



## ***Compatibility Determination-Pond Creek National Wildlife Refuge-Ingress/Egress through refuge to harvest timber on private land***

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**USE:** Ingress and egress through approximately .2 miles of refuge dirt road for the purpose of harvesting timber on private land.

**REFUGE NAME:** Pond Creek National Wildlife Refuge (NWR)

**DATE ESTABLISHED:** 1994

### **ESTABLISHING AND ACQUISITION AUTHORITY:**

- 16 U.S.C. 3901(b) Stat.3582-91(Emergency Wetlands Resources Act of 1986)
- Sec. 305, P.L.104-33 (Omnibus Parks and Public Lands Act of 1996)

### **REFUGE PURPOSES:**

- " ...the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international treaty obligations contained in various migratory bird treaties and conventions
- "...recognize the important public purposes served by non-consumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing and trapping." Furthermore, this plan " ...shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management, and in accordance with the National Wildlife Refuge System, Administration Act of 1996 (16 USC668dd-668ee) and other applicable laws."

### **NATIONAL WILDLIFE REFUGE SYSTEM MISSION:**

The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, is:

... to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

## **DESCRIPTION OF USE:**

### **(a) What is the use? Is the use a priority public use?**

The focus of this compatibility determination is to allow adjacent landowner, Leo Dillihunty, access through the refuge to harvest timber on their 40 acre tract. The timber will be hauled out by trucks through the refuge. In order to travel through the existing refuge dirt road, a minor amount of brush will need to be removed and only a couple of merchantable stems of little to no value will need to be cut.

**(b) Where would the use be conducted?** The dirt road traveled runs from Burke Slough Road northeast to the private 40 acre property as depicted on the attached map.

**(c) When would the use be conducted?** The timber hauled across the refuge will be conducted as early as possible during late summer/early fall 2015.

**(d) How would the use be conducted?** The timber company harvesting the timber will remove a small amount of unmerchantable brush and a couple of small merchantable pulpwood stems composing little to no value from along the side of the .2 mile refuge dirt road so their equipment will be able to maneuver through the woods road without damaging their equipment and running over trees. They will drive their equipment and trucks in and out through the refuge to and from the 40 acre Allen tract which will be harvested.

### **(e) Why is this use being proposed?**

The adjacent landowner needs access to harvest timber on their land. The refuge road is the most logical access to their property (see attached map).

## **AVAILABILITY OF RESOURCES:**

There will not be any cost to the refuge.

## **ANTICIPATED IMPACTS OF THE USE:**

The operation of heavy equipment for forest management over refuge roads and through natural habitats could impact soils, cause severe rutting, result in increased site erosion, or degrade nearby wetlands or water resources. All commercial forest management actions that have the potential to cause erosion or degrade water resources will be mitigated by following forestry management procedures required by Arkansas Best Management Practices (BMPs) guidelines.

Removal of the trees and traveling on the existing refuge road would be minimal disturbance to the habitat along this road and wildlife using this location of the refuge. The proposed site does not have any endangered species or cultural resource issues known. Consultation with the Regional Archeologist and Service's Ecological Services division rendered an opinion for this project. Those documents can be reviewed upon request and are located at refuge office.

**PUBLIC REVIEW AND COMMENT:**

This compatibility determination will be made available for public review and comment for a 14-day period by 1) posting on refuge bulletin board/kiosk, 2) posting on refuge website and social media networks, 3) public media press release.

**DETERMINATION (CHECK ONE BELOW):**

**USE IS NOT COMPATIBLE**

**USE IS COMPATIBLE WITH FOLLOWING STIPULATIONS**

**NEPA Compliance for Refuge Use Decision: Place an X in appropriate space.**

**Categorical Exclusion without Environmental Action Statement**

*516 DM 8, 8.5 (B2) The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.*

**Categorical Exclusion and Environmental Action Statement**

**Environmental Assessment and Finding of No Significant Impact**

**Environmental Impact Statement and Record of Decision**

**STIPULATIONS NECESSARY TO ENSURE COMPATIBILITY:**

While potential impacts have been assessed to be minimal, stipulations would still be required to ensure fish, wildlife, and cultural resources are adequately protected. As a result, a number of stipulations have been identified below that will be carried out concurrently with ingress and egress.

