

**DECISION NOTICE**  
**&**  
**FINDING of NO SIGNIFICANT IMPACT**  
**GRANITE REEDER SEWER PROJECT**  
USDA FOREST SERVICE  
NORTHERN REGION  
IDAHO PANHANDLE NATIONAL FORESTS  
PRIEST LAKE RANGER DISTRICT  
BONNER COUNTY, IDAHO

December 2007



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue SW, Washington DC 20250-9410, or call (202) 720-5964 (voice or TDD). USDA Forest Service is an equal opportunity provider and employer.

# Table of Contents

I. Decision .....	1
Decision Notice Summary.....	1
Background .....	1
Purpose and Need.....	2
Scope of the Decision.....	2
Public Involvement.....	2
Public Comments on the Environmental Assessment .....	3
Issues .....	3
Alternatives Considered .....	3
II. The Selected Alternative.....	4
Design Criteria for the Selected Action.....	5
Required Mitigation .....	5
Required Monitoring .....	7
III. Rationale for My Decision .....	7
Environmental Consequences Summary .....	9
Consistency with Laws, Regulations, and Policies .....	11
Determination of Public Interest .....	12
IV. Finding of No Significant Impact.....	12
Context .....	12
Intensity .....	12
V. Implementation of Decision .....	14
Administrative Review or Appeal Opportunities .....	14
Contacts .....	15
VI. General Vicinity Map.....	16
VII. Content Analysis – Comments.....	17

# I. Decision

## Decision Summary

This notice documents my decision to select Alternative 1 - Proposed Action, as described in Appendix 13.10 - *Additional Analysis Related to the Sale of National Forest System Lands to Granite Reeder Sewer District* issued July 2007. This decision will allow the Forest Service to sell 80 acres of National Forest System (NFS) land as described in Appendix 13.10-2. In addition, this decision grants a special use permit (permit) for installation of a community collection line, grinder pumps and connections to the collection line on NFS lands for the development of a community sewer system.

Title to the NFS land will be directly deeded to the Granite Reeder Sewer District (Sewer District), who will place in escrow a dollar amount equal to the value of the NFS land. The NFS land is located within Bonner County, Idaho (see map, page 15). Legal description of the NFS land to be sold is T. 61 N., R. 4 W., Section 17, S½NE¼, Boise Meridian, Bonner County, Idaho. The surface and mineral estates will be conveyed.

The appraisal report was completed in accordance with federal standards by an approved Forest Service (FS) Contractor, Stan Moe, MAI, Columbia Valuation Group of Coeur d'Alene, Idaho. The appraisal was reviewed and approved by FS Qualified Review Appraiser C. Kim Zier (Montana General Certificate Number 81) on September 19, 2007. The date of value of the appraisal is July 2, 2007. The federal tract is valued at \$438,000.

The land sale will be completed in accordance with the Idaho Panhandle National Forest Improvement Act of 2004, Public Law 108-436. The permit will be completed in accordance with the Federal Land Management and Policy Act of 1976, as amended. I am the responsible official for this project. The scope of my decision is limited to the actions described in Appendix 13.10 and this Decision and Finding of No Significant Impact. This decision is site specific.

## Background

In 1995, the Idaho State Legislature adopted a Lake Management Plan to protect the water quality of Priest Lake. The plan recognized that existing sewage treatment facilities in the Nordman community are substandard, and that development of a new sewage treatment plant is needed to maintain the water quality of Priest Lake in a pristine condition. The Sewer District approved a local improvement district to finance the system, and under the direction of the Idaho Department of Environmental Quality (DEQ) prepared an environmental assessment (EA). The Environmental Protection Agency (EPA) was the lead Federal agency in the analysis and preparation of the EA; the FS was involved as a cooperating agency.

The EA prepared by Welch Comer and Associates, Inc. was published in June 2002 and updated in June 2003. The EA analyzed the effects of installation of on-site grinder pump collection units, a community pressure collection system with lagoons and land application treatments that would occur on NFS lands.

DEQ published a Finding of No Significant Impact (FONSI) in October 2003; EPA issued a FONSI in August 2006. Those documents state the agencies' determination that the proposed activities would not have an adverse or significant impact on the quality of the human environment. The FONSI also allow the Sewer District to receive EPA grant funds for the construction of the sewage treatment facilities.

Because the Forest Service (FS) is the only agency that may authorize activities on or conveyance of NFS lands, additional analysis by the FS was required before issuing a decision on the proposed activities and land conveyance. Appendix 13.10 contains the results of that analysis, as well as updates and minor corrections of information presented in the EA.

## **Purpose and Need**

The purpose and need for the project are detailed on page 12 of the EA. The purpose is to construct a wastewater collection system, lagoons and land application system to treat wastewater within the Sewer District. The need arises from the expected continued growth of the Sewer District's population and the potential public health and environmental risks posed by use of unmonitored on-site individual disposal systems, many of which do not meet current requirements of DEQ and the Panhandle Health District. The NFS land described above is needed for the sewage treatment facility (see map, page 15).

The project area for the special use permit lies within a managed area to provide a full range of forest recreation opportunities and facilities. These include one FS campground, one FS picnic area, nine recreation residence homes, and two resort sites on NFS lands. The sewer district includes the Ledgewood Bay Recreation Residence Tract, Reeder Bay Campground, Ledgewood Picnic Area, and Grandview and Elkins Resorts.

