

**Finding of No Significant Impact**  
Flying W Vicinity  
Ozark National Scenic Riverways, Van Buren, MO  
August 2007

**Introduction and Background**

The National Park Service (NPS), Ozark National Scenic Riverways (ONSR) has prepared an environmental assessment (EA) that evaluates and proposes improvements to the Flying W site located on the upper Current River in Shannon County, Missouri.

The Flying W site is a high use recreational area that has been used for activities such as swimming, hiking, fishing, picnicking, camping and horse back riding. An increase in public use and a lack of defined roads, trails and parking areas has led to unauthorized off-road travel and other unregulated visitor uses leading to a "party" atmosphere. The increasing number of roads and trails is having a tremendous negative impact on the natural and cultural resources of the area. In keeping with the park's enabling legislation and the NPS mission, the need the National Park Service focused on was to protect natural and cultural resources at the site.

The park's main objective in rehabilitating the area was to protect resources while providing for a quality recreational experience. Additionally, the EA evaluated the following actions:

- Implement necessary modifications and management to protect resources and visitor experiences
- Reduce or eliminate resource damage
- Rehabilitate environmentally degraded and user impacted areas
- Redesign river access, river fords, roads, and parking areas

The need the park addressed was an increase in public use and a lack of defined roads and parking areas that lead to unauthorized off-road travel. Soil erosion from an increasing number of socially-developed roads was having a tremendously negative impact on the natural and cultural resources of the area, resulting in soil ending up in the river and a loss of integrity for qualities on which the park was founded. The unmanaged appearance of the area did not show a National Park Service presence and contributed to unacceptable behaviors by large crowds of visitors thereby degrading the NPS quality experience.

Three action alternatives and one no-action alternative were developed and analyzed with respect to their ability to address the identified purpose and needs of the project. They are as follows:

**Alternative A** - No action

**Alternative B** – Provide vehicle access to the northern end of Flying W for day-use activities

**Alternative C** – Provide walk-in access to the northern end of Flying W

**Alternative D** – Provide vehicle access to the northern and southern ends of Flying W for day-use activities

**Selected Alternative**

ALTERNATIVE B – Provide vehicle access to the northern end of Flying W for day-use activities

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This alternative proposes to make modifications to the Flying W site that will result in a more enjoyable and manageable day-use visitor experience than that which currently exists while protecting the resources for which the park was established. In addition to the elements common to all action alternatives, modifications to the site will include the construction of an eight-car gravel parking area and associated walking trail at the north end of the site, construction of 0.15 miles of hardened access road, and the construction of 0.9 miles of horse trail.

Under this alternative, the existing access road to the site (Flying W Road) will be extended through the Field B to provide access to a new parking area. This will involve the addition of 326 cubic yards of gravel over approximately 0.15 miles. On either side of this road, ditches will be pulled to direct runoff and prevent access to the fields by unauthorized vehicles. An additional 0.1 miles of ditch will be pulled along the south side of the Flying W Road where it crossed through Field A. A single gate will be installed in the northeast corner of Field B to provide access for authorized vehicles and the agricultural permittee.

A small gravel parking area will be constructed inside the woods line at the northern end of Field B near the bluff. This will involve the clearing of approximately 0.15 acres of small diameter trees and brush and the addition of 104 CY of gravel. The parking area will have 8 parking spaces. Construction of a 500-foot walking trail will provide access from the parking area to the bluff's gravel bar.

Currently horses legally use the unmaintained park road that follows the river and is opened to horse and vehicle use. This alternative will close the unmaintained road along the river and move the horse trail out of the floodplain and up on the bench. This new route will be 0.9 miles long and will be the designated horse trail through the site. The designated trail will begin on the north side of the Current River on the Gouldsmith Fields unmaintained park road, move south and cross the river near the Flying W Bluff at an existing horse crossing, travel up onto the edge of Field B and through Field C, drop back down into the floodplain, cross the river again at the south end of the site at the existing horse crossing and terminate near the Bluff Schoolhouse at another unmaintained park road. Construction of this trail will involve the clearing of 2400 square feet of small diameter trees (<6 inches) and brush and the addition of 197 CY of gravel to establish the trail tread. New trail construction will follow the design and maintenance standards in the 2000 Edition of the U.S. Forest Service Trail Construction and Maintenance Notebook (<http://www.fhwa.dot.gov/environment/fspubs/00232839/>).

