

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

NAME OF PROPOSED ACTION: Norfolk Lake Master Plan Revision

PURPOSE AND NEED FOR THE PROPOSED ACTION

The revised Master Plan updates Design Memorandum No. 1-E, Updated Master Plan for Development and Management of Norfolk Lake approved in 1988. The Master Plan is the strategic land use document that guides the comprehensive management and development of all recreational, natural, and cultural resources throughout the life of the water resource project. It is a vital tool for the efficient and cost-effective stewardship and sustainability of project resources for the benefit of present and future generations.

With the proposed Master Plan revision, an Environmental Assessment (EA) was completed to evaluate existing conditions and potential impacts of proposed alternatives. The EA is prepared pursuant to the National Environmental Policy Act (NEPA), CEQ regulations (40 CFR, 1500–1517), and the Corps implementing regulation, Policy and Procedures for Implementing NEPA, ER 200-2-2, 1988.

ALTERNATIVES: A No Action Alternative, an Increase Conservation Alternative, an Increase Preservation Alternative, and a Modified Increase Conservation Alternative were evaluated in the Environmental Assessment.

No Action (Alternative 3) - The No Action Alternative land classification, which is based on the 1988 master plan, does not accurately reflect the land use activities or resource management of the lake. In addition, this alternative does not address resource management laws, policies, and regulations that were implemented after the 1988 Norfolk Lake Master Plan.

Operation and management of Norfolk Lake would continue as outlined in the current Master Plan Update, which designates 10,367.3 acres as High Density recreation and 11,965.8 acres as Low Density recreation. This alternative has the potential to allow for increased land and water-based impacts within the Low Density land classification due to the fact this constitutes 37% of available shoreline acreage. There are 7,528.9 acres classified as Environmentally Sensitive areas, 76.7 acres as Project Operations, 2,258.2 acres as Wildlife Management, and 336.5 acres that currently have no allocation. High Density recreation refers to lands developed for intensive recreational activities for the visiting public including day use areas and/or campgrounds. These could include areas for concessions (marinas, commercial concessions, etc), and quasi- public development.

Low Density recreation lands have minimal development or infrastructure that supports a passive public recreational use (e.g. primitive camping, fishing, hunting, trails, wildlife viewing, resorts, etc.).

Environmentally Sensitive areas include those lands where scientific, ecological, cultural, or aesthetic features have been identified. Designation of these lands is not limited to just lands that

are otherwise protected by laws such as the Endangered Species Act, the National Historic Preservation Act or applicable State statutes. These areas must be considered by management to ensure they are not adversely impacted. Typically, limited or no development of public use is allowed on these lands. No agricultural or grazing uses are permitted on these lands unless necessary for a specific resource management benefit, such as prairie restoration. These restoration areas are typically distinct parcels located within another, and perhaps larger, land classification area.

The Project Operations category includes those lands required for the dam, spillway, switchyard, levees, dikes, offices, maintenance facilities, and other areas that are used solely for the operation of the project.

Wildlife Management lands are designated for stewardship of fish and wildlife resources. Vegetative management lands are designated for stewardship of forest, prairie, and other native vegetative cover.

The Selected Alternative (Alternative 4)—This alternative is a modification of the Increase Conservation Alternative 2 (Preferred Alternative) in the EA. Under this alternative, the land classifications would be revised to reflect current management practices and responses to agency and public comments received during the scoping phase. Changes included reclassifying undeveloped High Density land classifications (i.e. future/closed Corps parks) to other land classifications; reclassifying undeveloped Low Density land to Wildlife Management, Project Operations, or Environmentally Sensitive Area; and reclassifying lands that contained active shoreline use permits to Low Density.

The Selected Alternative proposes 2,671.8 acres in High Density recreation, representing a 7,695.6 acre decrease from the No Action Alternative. Low Density lands total 2,136.7 acres, representing a reduction of 9,829.1 acres from the No Action Alternative. The majority of the decrease in High Density and Low Density acreage would be due to reclassification to Wildlife Management (increased from 2,258.2 acres to 20,873 acres). It should be noted that although the total number of acres of Environmentally Sensitive lands would be less under Alternative 4 than under the No Action Alternative, there would still be the same protected shoreline acreage from the combination of Environmentally Sensitive and Wildlife Management lands.

Increase Preservation (Alternative 1)- This alternative would reclassify most Low Density Recreation land, identified under the No Action Alternative, to Environmentally Sensitive Areas. Existing permitted shoreline uses would be grandfathered but there would be no new shoreline use permits issued. This alternative would create the same amount of protected shoreline as Alternative 4 (85%), with approximately 5,000 acres of Low Density land, shown in Alternative 3, would be reclassified as Environmentally Sensitive lands. Under Alternative 1 there would be a total of 14,552.8 acres in the Environmentally Sensitive classification. High Density is reduced from 10,367.3 acres to 2,451.8 acres, while Wildlife Management lands increase from 2,258.2 acres in the No Action (Alternative 3) to 13,246.2 acres in this alternative.

Increase Conservation (Alternative 2) is similar to the Selected Alternative, with differences

being acreage of High Density (2683.8 in Alt. 2, 2671.8 in Alt. 4), and Wildlife Management (20,859.7 in Alt.2, 20,873 in Alt. 4).

ANTICIPATED ENVIRONMENTAL IMPACTS: Consideration of the effects disclosed in the EA, and a finding that they are not significant, are necessary to prepare a FONSI. This determination of no 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 short term 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. The EA indicates that there will be beneficial effects from implementation of the Selected Alternative to terrestrial and aquatic resources. The Selected Alternative would also allow for the continued potential development in low density and high density lands classifications, yielding a balanced approach.

2. The degree to which the action affects public health or safety. No adverse effects to public health or safety will result from the Selected Alternative. Possible adverse environmental effects may occur from implementation of the No Action Alternative due to potential increased development resulting in more people and watercraft on the lake. Possible adverse economic and socioeconomic effects could potentially occur from implementation of Alternative 1, the Increase Preservation Alternative.

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 Selected Alternative does not threaten any known historic properties. Coordination with Federal, State, and local agencies and Federally Recognized Tribes will be required to avoid, minimize or mitigate potential unforeseen impacts. Park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas will not be impacted by implementation of the Selected 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 a balance of terrestrial and aquatic resource preservation with recreation provision. 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 land reclassification around the lake shoreline results in a projection of known and regulated activities as a result of the implementation of the Selected Alternative.

6. The degree to which the action may establish a precedent for future actions with significant impacts. Because the Selected Alternative involves updating the existing Norfolk Lake Master Plan, which provides checks and balances on future lakeshore 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. There are no other known individual actions associated with this project, therefore there are no cumulatively significant impacts identified 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 Selected Alternative does not impact any known historic properties or other significant scientific, cultural, or historical resources. Coordination with Federal, State, and local agencies and Federally Recognized Tribes will be required 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 Selected Alternative should not adversely affect any Threatened & Endangered species, as areas with known T&E species and species habitat are classified as Environmentally Sensitive lands. The listed T & E species in the area include the Gray Bat and Indiana Bat, which are cave-hibernating and roosting species, and the Ozark Hellbender. There are no known hibernaculum caves on the Norfolk Lake project area. Lands adjacent to the Ozark Hellbender habitat, where this T&E species is located are classified as Environmentally Sensitive, allowing for a higher level of protection over other land classifications.

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 a 45-day public review period that began on September 15, 2021 and will end on October 29, 2021, 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 Environmental Branch, Planning and Environmental 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

ERIC M. NOE, PMP
Colonel, EN
Commanding