## **Scope of the Decision**

The responsible official for this Decision is the Forest Service Northern Region Director of Recreation, Minerals, Lands, Heritage, and Wilderness, whose authority is delegated by the Regional Forester. It is further delegated to the authority to the Idaho Panhandle National Forests (IPNF), Forest Supervisor.

The scope of the decision is limited to whether the Forest Service should sell the 80 acres of land and grant the special use permit for development of the sewer system on NFS land.

## **Public Involvement**

The Granite Reeder Sewer Project first appeared in the IPNF Schedule of Proposed Actions (SOPA) in October 2003. Due to unforeseen circumstances leading to delays, the project was removed from the schedule in September 2004 and then added again in October 2006. Two individuals have requested to be on the mailing list for this proposal through the SOPA.

In May 2002, a newsletter from the Sewer District announced the initiation of the project to discuss the organization of Granite Reeder Water and Sewer District. Approximately, 306 newsletters were mailed to various agencies, organizations, and individuals to inform them of this project proposal. The Sewer Board continuously mailed newsletters about the progress of the project to interested parties between May 2002 and December 2006.

Consultation with the Kalispel Tribe of Indians has been conducted, and numerous phone and personal contacts have been made with the Tribe. In March, 2007, Dave O'Brien, Tom Ball, and Steve Matz from the IPNF Supervisor's Office met with representatives of the Kalispel Tribe of Indians. The proposed action was described and discussed. The purpose and need for the proposed action was explained to Tribal representatives (project file).

The IPNF advertised a notice of land sale proposal with a legal notice that was published for 4 consecutive weeks in the *Coeur d'Alene Press* from March 12, 2007 through April 11, 2007. In addition, in February 2007 the IPNF mailed written notice describing the proposed action to

adjacent landowners, easement and permit holders within the proposed land conveyance parcel, interest groups, individuals, county commissioners, and Federal Congressional representatives.

Twenty-one responses were received during the scoping period. Responses were received from Idaho and Washington, with the majority of responses from Washington. Respondents included individuals and a Bonner County agency. Seventeen of these responses contained comments. Individual substantive comments are documented in the content analysis conducted in March of 2007. The content analysis is in the project file.

Legal notice providing opportunity to comment on the proposed action (per 36 CFR§215.5 and 215.6) was published in the *Coeur d'Alene Press* on June 8, 2007, and Appendix 13.10 was provided to interested parties on that date. A letter was sent to interested individuals and organizations providing an opportunity to receive a printed copy of the Appendix and EA, or to retrieve it from the IPNF website.

## **Public Comments on the Environmental Assessment**

All comments received during the 30 day comment period (36 CFR§215.6) were reviewed by the interdisciplinary team as they were received. During the comment period for Appendix 13.10, there were eight respondents. The comments and FS response are available for review in the project record at the IPNF Sandpoint Ranger District Office. They are also summarized within this document in Table 2. The majority of these questions and concerns were already addressed by the lead agency – Environmental Protection Agency (EPA). See the EPA's EA and FONSI dated August 2006 located in the project record.

## **Issues**

Of the issues received during scoping and the 30-day comment period, none were identified that would require the development of an alternative considered in detail. The remaining issues were analyzed for potential environmental effects in the EA and Appendix 13.10. A summary of these issues and effects are shown in Table 1 on page 9 of this notice.

## **Alternatives Considered**

I considered five alternatives for the proposed land sale and permit areas. These are described in detail in Appendix 13.10, pages 7 through 8. Two of those alternatives (Alternative 1- Proposed Action and Alternative 2 – No Action) were considered and analyzed in detail. The other three alternatives were not considered in detail as described below.

### **Alternatives Not Considered In Detail**

#### **Land Exchange**

The Sewer District does not own land, nor is there any other nonfederal land available for exchange (see the briefing paper dated 6/6/2003 in the project file). To best serve the public interest, it was determined not to pursue a land exchange.

#### **Special Use Permit for Development and Operation of the Sewer System**

A special use permit would allow the Sewer District authorization to construct a sewer system (lagoons and aerial application treatment facility) on NFS lands. This alternative was eliminated from consideration because it would not be compatible with National Forest purposes (FSM 2723.42) and would not comply with regulations governing use of National Forest System lands (36 CFR 251.54e).

### **Conveyance of Treatment Site 2**

Treatment Site 2 of 40 acres located at T. 61 N., R. 4 W., Section 17 NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, BM, Bonner County, ID, was eliminated from consideration, as EPA determined that Treatment Site 1 (the subject 80-acre parcel) was more desirable (see page 17 of the EA).

### **Alternatives Considered In Detail**

Two alternatives were considered in detail; Alternative 1, the proposed action and Alternative 2, no action. If Alternative 2 were selected, the sale of NFS lands to the Sewer District would not occur, and the special use permit would not be granted. **I have decided to select Alternative 1, the proposed action.** This alternative is described in detail in the following section.

## **II. The Selected Alternative**

I have decided that the Forest Service will sell approximately 80 acres of Federal Land and grant a special use permit to the Sewer District authorizing transmission lines and related facilities across NFS lands.

The land, including minerals, being conveyed to the Sewer District is located in the Idaho Panhandle National Forests, Bonner County, T. 61 N., R. 4 W., Section 17, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, Boise Meridian, Idaho. The land consists of 80 acres, more or less.