### Environmentally Preferable Alternative

The environmentally preferable alternative is determined by applying the criteria suggested in NEPA. The Council on Environmental Quality (CEQ) provides direction in its guidance 'Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (1981)' that "...the environmentally preferable alternative is the alternative that would promote the national environmental policy as expressed in NEPA's Section 101."

**Criterion 1** – *Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.*

**Criterion 2** – *Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings.*

**Criterion 3** – *Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.*

**Criterion 4** – *Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.*

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**Criterion 5** – *Achieve a balance between population and resource use that would permit high standards of living and wide sharing of life's amenities.*

**Criterion 6** – *Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*

Using the criteria from Section 101, Alternative B (Provide vehicle access to the northern end of Flying W for day-use activities) was determined to be the environmentally preferable alternative of those evaluated in this EA, because it provides the greatest level of protection to natural and cultural resources. Alternative B accomplished this by relocating the horse trail out of the floodplain, closing the river fords to vehicles, limiting direct and indirect impacts to known archeological sites, and by closing user-created roads.

### The Selected Alternative and Significance Criteria

The intensity or severity of impacts resulting from implementation of the Selected Alternative is evaluated below using the ten (10) significance criteria as defined by the Council on Environmental Quality's regulations for implementing NEPA (40 CFR § 1508.27). Resource areas selected for analysis included: soils, vegetation, water quality, floodplain, species of concern, cultural resources (archeology), visitor use and experience, and park operations.

*1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal Agency believes that on balance the effect will be beneficial.*

Under the selected alternative (Alternative B), it was determined that none of the impacts will be significant. The proposed actions will result in entirely beneficial impacts to soils, vegetation, and visitor use and experience. In addition, only minor adverse impacts to water quality and floodplain will result from the proposed actions.

The impacts to species of concern (i.e. federally listed gray bats and federally proposed Ozark hellbenders) will result in a may affect/not likely to adversely affect determination based on the criteria established by the U.S. Fish and Wildlife Service. Essentially, effects are extremely unlikely to occur and not able to be meaningfully measured, detected, or evaluated.

The known archeological sites within the Flying W area may receive some moderate short-term adverse impacts from rehabilitation of an existing road bed. No significant impacts will occur to the archeological sites at Flying W as a result of this alternative.

However, moderate long-term beneficial impacts will eventually result from closing the unmaintained road along the river to vehicular traffic as native riparian vegetation re-establishes itself. Prohibiting ATVs and vehicles from fording the Current River at Flying W will improve water quality by reducing the amount of oil and other vehicular fluids from entering the aquatic environment, reducing the impacts and modification to the river beds, eliminating disturbance of sediments and reducing impacts to aquatic life caused by the tires moving through or spinning across the river bed.

The effect of the selected alternative on park operations (maintenance and law enforcement) will not be significant. In the short-term, moderate adverse impacts to maintenance and law enforcement workload will result from the new construction and rehabilitation activities in the area. During this time, the public will not be accustomed to the changes and may need more direction from staff. Over the long-term, the improvements to the site will alleviate some confusion from visitors and make the enforcement of laws more straight forward.

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#### *2. The degree to which the proposed action affects public health and safety.*

Many of the proposed actions under the selected alternative will result in improvements to public health and safety. The concentration of many different user groups (i.e. floaters, horse riders, vehicles, ATVs, and day-users) at the river fords increases the likelihood of accidents. By restricting vehicle use of the fords, the safety of visitors at this site should improve. The two river fords at Flying W will need to be monitored to ensure that continued horse use or floater activity does not result in increased levels of bacteria where people are in full contact with the water.

#### *3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, park lands, and so forth.*

Inventories done in October of 1985 determined that three archeological sites lie within the bounds of the Flying W site. Evidence of prehistoric and historic peoples inhabiting the river terraces, bluff areas and arable fields were found at all sites. Each of the sites has been impacted either by heavy visitor use in the bluff area or by roads across them in open field areas. These sites are considered important in that they have the potential to yield significant information on prehistoric settlement patterns in the upper Current River. The selected alternative will improve the conditions of all three of these sites by eliminating vehicular access across them.

Both the Current River and Jacks Fork River are designated as Outstanding National Resource Waters (ONRW) under Missouri's water quality standards. They are Tier III waters (i.e. they are provided with the highest level of protection by prohibiting the lowering of water quality) with anti-degradation restrictions. Thus, any lowering of water quality is not permitted in these waters.

