



## ***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 2.8 miles of refuge gravel road and 0.9 miles of refuge ATV trail 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, John Vaught, access through the refuge to harvest timber on his property. The timber will be hauled out by trucks through the refuge.

**(b) Where would the use be conducted?** The access will follow the Burke Slough Road (gravel) into the refuge and then proceed on the ATV trail (dirt) until reaching the Vaught property.

**(c) When would the use be conducted?** The timber hauling across the refuge will be conducted as early as possible during summer/fall 2016.

**(d) How would the use be conducted?** The landowners contractors will drive their equipment and trucks in and out through the refuge to and from the John Vaught 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 near-by 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.

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 known endangered species or cultural resource issues. Consultation with the Regional Archeologist and Service's Ecological Services division is not needed since this action will require the use and maintenance of an existing road.

**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. All traffic and road maintenance work must stay within the existing road's footprint.
3. Refuge staff retains authority to stop timber hauling operations at any time if road, weather, water, or other unsatisfactory or unforeseen conditions exist.
4. Operations will be administered and monitored by Refuge personnel. Refuge manager must be contacted before any equipment moving or hauling occurs. Contact information will be provided.
5. Refuge roads are to be maintained in previous condition prior to timber hauling operations. Maintaining of refuge roads may include but is not limited to grading, graveling, or rocking.
6. Motor grader must be used for grading of gravel roads. Grading will be determined by refuge staff. If refuge staff determines grading of roads is needed contractor will have 24 hours to complete.
7. No blading out (cutting down) of dirt roads will be allowed at any capacity. Dirt haul roads will be crowned and V-ditched to prevent water saturation.
8. 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.
9. If, during the course of the harvest activity, the permittee deliberately damages a recorded site, the permittee will be responsible for the resultant site damage assessment and mitigation.
10. The permittee shall protect all known archeological sites against disturbance, destruction, or damage during harvesting, or damage during harvesting operations. If, during the course of hauling activity, the permittee notices illegal excavation or archeological resources removal activities, this information shall be immediately provided to the Refuge Manager.
11. A pre-entry conference between Refuge Manager and/or Refuge Forester, the land owner and timber harvesting representative will be required before timber hauling occurs. The purpose of the pre-entry conference is to ensure that all parties have reviewed current road conditions and understand what is expected, thus avoiding misunderstanding or serious conflicts. The Refuge Manager must be notified when the harvesting operation begins.
12. Arkansas Best Management Practices (BMPs) will be implemented where warranted.
13. 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/her operations.
14. Clean up of oil, hydraulic fluid and other contaminants as a result of this operation is the responsibility of the permittee. No equipment maintenance will be allowed on the refuge. Excessively leaking equipment will not be allowed.

15. All timber hauling operations will be ceased during refuge deer muzzleloader and modern gun hunts.
16. Vehicles and other equipment will be operated in a safe manner at all times. The speed limit on refuge roads is 25 miles per hour unless posted otherwise.
17. The Permittee will be responsible for job safety while operating on the Refuge. The Permittee and their agents and guests shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for loss, damages, or judgements and expenses on account of bodily injury, death or property damage, or claims for bodily injury, death, or property damage of any nature whatsoever, and by whomever made, arising out of the Permittees, his employees, subcontractors or agents with respect to conducting activities connected with this SUP within the lands administered by South Arkansas National Wildlife Refuge Complex.
18. Failure of the permittee to comply with any of these Special Conditions, with the State or Federal law, or special refuge regulations will be sufficient cause for refusal of future Special Use Permits being granted to the permitted party.