The United States shall reserve a right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

The outstanding rights/encumbrances affecting the land include:

1. Forest Service special use permit for residential access to David and Brigitte Jackman. Sewer District will grant a perpetual easement for this use at closing of land sale or provide for alternate access.
2. Easement to Bonner County for Road 237, recorded on 2/27/1968 as Instrument 114896.
3. Easement to Bonner County for Road 2512 (West Side Priest Lake), recorded on May 4, 1978 as Instrument 199604.
4. Forest Service special use permit to Version Northwest for telephone lines Sewer District will grant a perpetual easement for this use at closing of land sale.
5. Special use permit to Granite Reeder Water & Sewer District, to terminate at closing of land sale.
6. An existing powerline operated by Northern Lights that is not currently authorized. Sewer District will grant a perpetual easement for this use at closing of land sale.

There currently exists an administrative withdrawal (Public Land Order I-04319 dated 5/25/1953) effectively segregating the land from mineral entry as part of the Priest Lake Recreation Area.. This withdrawal is automatically revoked in accordance with Sec. 5(c) of the Idaho Panhandle National Forest Improvement Act of 2004, P.L. 108-436.

Note: Let it be known that Sec. 3(a) of P.L. 108-436 described subject tract as in R 4 E. instead of R. 4 W. This was in error. Sec. 3(b) provides for modification of legal descriptions for accuracy, which the subject tract is correctly described as the T. 61 N., R. 4 W., Section 17, S½NE¼, Boise Meridian, Idaho.

## **Design Criteria for the Selected Action**

The design criteria presented in this section are in addition to those proposed in the original EA. The original EA described the design features of the proposed lagoons and collection system on pages 18-25 and 52-58. Mitigation measures to avoid adverse environmental effects were described on pages 102-103 of the EA, in the EPA's FONSI (project record), and the Bonner County Conditional Use Permit (project record).

## **Required Mitigation**

### **Aquatics and Fisheries**

Installation of the collection system in the right-of-way of Forest Road 1399 and on other NFS lands will require the following site-specific Best Management Practices (BMPs):

1. Trenching will only occur during the drier times of the year.
2. Springs, seeps and streams will be protected during and after trenching. Use of French drains and awareness of drainage features will eliminate future problems.
3. Erosion control will be applied to all disturbed soils within one week of disturbance and or before any impending storms.
4. The excavated area across the intermittent stream channel at the southern end of the Ledgewood Day Use Area will be filled with clean cobbles (French drain) to prevent damage to the stream and the crossing.
5. The project must meet Inland Native Fish Strategy standards and guidelines and avoid adverse impacts to native fish and habitats by minimizing erosion and sediment delivery to stream channels (RF-2) and ensuring that toxicants (i.e. contaminated groundwater) are not released into the RHCA (RA-3).
6. The project will adhere to all DEQ and Department of Water Resources regulations for wastewater collection and treatment, in order to help protect fish species inhabiting nearby waters.
7. The installation procedures will conform to the Sewer District's Storm Water Pollution Control Plan and continually maintain erosion and sediment controls and provide soil stabilization.
8. The sewer collection line over Reeder Creek will be designed, constructed, and operated in a manner that does not introduce sediment or sewage into the stream. On NFS lands, sewer lines within the 100-year floodplain will be made of ductile iron pipe or equivalent strength material, and shut off valves will be configured at distances of ten feet on either side of the high water mark. This crossing will be managed to minimize leakage risks associated with freezing of the sewer line and flood damage.

9. In the event of a sewage leak, the six-step procedure outlined by the DEQ would be immediately employed.

#### Wildlife

1. Consultation with US Fish and Wildlife Service must be reinitiated if the degree or extent of the effects to federally listed wildlife species is expected to change as a result of new information, unanticipated effects, or changes in the proposed action.

#### Rare Plants

1. Once the exact location of the proposed connection line and connections to the line across NFS lands is known, that information will be evaluated, and rare plant surveys performed as needed. Any newly documented rare plant occurrences will be evaluated, and placement of the lines adjusted as feasible to provide for population viability. Findings will be documented in a report by the project botanist.
2. Any changes to the selected alternative will be reviewed and rare plant surveys conducted as necessary, with adjustments to the proposed action to provide for population and species viability. Findings will be documented in a report by the project botanist.

#### Heritage Resources

##### **Cultural Resources Discovery Plan**

In order to assure previously undiscovered archaeological materials are protected from construction activities, high probability land forms would be evaluated by a qualified professional archaeologist. Construction of laterals to buildings, grinders, staging areas, electrical hook-up and other activities outside of the Forest Road rights-of-way has not been consulted on and would not occur until concurrence is received.

##### **Discovery Stipulations:**

1. A professional archaeologist will periodically monitor all construction activities within the area of the Ledgewood Recreation Residences, Reeder Bay Campground, and Elkins Resorts where the landforms are relatively flat and soils deeply stratified. The actual areas where monitoring will be conducted should be determined through a “plan-in-hand” review with the Forest and/or Zone Archaeologist prior to construction. Monitoring schedules will be based on the proximity to probable buried cultural resources and rate of construction work so that trenches, staging areas, and other construction activities will be viewed in time to prevent significant damage to the buried resources.
2. All work within the immediate vicinity of the discovery will cease and the area of the find will be secured from further damage until such time as the Forest or qualified professional Zone Archaeologist with delegated responsibility can assess the significance of the discovery.
3. Once the discovery has been assessed the Forest Archaeologist, or the Zone Archaeologist if the Forest Archaeologist is unavailable, will provide the Idaho SHPO with summary information regarding the character, extent and significance of the find and any additional mitigation measures necessary to recover significant information that are not contained within the Discovery Plan.
4. If the discovery has the potential to be of cultural or religious significance to an affected federally recognized Indian Tribe, appropriate staff and governmental representatives of the

Tribe(s) will be notified and provided summary information regarding the character, extent and significance of the find and any additional mitigation measures necessary to recover significant information that are not contained within the Discovery Plan.