1. Except where specifically authorized by a Special Use Permit, all regulations governing activities on National Wildlife Refuges in general and specific public use regulations for Pond Creek NWR (including littering, possession and use of firearms, and protection of wildlife) apply.

2. Though trees will be removed in order to open the road for haul truck traffic all truck traffic and road maintenance work must stay within the existing road's footprint. Stumps from cut trees are not to be removed.
3. Trees larger than 16" in diameter (dbh) shall be cut so as to leave a stump not more than 6 inches above the root collar. Trees less than 16 inches in diameter (dbh) shall be cut so as to leave a stump not more than 6 inches in height. Stump heights will be measured on the side adjacent to the highest ground. All merchantable stems 6" in diameter(DBH) and above must be removed from the site.
4. Only marked or designated trees shall be cut. Utmost care shall be exercised to protect all residual trees from damage. Directional felling shall be practiced to minimize damage to residual stand. Additionally, all stems shall be delimited and topped at point of felling, prior to skidding. Unmarked trees which are cut or injured through carelessness shall be paid for at triple the market value stumpage price as reported by the current Timber Mart-South quarterly report average prices for the region. Additional damages may be assessed and merchandising methods adjusted based on the severity of the damage (e.g. skidding lengths).
5. Trees and tops cut shall not be left hanging or supported by any other living or dead tree or brush. Any tree that becomes lodged when cut shall be immediately rendered unlodged and felled flush to the ground. All tree tops and other logging debris will be removed from roads, roadside ditches, trails, streams, and drainages immediately after felling.
6. No log decks or loading sites will be allowed on refuge property.
7. Logging will not be permitted when the ground is wet and subject to rutting or severe soil compaction. The permittee and his employees will do all in their power to prevent rutting and erosion. Permittee will be required to fill any ruts made as a result of his operation.
8. Maintenance of all refuge roads used in the timber (logging) operations will be the responsibility of the permittee. These roads must be maintained to pre-harvest condition. Any rutting caused by the operation will be filled with offsite fill material to the elevation of the surrounding areas so as not to hold water. This includes post- harvest restoration of the road, if needed.
9. Should previously unrecorded historic resources, cultural resources or human remains be discovered on Service land all activities will be halted immediately and the Refuge Manager contacted at once.
10. A pre-entry conference between the refuge manager or forester and the designated permittee representative will be required before the landowner's logger starts logging operations. The purpose of the pre-entry conference is to ensure that the logger completely understands what is expected and thus avoid misunderstanding or serious conflicts. The Refuge Manager must be notified when the harvesting operation begins.

11. The permittee and his/her employees will be reasonably prudent in preventing and suppressing forest fires. Permittee shall be liable for all fire suppression cost resulting from his operations.
12. Loggers are required to implement Arkansas Best Management Practices (BMPs) guidelines. All license required for this activity, both state and federal are the responsibility of the permittee.
13. Clean up of oil, hydraulic fluid and other contaminants as a result of the logging operation is the responsibility of the permittee. No equipment maintenance allowed on the refuge.
14. All work will be limited to daylight hours.
15. The refuge staff shall have authority to temporarily close down all or any part of the operation during a period of high fire danger, wet ground conditions, or for any other reason deemed necessary.
16. The decision of the refuge manager shall be final in the interpretation of the regulations and provisions governing the sale, cutting and removal of the timber covered by this permit.

**JUSTIFICATION:**

The use will not pose any significant adverse effects on refuge natural resources, interfere with the public use of the refuge, or cause an undue administrative burden. This use on the refuge will not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes for which the refuge was established.

Adherence to the stipulations above will ensure proper control of the means of use and provide management flexibility should detrimental impacts develop. The road will remain closed to the vehicular traffic including ATVS/UTVS. Maintenance will allow for future use fore refuge management activities. In addition the road provides the only access to this above mentioned private property.

**SIGNATURE: REFUGE  
MANAGER:**\_\_\_\_\_

**(Signature and date)**

**REVIEW: REGIONAL COMPATIBILITY  
COORDINATOR:**\_\_\_\_\_

**(Signature and date)**

**REVIEW: REFUGE  
SUPERVISOR:**\_\_\_\_\_

**(Signature and date)**

**CONCURRENCE: REGIONAL  
CHIEF:**\_\_\_\_\_

**(Signature and date)**

**MANDATORY 10- OR 15-YEAR REEVALUATION DATE:**

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