Medlock Cave and Flying W Cave are on private land immediately adjacent to the project area and are within 100 meters of the Flying W site. Medlock Cave hosts a maternal gray bat population and is habitat for several State species of concern such as the grotto salamander (*Typhlotriton spelaeus*), Salem cave crayfish (*Cambarus hubrichti*), southern cavefish (*Typhlichthys subterraneus*), and northern long-eared bat (*Myotis septentrionalis*). Flying W Cave is home to the grotto salamander (*Typhlotriton spelaeus*), Salem cave crayfish (*Cambarus hubrichti*), and southern cavefish (*Typhlichthys subterraneus*), three State species of concern. The actions discussed in the selected alternative will provide more protection to caves and cave resources in the vicinity of Flying W.

#### *4. The degree to which the impacts on the quality of the human environment are likely to be highly controversial.*

During the preparation of the environmental assessment, there has been involvement from other agencies, private organizations and other interested individuals including elected officials. The National Park Service received 15 comments on the public scoping letter sent out in August 2006 and 46 comments on the draft environmental assessment that was opened for public comment from June 5 – July 6, 2007. In addition, a petition was submitted to the park on July 5, 2007 that contained approximately 1029 signatures. No comments from the public challenged the analysis of impacts or suggested information that would result in changes to the analysis, or resulted in the recognition of significant impacts to resources. There is no controversy concerning the impacts of the selected alternative.

#### *5. Degree to which the potential impacts on the quality of the human environment are highly uncertain or involve unique or unknown risks.*

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The closure of two river fords at Flying W to vehicular traffic under the selected alternative will improve water quality in the area. If future monitoring of the site shows elevated levels of bacteria exceeding the State standards, the National Park Service will need to conduct further research on floater and horse use to develop an appropriate mitigation strategy.

*6. Degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.*

Under the selected alternative, a number of roads and traces within the Flying W site will be closed to vehicles. In addition, a horse trail will officially be designated in an area that has numerous traces and roads currently being used by commercial horse outfitters and private horse riders. These actions and the resultant beneficial or detrimental impacts to natural and cultural resources will be used as a reference for future management decisions.

*7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

As mentioned above, the closure of roads and traces to vehicles at this site is singularly insignificant. The beneficial and adverse impacts as a result of these actions if combined with similar closures in the future may have cumulatively significant effects on park resources. The official designation of a small segment of horse trail in the Flying W area is also singularly insignificant. If there is the establishment and designation of additional horse trails in the Upper Current River District, there may be both beneficial and adverse impacts to park resources that will require further NEPA analysis.

*8. The degree to which the action may adversely affect historic districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources.*

This project is covered under the existing Programmatic Agreement under Section 106 of the National Historic Preservation Act (NHPA).

*9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the endangered Species Act of 1973.*

The U.S. Fish and Wildlife Service (USFWS) sent a response to our public scoping letter to the Superintendent of ONSR dated October 18, 2006. The letter stated that they had determined the proposed actions were not likely to adversely affect the gray bat. The USFWS recommended that the design of the project, in reference to the river fords and erosion, avoids any further modification of the river channel bottom that might modify Ozark hellbender habitat. Ultimately, they believed that the project would improve the environmental conditions at the Flying W site. A copy of the Flying W EA was sent to the USFWS Field Officer on June 5, 2007 with a request for any additional comments. We received concurrence from the USFWS on July 11, 2007 via e-mail that Alternative B (selected alternative) may affect/is not likely to adversely affect gray bats and Ozark hellbenders.

*10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The Selected Alternative is not thought to violate any environmental protection laws or regulations. Completion of the following three consultations has solidified this conclusion.

#### Section 7 – Endangered Species Act Consultation

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In August 2006, a letter regarding the intended action was sent to the USFWS Field Officer in Missouri to obtain information on threatened and endangered species and habitat in the vicinity of the proposed action. A response to our initial scoping letter was received on October 18, 2006. A copy of the Flying W EA was sent to the USFWS Field Officer on June 5, 2007 with a request for any additional comments. We received concurrence from the USFWS on July 11, 2007 via e-mail that Alternative B (selected alternative) may affect/is not likely to adversely affect gray bats and Ozark hellbenders.