5. The SHPO and Tribe(s) will be allowed 48 hours to assess the significance of the discovery and any additional mitigation measures necessary to recover data or protect the site. If no comment is provided within that period concurrence with the determination of significance and measures will be assumed and the data recovery or protection measures will be implemented.
6. The following data recovery and protection measures are recommended for immediate implementation upon assessment of a significant discovery:
  - a. Fence off the discovery area, construct protective shoring if necessary and cover the discovery area with appropriate materials to protect the find and mitigate any safety concerns.
  - b. Photograph, draw and describe stratigraphic profiles of excavation walls that contain significant cultural or environmental data.
  - c. Collect significant artifacts or feature material that has been displaced or is in imminent danger of destruction if not collected and preserve them through appropriate curatorial methods.

## **Required Monitoring**

### **Rare Plants**

If any rare plants are documented in subsequent surveys that require mitigation such as relocation of disturbance on NFS lands, the project botanist will monitor the ground disturbing activity to ensure adequate protection of rare plant populations. Results of the monitoring will be documented in a report by the project botanist.

### **Aquatics and Fisheries**

Periodic monitoring of water quality will be performed by the Idaho Department of Environmental Quality to ensure that the collection and treatment system is not contaminating surface or ground waters. Each stream crossing (tributary and Reeder Creek) will be monitored every three months for the first 24 months of operation, after which monitoring may be reduced to once per year. The aerial stream crossing over Reeder Creek will be monitored frequently to help minimize risks associated with freezing of the sewer line and flood damage.

### **Heritage Resources**

Refer to the monitoring specified in the Cultural Resources Discovery Plan above.

## **III. Rationale for My Decision**

My decision is based on Appendix 13.10 (June 2007), Granite Reeder Sanitary Sewer System EA (June 2003), and EPA's FONSI (project record), the Biological Assessment, the Biological Evaluations, U.S. Fish and Wildlife Service concurrence letter dated August 29, 2002, consultation with the State Historic Preservation Office, required mitigation and monitoring and a review of public comments in Appendix 13.10.

*Decision Notice*

A combination of different considerations led to my decision to implement Alternative 1 – Proposed Action. I first reviewed the alternatives considered in detail to determine if they were responsive to the issues and the purpose and need for this analysis. As mentioned previously, the purpose and need for the proposal is to construct a sanitary sewer system within the Sewer District to respond to the expected continued growth of the Sewer District’s population and the potential public health and environmental risk posed by current systems that do not meet requirements of DEQ and the Panhandle Health District (see Table 1). I feel the selected alternative best meets the stated Purpose and Need for Action especially as it relates to the issue of potential public health and environmental risk, and that is why I have selected it over no action. Table 1 below compares the alternatives by resource based on the public concerns and detailed analysis described in Appendix 13.10. My review of the effects of the alternatives was an important aspect of my decision.

I also reviewed public comments received during both comment periods, and found no new substantive issues or concerns were raised between scoping and the 30-day comment period. All points brought forth were considered in the context of the EA, Appendix 13.10 or in Table 2 of this document.

## Environmental Consequences Summary

**Table 1. Comparison of effects of the alternatives according to the issues**

Issue	Proposed Action	No Action
#1 Potential Leakage	<p>Project design will comply with DEQ and EPA design criteria. DEQ requires on-going leak testing. Land application will be closely regulated by DEQ to assure the treated water is consumed by the crop.</p> <p>The risk of the proposed sewer system failing is low. If a failure did occur, with the rate of groundwater movement in the area at 2.0 ft/day, it would take 250 days for the wells 500 feet away to be affected. This scenario would not be likely, given the existing monitoring of wells. If the lines crossing either of the larger streams failed, then untreated effluent could be delivered to the shoreline of Priest Lake within minutes of the failure. Measures taken to prevent leakage and to respond to leakage, if it occurs, are described in the mitigation and monitoring sections on pages 5 and 7 above.</p>	<p>The expected continued growth of the Sewer District's population and the potential public health and environmental risk posed by use of unmonitored on-site individual disposal systems would continue: many of these systems do not meet current requirements of DEQ and the Panhandle Health District.</p> <p>The current sewage treatment in the Granite Reeder area has an elevated risk of contaminating both groundwater and surface water resources. The risk is elevated for several reasons, including 1) proximity of the existing sewage leach fields to domestic water sources, which increases the risk of contamination to those water sources, 2) the lack of regular inspection and lack of monitoring for both the sewer systems and domestic water sources, and 3) the age of the existing facilities, which increases the risk of failure.</p> <p>If the No Action alternative were implemented, the risk of contamination from raw sewage to the domestic water sources and surface waters would remain high.</p>
#2 Air pollution	<p>The lagoons and land application site will comply with buffer design guidelines established by DEQ and EPA. The lagoons will be at least 300 feet from the property line. Causes of potential odors in wastewater ponds can be eliminated by adequate design, including features for effective operation and maintenance. Odor control designs include continuous diffused air aeration of both ponds to maintain aerobic conditions. Also, a pre-aeration facility with a carbon filter to scrub gases entering the facility will be included. Similar aerated lagoon facilities that are in operation and have good experience in operating without odor nuisance include Kalispell Bay Sewer District (SW), Outlet Bay SW, and Kidd Island Bay SW.</p>	<p>There would be no change in air pollution.</p>

