

DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

NAME OF PROPOSED ACTION: Table Rock 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 March 1996 Table Rock Lake SMP.

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

ALTERNATIVES: In addition to the preferred alternative (Alternative 4a, "Revised Neutral Change"), a No Growth alternative (#1), a Benefit General Public Use alternative (#2), a No Action alternative (#3), a Neutral Change Alternative (#4), an Accelerated Private Development alternative (#5), and a Maximum Private Growth alternative (#6) were evaluated in the Environmental Assessment.

Alternative 1, No Growth Alternative—The No Growth alternative would allocate 92 percent of shoreline as Protected Areas. There would be no Limited Development Area (LDA) allocation on the lake. Components include no new shoreline use permits issued for any purpose. No new docks, including resorts wanting to convert to a private/community dock, would be allowed on the lake. No new vegetation permits would be issued, nor would there be any new permits for other private recreational facilities (ski courses, etc.) added to the lake. There would be no expansion of, or addition to, existing shoreline use permits, which would include no new boat slips being added, no new personal water craft lifts allowed, and no addition to the current number of existing swim decks. In addition, no new outgrants for private uses would be allowed. All existing permits would be allowed to remain until they no longer meet the permit requirements and or the permit is revoked or terminated.

Alternative 2, Benefit General Public Use Alternative – In this alternative, shoreline allocations are very similar to the shoreline allocations in Alternative 3, No Action. The most substantial difference in allocations is the removal of Resort, Community Dock Only, and Courtesy Dock only allocations, converting these allocated areas to LDA, Restricted Limited Development Areas (RLDA), or Public Recreation Areas (PRA), as appropriate. Components of this alternative include: No allowance of rezoning requests; required parking for new docks to be within 200 feet of dock; a cap on total slip number; no PWC lifts on outside of dock; no new slip

boarding allowed; new docks limited to two slips; new courtesy docks in LDA only; maximum new slip size is 12 feet wide by 30 feet long; only adjacent landowners may own a slip; no proof of slip ownership required for registration; 100 percent slip owner approval required for dock modification; maximum acreage for mowing and underbrushing and a 3 foot path for dock cables; no mowing across natural or man-made vegetation breaks; requires landowner boundary surveys prior to permit issuance; no pedestrian path materials or vegetation modification allowed in Environmentally Sensitive Areas (ESA); only hand tools allowed for veg mods; and no new steps or stairs allowed.

Alternative 3, No Action Alternative – The No-Action alternative is defined as the Corps’ continuing utilization of the current SMP (1996), with the inclusion of new policies enacted since 1994, which include the following project policies:

- 08-01, Access and Parking for Private Community Docks
- 08-05, Multiple Ownership in a Single Slip
- 08-06, Placement of PWC lifts on Private Floating Facilities
- 09-01, Slip Owner Meeting Requirements for New Slips in Private and Community Docks
- 13-01, Enforcement of Title 36, 327.3(b) Vessels and Title 36, 327.18(a) Commercial Activities
- 13-02, Dock Main Walkways, Walkways between Slips, and Slip Enclosures
- 13-03, Issuing Duck Blind Permits
- 13-04, Access on Public Lands for Persons with Special Needs (Golf Cart Permits)
- 13-05, Management of Grandfathered Docks on TRL
- 13-06, Hard Surface Path for Special Access Needs
- 13-07, Placement of Newly Permitted Community Single-sided Perpendicular Docks on TRL
- 13-08, Shoreline Use Permit for Slalom Courses
- 13-09, Swim/Sun Decks Attached to Boat Docks
- 13-10, Traditional Use Roads & Road Access Fee, TRL
- 13-11, Electrical Power to Private Community Boat Docks
- 13-12, Fish Attractor Policy

Alternative 3 would also include incorporation of District Regulation SWLR 1130-2-48, and a new project policy requiring the use of solar or other alternative power sources for boat docks, minimum and maximum boat access walkway dimensions, all dock additions/modifications such as boat lifts, lockers, and slip boarding must be shown on dock plans, no “no wake” buoys, and 8-foot water depth requirement for placement of new docks.

Alternative 4, Neutral Change Alternative – Alternative 4 includes unique management measures, but also includes management measures shared by other proposed alternatives. In this alternative, shoreline allocations are very similar to the shoreline allocations in Alternative 3, No Change. The most substantial difference in allocations is the removal of Resort, Community Dock Only, and Courtesy Dock Only allocations, converting these allocated areas to Protected, LDA, Restricted Limited Development Areas (RLDA), or Public Recreation Areas (PRA), as

appropriate. Additionally, unusable LDA and RLDA were relocated to correct prior errors. Components of this alternative include:

- There is a threshold of 30,806 access opportunities (boat slips and boat launching ramp parking spaces)
- No new LDA until existing is full and a carrying capacity study is completed
- New docks can be a 1-slip up to a 20-slip dock
- Allow placement of new parallel docks in any LDA
- Allow placement of new courtesy docks in LDA and RLDA (RLDA for existing boat launching ramps only)
- New maximum slip size is 12 feet wide by 30 feet long
- Individual or dock association can be permittee of multiple docks
- Allow slips to be owned by a trust
- Proof of ownership not required for slip transfer
- No minimum boat size requirement for new slip construction
- Require any dock modification request be submitted by the permittee only, with written approval of a majority of the slips owners
- Only accept one dock modification request per permit term
- Do not allow mowing across any natural or manmade break in vegetation
- Allow removal of non-flowering trees less than 2 inches at ground level within a permitted mowing area
- Allow removal of cedar trees less than 3 inches at ground level within a permitted mowing area
- Allow removal of dead trees that are hazards to structures, paths, or in permitted mowing areas
- Mowing and under brushing limited to 6 feet of path for dock cables
- Pedestrian paths in ESA limited to 3 feet wide meandering path, no materials allowed
- No new steps or stairs allowed
- Existing “No Wake” buoys at private floating facilities will be allowed to remain until December 31, 2020
- No new power lines to private floating facilities. Existing power lines at private floating facilities will not be allowed to renew after December 31, 2027. All new electric service to private floating facilities must be provided by an alternative power source (i.e. wind, solar, etc.). In any instance of ground disturbance, compliance with Archeological Resources Protection Act (ARPA) must be met at the landowner’s expense or the updated electric service must be provided by an alternative power source.

Alternative 4a, Revised Neutral Change alternative (Preferred Alternative)—includes unique management measures, but also includes management measures shared by other proposed alternatives. In this alternative, allocations are very similar to the allocations in Alternative 3, No Change. The most substantial difference in allocations is the removal of Resort, Community Dock Only, and Courtesy Dock Only allocations, converting these allocated areas to Protected, LDA, Restricted Limited Development Areas (RLDA), or Public Recreation Areas (PRA), as appropriate. Additionally, unusable LDA and RLDA were relocated to correct errors. Components of this alternative are substantially the same as alternative 4 with the following exceptions:

- Licenses for new land based electric service will not be approved. If a dock with existing land based electric service is relocated or moved, the existing electric service must be removed and the area restored prior to the issuance or approval of the boat dock permit. In these instances, new electric service must be provided by an alternative power source. If a dock is rebuilt at the same location, the existing electric service may be used. Licenses for existing electrical service to docks may be renewed. In any instance of ground disturbance, compliance with ARPA must be met at the landowner's expense or the updated electric service must be provided by an alternative power source.
- Mowing and/or underbrushing permitted area may be limited in circumstances when determined to be in the best interest of the stewardship of the natural resources, for instance if a protected species habitat is discovered such as a Bald Eagle nest or if a safety issue is discovered on site such as crossing a creek, bluff, or a government maintained road.
- Any existing "No Wake" buoys at private floating facilities will be allowed to remain.

Alternative 5, Accelerated Private Development Alternative – In this alternative the shoreline allocations would be similar to the shoreline allocations presented in Alternative 4 except, LDA would be increased to 20 percent of total shoreline and the Marina Buffer Allocation would convert to Protected Areas or LDA, as appropriate. Unique management measures include: Dock parking within 400 feet or closest possible location on private property; allow expansion of traditional parking area government easements for new slip parking; issuance of new permits for single slip docks where larger docks cannot fit in zoning; new parallel dock and swim dock in any LDA; new slip size is 12 feet wide by 30 feet long maximum; new courtesy docks in LDA and RLDA (RLDA only to support existing boat launching ramps); an individual or dock association can be permittee of multiple docks; only adjacent landowners may own slips in new docks; unlimited slip ownership; proof of ownership not required for slip transfer; boat ownership required for new slip construction but no minimum size boat requirement; dock modification request submitted by permittee only, with written approval of a majority of slip owners; only one dock modification request per permit term; mowing and underbrushing up to 200 feet from boundary line via general permit; allow mowing across minor roads only; allow limbing of healthy cedar trees up to 25 percent of canopy in permitted areas; allow removal of non-flowering trees less than two inches at ground level in permitted mowing areas; allow cedar tree removal with required tree or native grass mitigation in permitted mowing area; dead tree removal that are hazards to structures, paths, or in permitted mowing areas; mowing and underbrushing limited to 6 foot paths for dock cables; no path materials on ESA pedestrian paths; no new steps or stairs; and allow installation of new tramways and ski courses.

Alternative 6, Maximum Private Growth Alternative – Alternative 6 would include all unique management measures found in Alternative 5, with the expansion of shoreline miles from the current 12 percent to 47 percent for use as Limited Development Area (LDA). Additionally, Alternative 6 would allow for new parking areas on government land.

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. The EA indicates that there could be a potential of minimal detrimental effects from implementation of Alternative 4a (Revised Neutral Change) to water quality and aquatic resources from the continued issuance of shoreline use permits (i.e. vegetation modification and dock permits).

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. boat 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. Under the Revised Neutral Change Alternative, there is a decrease in unused LDA therefore less potential for impacts to cultural resources and historic properties. Possible impacts could occur in six LDAs which total 0.54 miles of shoreline; however, a site visit and potential surveys would be required prior to any dock or anchor placement. 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 Table Rock 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, due to the cap on potential permits, 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 known T&E species and species habitat was classified as Environmentally Sensitive lands during the Master Plan update. The only listed T & E species in the area is the Gray Bat which is a cave- hibernating and roosting species. The preferred alternative is restricted to potential development in the LDA portion of the Low Density Land classification.

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 60 + day public review period that began on 30 June, 2017 and ended on 15 September, 2017, 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

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Division Engineer