred Alternative. There would be insignificant impacts to climate, topography, geology and soils under this alternative. The aquatic environment of the lake should benefit from a potential reduction in storm water runoff velocity, reduced sedimentation, improved water quality, and a cleaner substrate for macroinvertebrate production and fish spawning activity. This alternative would also enhance wildlife foraging and movement patterns, offer more protection for threatened and endangered species that inhabit the area, and result in minimal impacts to cultural resources. A provision for additional potential development opportunities coupled with an abundance of lands remaining in their natural condition would balance and enhance recreational experiences, which would potentially stimulate the socio-economics of the area. This balanced approach should provide a safe and aesthetically pleasing recreational experience for the public that visits and/or lives at Millwood Lake.

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

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 Arkansas Department of

Energy and Environment (ADEE) has classified Millwood Lake as a Type E waterbody. Implementation of the Preferred Alternative is not anticipated to have any significant effect on the current classification of Millwood Lake. There would be no effect on cultural resources with implementation of an updated Shoreline Management Plan. Individual requests for use of project lands would be evaluated on a case-by-case basis to ensure compliance with the National Historic Preservation Act. Park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas will not be impacted by implementation of the preferred alternative.

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

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

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

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Although additional individual actions can be assumed with this preferred alternative, no cumulative significant impacts are anticipated with this action.

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. The preferred alternative does not directly threaten impact to any historic properties or other significant scientific, cultural, or historical resources. Coordination with Federal, State, and local agencies and Federally Recognized Tribes will be utilized to avoid, minimize or mitigate potential unforeseen impacts.

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

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. All applicable Federal, state or local laws and regulations will be complied with during the implementation of the action.

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 four public comment periods (October 21, 2021 through December 6, 2021, January 10, 2022 through February 8, 2022, February 15, 2022 through March 16, 2022, and from April 12, 2022 through May 11, 2022), 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 of the proposed action as it relates to NEPA. The EA and FONSI will be held on file in the Civil Works Branch, Programs and Project Management Division of the Little Rock District, Corps of Engineers for future reference. Consultation with regulatory agencies will be ongoing to ensure compliance with all federal, state, regional, and local regulations and guidelines.

Date

JAMES M. SCHULTZE, P.E.
COL, EN
Commanding