Issue	Proposed Action	No Action
<p>#3 Noise Pollution</p>	<p>As stated in the EA, Appendix 13.10 and the project record, there would be no noise associated with operation of the wastewater treatment plant. Noise from construction activities would be typical of those associated with this proposed kind of work and would be temporary. Under the EPA’s FONSI, in residential areas, all construction would be preformed on weekdays during the daytime hours from 8:00 a.m. to 5:00 p.m.</p>	<p>There would be no change in noise pollution.</p>
<p>#4 Social and Economic Impact</p>	<p>The lagoons and land application site will comply with buffer design guidelines established by DEQ. Specifically, the lagoons will be at least 300 feet from the property line. Section 6.5.1 of the DEQ Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater (2006) states, “these buffer distances should be considered to protect against the potential for aesthetic and public health impacts.”</p> <p>The real estate market for this area has not shown a decrease in property values based on proximity to sewage treatment facilities. As shown in Table 13.10-3, there was an increase of five percent in land value for a developed parcel adjacent to a similar facility (Outlet Bay Sewer District) after its completion.</p> <p>Any land value changes adjacent to the proposed location of the Granite Reeder sewer facility would be expected to be similar to land values adjacent to the existing Outlet Bay sewer facility.</p>	<p>There would be no change anticipated.</p>

## **Consistency with Laws, Regulations, and Policies**

To the best of my knowledge, this decision complies with all applicable laws, regulations, and policies. Conveyance of 80 acres of NFS lands was made pursuant to the Idaho Panhandle National Forest Improvement Act of 2004, Public Law 108-436. In general, this act authorizes the Secretary of Agriculture, acting through the Chief of the Forest Service, to "prescribe, sell, or exchange any or all right, title, and interest of the United States. The Act further directs that land may be offered either through sale or exchange procedures, at not less than market value, as determined by an appraisal completed and approved in accordance with federal standards.

I find that this decision is consistent with the Goals, Objectives, and Standards listed in the 1987 Idaho Panhandle National Forests Forest Plan, as amended. The Appendix 13.10 page 3 describes the Forest Plan management direction that applies to the lands involved in this decision. Based upon the analysis documented in the EA, Appendix 13.10, and project record, the Granite Reeder land sale and permit authorization is well suited for inclusion to the land classification which states that, with regard to recreation uses, "complementary facilities and services by the private sector on National Forest [System] lands will be permitted. Appendix E of the Forest Plan details criteria by which a decision to convey NFS lands to other ownership may be made.

Relative to wildlife habitat and species needs, my decision does not directly impact or disrupt the existing habitats (Appendix 13.10). I reviewed the Biological Evaluation for Region 1 Sensitive Species and determined that management actions resulting from implementation of this decision will not lead to federal listing of any of the sensitive species. Appendix 13.10 and the project record indicate that there would be no effect or activities would not likely adversely affect threatened, endangered, and other fish or wildlife species or their habitats, which the U.S. Fish and Wildlife Service concurred by letters dated August 29, 2002 and May 23, 2007. I find that my decision is consistent with the Endangered Species Act.

The Idaho State Historical Society, via the Idaho State Historic Preservation Office (SHPO), completed the heritage compliance work for the proposed land sale. The conclusion the SHPO came to was that the project could proceed from the standpoint of not affecting any significant heritage resource property on the 80 acres (EA Appendix 13.9). A cultural resources discovery plan has been agreed to as a design criteria for this action (Appendix 13.10-10).

Within the Appendix 13.10, I find documentation concerning wetlands and floodplains in compliance with Executive Orders 11988 (floodplains) and 11990 (wetlands) (Appendix 13.10 pages 29 through 30). No lands on the 80 acres of land to be conveyed qualify as wetlands or floodplains. Therefore, there will be no loss or incompatible use of wetlands or floodplains from implementation of this decision. I find that this land sale is consistent with the Clean Water Act.

My decision will not have a major socio-economic impact on the local economy or to the local residents (Appendix 13.10-47 thru 51, EA page 100-101, and project record). I have reviewed the project for compliance with Executive Order 12898 (Environmental Justice). Based on the Appendix, 13.10-50), I find my decision will not adversely affect the human health and low-income populations. Nor will the environmental effects of this decision have an impact on minority or low-income populations. I believe there has been ample opportunity for participation in the analysis process, as documented in the public involvement section of the project record. If this project would have an effect on the groups identified by Executive Order 12898, I feel confident the public involvement process would have brought that to my attention. Implementing this decision will not subject anyone to discrimination because of race, color, or national origin.

## Determination of Public Interest

I have determined that the public interest is well served through this decision to sell 80 acres and issue a special use permit as described in Alternative 1- Proposed Action.