#### **Ethnographic Review**

An ethnographic tribal identity study has been completed for Ozark National Scenic Riverways by Dr. Maria Zedeno which identified those Native American tribes that have historic cultural affiliation with lands now included in the park. Native American groups having demonstrable affiliation to the region are: Cherokee Nation, United Keetoowah Band of Cherokee, Osage Nation of Oklahoma, Delaware Nation, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, Absentee Shawnee Tribe, and Delaware Tribe of Indians of Oklahoma.

In August 2003, Noel Poe, Superintendent of ONSR, and James E. Price, Ph.D., Archeologist, ONSR, consulted with leaders of these tribes in Oklahoma in compliance with Section 101(d)(6)(b) of the NHPA. Neither historic accounts nor archeological evidence has been found associating these tribes with the subject tracts of land at Akers. In October 2006, Noel Poe, Superintendent of ONSR, Russ Runge, Deputy Superintendent of ONSR, and James E. Price, Ph.D., Archeologist, ONSR, consulted with leaders of the above tribes to request input on the development of the park's new General Management Plan.

#### **Public Involvement**

On August 12, 2006, the ONSR sent out a public scoping letter notifying local, State, and Federal representatives, interested agencies, and the general public of proposed actions to address the unauthorized off-road travel and subsequent natural and cultural resource damage. This letter was electronically posted on the Planning, Environment, and Public Comment (PEPC) website along with contact information on how to obtain more information or comment on the action. All responses were reviewed and filed in the administrative record kept at the ONSR headquarters in Van Buren, Missouri.

A 30-day public comment period was held for the Flying W Environmental Assessment from June 5 – July 6, 2007. A letter was mailed to approximately 80 local, State, and Federal representatives, interested agencies and the general public notifying them of the availability of the EA for review. The letter also instructed recipients how to comment on the EA through the PEPC website or in writing to the Superintendent at ONSR. A news release was also submitted to local newspapers. Approximately 46 comments were received in response to the EA. In addition, a petition was received by the park on July 5, 2007 containing approximately 1029 signatures. This petition was submitted by a group of individuals that wanted Alternative C to be the Selected Alternative because this alternative would keep the horse trail adjacent and parallel to the river which they consider to be a more scenic place to ride. The petition and responses were reviewed and filed in the administrative record. An errata sheet was prepared and attached to the environmental assessment to document some of the concerns brought up by the public in the scoping process.

#### **Impairment**

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- In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the proposal will not constitute impairment to the critical resources and values of the ONSR. This conclusion is based on a thorough analysis of the environmental impacts described in the *Environmental Assessment for Flying W*, public comment, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies 2006. The Selected Alternative would not result in any major, adverse impacts on environmental resources. Overall, the Selected Alternative will result in benefits to park resources and values and opportunities for enjoyment; it does not result in impairment.

### Finding of No Significant Impact and No Impairment

Based on the analysis contained in the environmental assessment, the Selected Alternative for modifications to the Flying W site will not have significant impacts on the human environment either by themselves or considering cumulative impacts. Accordingly, the requirements of the National Environmental Policy Act, regulations promulgated by the President's Council on Environmental Quality, and provisions of National Park Service Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) have been fulfilled. Furthermore, the Selected Alternative chosen for implementation will not impair park resources or values and will not violate the NPS Organic Act. There are no significant impacts on public health, public safety, threatened and endangered species, sites, or districts listed in or eligible for listing in the NRHP, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any Federal, State, or local environmental protection law. The Selected Alternative supports the enabling legislation establishing the Current River as a National Scenic Riverway under Public Law 88-492 with the intended purpose of "conserving and interpreting unique scenic and other natural values and objects of historic interest... and provisions for use and enjoyment of the outdoor recreation resources."

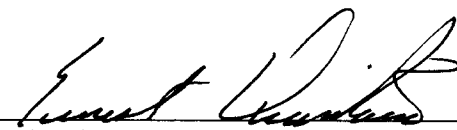
Based on the foregoing, it has been determined that an environmental impact statement is not required for this project and thus will not be prepared for implementation of the Selected Alternative.

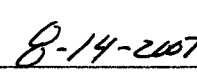
Recommended:

  
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Superintendent, Ozark National Scenic Riverways

  
\_\_\_\_\_  
(Date)

Approved:

  
\_\_\_\_\_  
Regional Director, Midwest Region

  
\_\_\_\_\_  
Date