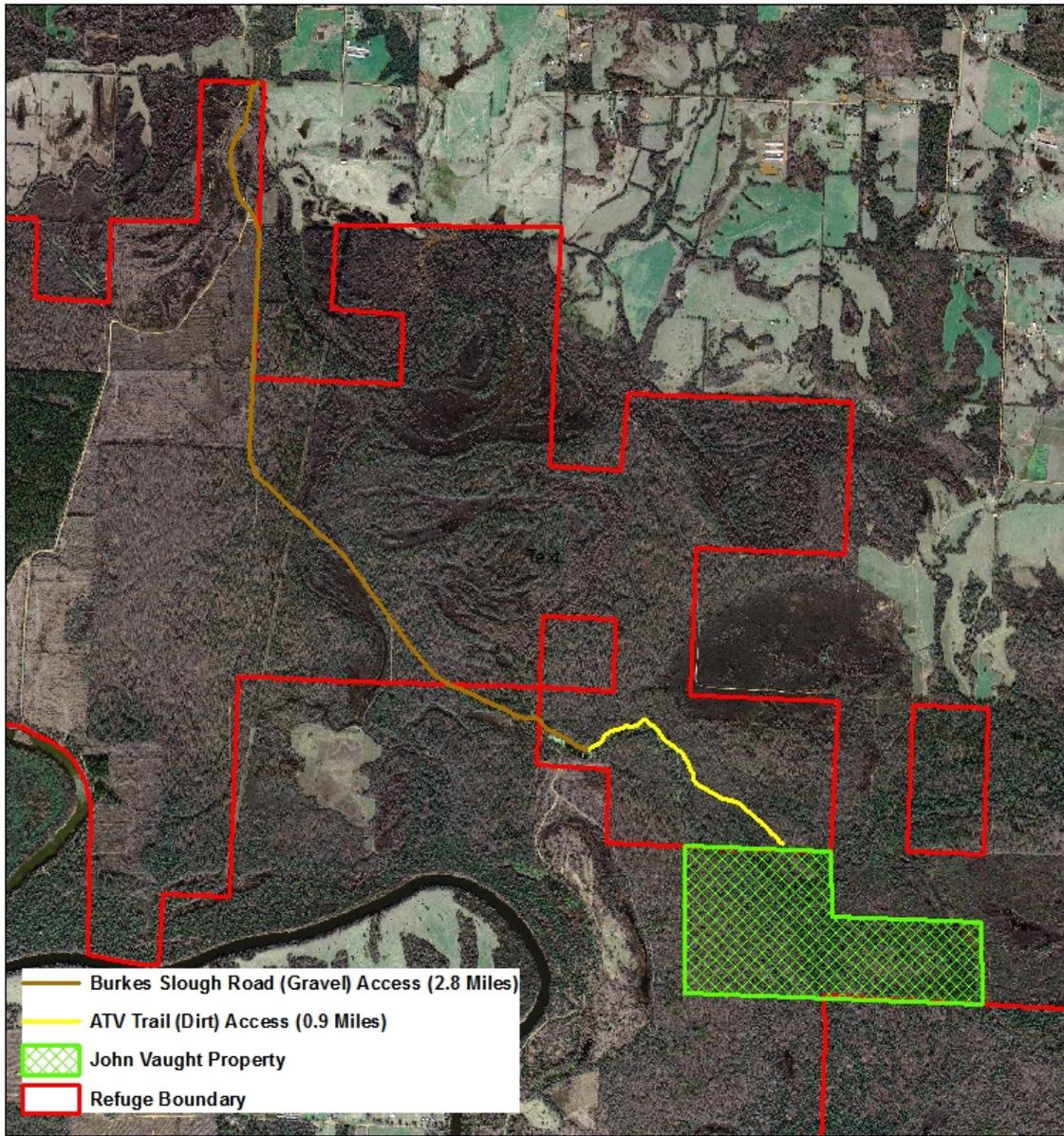
**JUSTIFICATION:**

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.

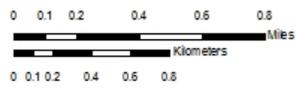
Adherence to the stipulations above will ensure proper control of the means of use and provide management flexibility should detrimental impacts develop. Maintenance will allow for future use for refuge management activities. In addition refuge roads provide the only access to this above mentioned private property.



### Timber Hauling Access Route for John Vaught Property



Produced by South Arkansas Refuge Complex  
Cross et al, AR  
Map Date: 05/27/2016  
File Name: John Vaught Property Access.mxd



**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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