- These actions will give the Sewer District flexibility to construct and manage a sewage treatment facility, which is consistent with the Lake Management Plan for Priest Lake adopted by the Idaho State Legislature in 1995.
- The resource values and the public objectives served by the Sewer District Land Sale equal or exceed the resource values and public objectives served by the Federal Land tract.
- The needs of state and local residents will be met with the construction of a sewage treatment facility. Such a facility will help prevent potential public health and environmental risks posed by the current use of unmonitored septic and waste systems, and help protect the water quality of Priest Lake.
- Long-term public access will be secured across the land to be sold, through the county's road easements.
- Any future uses of the land will occur within the constraints of applicable Federal, State, and County laws, regulations, and permits.

## IV. Finding of No Significant Impact

In reviewing the analysis within Appendix 13.10, the Biological Assessment, Biological Evaluations, and the project record, I have determined that the implementation of Alternative 1 will not result in a significant effect on the quality of the human environment. I have reviewed the provisions in 40 CFR§1508.27(b) in terms of project context and intensity relationships in determining project significance. It is my decision that an Environmental Impact Statement (EIS) is not necessary and will not be prepared for this project. My finding for not preparing an EIS includes:

### Context

The setting of this project is localized with implications only for the immediate area. The project size (80 acres) is not large when taken in context with the IPNF (approximately 2.5 million acres); or even within the context of the Priest Lake Ranger District (approximately 322,500 acres). The analysis in the Appendix 13.10 or in Chapter 12 of the EA did not reveal any significant environmental effects.

### Intensity

#### 1. Consideration of both beneficial and adverse impacts.

My decision meets the purpose and need of the land sale. It is consistent with the desired condition described in the IPNF Forest Plan and it achieves the intent of Goals and Objectives outlined in the Forest Plan. My review of the EA, Appendix 13.10 and the project record revealed beneficial effects will result and no significant adverse impacts were identified. Beneficial and adverse impacts of this decision are addressed in Chapter 4 of the EA and in Appendix 13.10 (summarized above in Table 1).

#### 2. Consideration of the effects on public health and safety.

This decision will have no significant impacts or unacceptable effects on public health or safety. Issues raised regarding potential leakage of sewage, noise pollution, odors, and other

environmental concerns were addressed in the EA, Appendix 13.10 analysis, and Table 2 of this document. I have determined that effects on public health and safety from implementing the selected alternative will be beneficial as compared to not changing the current sewage system in the area.

3. Consideration of unique characteristics of the area such as proximity to historic or cultural resources, prime lands, wetlands, wild and scenic rivers, or ecologically critical areas.

Appendix 13.10 addresses unique land features or areas on pages 13.10-43 to -45, 50, and 51. There are no identified cultural sites eligible for the National Register of Historic Places on the lands to be conveyed. For the lands covered by the special use authorization, if previously undiscovered archaeological materials are found, activities will comply with the Cultural Resources Discovery Plan stipulations listed on pages 6 and 7 above. There are no wetlands, ecologically critical areas, prime lands, or wild and scenic rivers.

4. Consideration of the degree to which the possible effects on the human environment are likely to be “highly controversial”.

Based on public comments and interdisciplinary analysis of the proposed action and alternatives, I have determined the effects of my decision on the human environment are not highly controversial. This conclusion is consistent with findings of no significant impact issued by EPA and IDEQ regarding the type of sewage treatment facility and its possible effects on the human environment.

5. Consideration of the uncertainty of the effects, or unique or unknown risks.

There are no extraordinary circumstances in this action that would make the effects highly uncertain or involve unique or unknown risks. The comments on the Appendix 13.10 did not reveal any new issues that were not considered in the EA.

6. Consideration of whether the action may establish a precedent for further actions with significant effects or represents a decision in principle about a future consideration.

This is a project-level decision. Implementation of this decision is not precedent setting, and does not represent a precedent for any future decision. Any other proposals for this area will be subject to full NEPA disclosure.

7. Consideration of cumulatively significant impacts.

The environmental analysis determined there would not be cumulatively significant impacts on the quality of the human environment – Appendix 13.10. There are no known significant cumulative effects between this project and other projects implemented in areas separated from the affected area of this project. There were no other known or reasonably foreseeable actions to be considered (EA and Appendix 13.10).

8. Consideration of the degree to which the action may adversely affect 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.

The Idaho State Historical Society, via the Idaho State Historic Preservation Office (SHPO), completed the heritage compliance work for the proposed land sale. The conclusion the SHPO came to was that the project could proceed from the standpoint of not affecting any significant heritage resource property on the 80 acres (EA Appendix 13.9). A cultural

resources discovery plan has been agreed to as a design criteria for this action (Appendix 13.10-10).

9. Consideration of adverse effects on endangered or threatened species or their critical habitat as determined under the Endangered Species Act of 1973.

According to the biological assessment located in the project record, the land conveyance and the permit authorization are not likely to adversely affect grizzly bears, and would have no effect on other threatened and endangered species that occur or have habitat in the project area (Appendix 13.10-19 to 13.10-23 and 13.10-38 through 13.10-41). The U.S. Fish and Wildlife Service concurred with this determination by letters dated August 29, 2002 and May 23, 2007.

10. Consideration of Federal, State, or local laws or requirements imposed for the protection of the environment.

As discussed elsewhere in this decision, this land sale and permit authorization comply with all applicable laws, regulations, and policies, and will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action complies with the 1987 IPNF Forest Plan, as amended; the 1995 State of Idaho Lake Management Plan for Priest Lake; the Endangered Species Act, Clean Water Act, and Executive Orders for protection of wetlands, floodplains, and environmental justice.

## V. Implementation of Decision

If no appeal is received, implementation of this decision may occur on, but not before five (5) business days from the close of the appeal period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

### Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR§215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the *Coeur d'Alene Press*. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

**Regular Mail:**

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
P.O. Box 7669  
Missoula, MT 59807

**Express Mail:**

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
200 East Broadway  
Missoula, MT 59802  
Phone: 406-329-3555

Electronic appeals must be submitted to: [Appeals-northern-regional-office@fs.fed.us](mailto:Appeals-northern-regional-office@fs.fed.us)

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant’s responsibility to provide sufficient project – or activity – specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR§215.14, and include the following information:

- The appellant’s name and address, with a telephone number is available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Officer, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR§215 or 36 CFR§251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official’s decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

If an appeal is received on this project, there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filling an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service: [http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

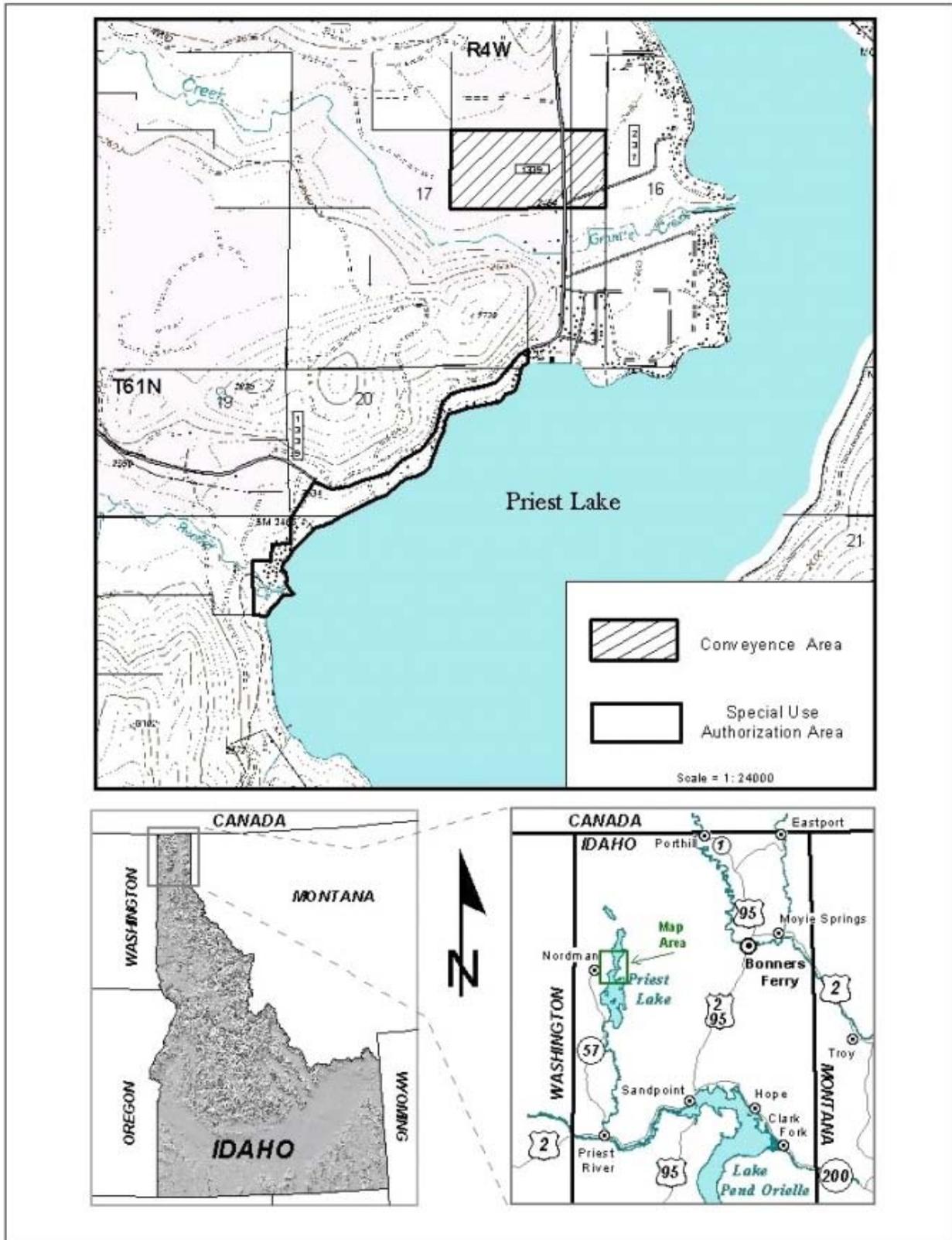
**Contacts**

For additional information concerning this decision, contact Gianna Vaccaro at the Sandpoint Ranger District Office, 1500 Hwy 2, Suite 110, Sandpoint, ID 83864, (208) 265-6625. For additional information on the FS appeals process, contact Ray Smith, Northern Regional Office, P.O. Box 7669, Missoula, MT 59807, phone (406) 329-3381.

/s/ Ranotta K. McNair \_\_\_\_\_  
RANOTTA K. McNAIR  
Forest Supervisor  
Idaho Panhandle National Forests  
USDA Forest Service  
Responsible Official

\_\_\_\_December 7, 2007\_\_\_\_\_  
DATE

### GENERAL VICINITY MAP



**Table 2: Content Analysis; EA 30-Day Comment Period (36 CFR§215.6)**

Letter #	Name	Comment	Response
1	Jim & Jackie Peirone	<p>A. The parcel (80 acres Federal Land) habitat to deer, elk, moose, bear, bald eagle, ravens, rabbits, and many other small animals and is somewhat of an invasion of their property.</p> <p>B. Biggest concern of installation of a sewage lagoon near the shore of Granite Creek. Track record of other lagoons around Priest Lake is not great.</p> <p>C. Air pollution is another concern with the prevailing winds, since there are residents close to the lagoon.</p> <p>D. Noise pollution, with pumps and compressors running 24-7.</p> <p>E. New technology available that will allow potable water to be discharged into the forest. Also, allow for easy expansion of the system.</p>	<p>A. The EA, Appendix 13.10, the biological assessment, and the biological evaluation analyzed all the species that could potentially be affected by the land conveyance. These documents and their analyses concluded that there would be no effect or would not likely adversely affect the species analyzed. This analysis supported the Finding of No Significant Impact determination made for this decision, and the determinations of the EPA and DEQ.</p> <p>B. The focus of Appendix 13.10 (Additional Analysis Related to the Sale of National Forest System Lands to Granite Reeder Sewer District) published in June of 2007 was to analyze the potential effects of the land sale and the permit authorization. The purpose of the conveyance was to provide the Sewer District with enough land in a centralized location to meet the community needs for a sewer lagoon. Given the physical orientation of the 80-acre parcel and the need to meet specific logistical needs, the proximity of the project to Granite Creek is fairly fixed given this parcel of land. It is not within the scope of the Forest Service's responsibility to evaluate alternative solutions for treating sewage in the Granite Reeder Sewer District. The EPA and DEQ are the agencies authorized to approve the design of the treatment system. Each agency issued a Finding of No Significant Impact related to the design and effectiveness of the facility.</p> <p>C. The lagoons and land application site will comply with buffer design guidelines established by DEQ. Specifically, the lagoons will be at least 300 feet from the property line Section 6.5.1 of the DEQ Guidance for Reclamation and Reuse of Municipal and Industrial Wastewater (2006), states, "these buffer distances should be considered to protect against the potential for aesthetic and public health impacts." EPA Design Manual for Wastewater Stabilization Ponds (1983) states in Section 2.6 that "Causes of potential odors in wastewater ponds can be eliminated by adequate design, including features for effective operation and maintenance (project record).</p> <p>D. As stated in the EA Appendix 13.10 and project record, there would be no noise associated with operation of the wastewater treatment plant. Noise from construction activities would be typical of those associated with this proposed kind of work and would be temporary. Under the EPA's FONSI, in residential areas all construction would be preformed on weekdays during the daytime hours from 8:00 a.m. to 5:00 p.m.</p> <p>E. See response to 1B above</p>

Letter #	Name	Comment	Response
		<p>F. Lagoon is undersized to the point where the board is talking of forming a new LID to pump affluent to another holding area.</p>	<p>F. See response to 1B above</p>
2	Don Howell	<p>A. Odor pollution, adjacent landowner to proposed lagoon. Will dramatically affect the use and enjoyment of his property.</p> <p>B. Airborne Nutrients -The spraying irrigation treatment of minimally treated nutrients during growing season. Bisects a highly traveled USFS road.</p> <p>C. Grizzly bears have reestablished in the area. It would appear to be counter productive to fence 80 acres of habitat and prevent bear access</p> <p>D. Economic Impact – 80-acre parcel not sufficient in size to accommodate the disbursement of the effluent from the lagoon with the estimate of users to be hooked up.</p>	<p>A &amp; B. See response to 1C above</p> <p>C. Since the grizzly bear is listed as a threatened species under authority of the Endangered Species Act, the FS is required to consult with the U.S. Fish and Wildlife Service on any activities that may affect federally listed species or their habitat. The 80 acres on which the facility would be developed is within an area that does have occasional use by grizzly bears, especially during the spring season but is outside the designated grizzly bear recovery zone. The project analysis was initially conducted by Welsh Comer in 2002 and a concurrence letter was received from the USFWS regarding that consultation in August of that year. Consultation included the development of a sewage treatment facility that included fencing of the facility. The conclusion of this consultation was that the proposal may affect grizzly bears but is not likely to have an adverse affect. In 2007, the FS again consulted on the conveyance of the 80-acre parcel of land. The conclusion of this consultation was the same as the previous consultation: the proposed action may affect grizzly bears but would not likely result in adverse effects.</p> <p>D. See response to 1B above</p>

Letter #	Name	Comment	Response
3	John Magnuson on behalf of Leola "Pat" Hagman	<p>A. The 80 acres of Federal Land is wholly incongruous with National Forest principals and ideals; a gross derelict use of this property.</p> <p>B. The lagoon will be constructed with a liner that has a 20-year life span. If failure occurs, and having Granite Creek in close proximity, Granite Creek is a main feeder into Priest Lake.</p> <p>C. Is it prudent for the National Forest to authorize the construction of a sewage lagoon, which does not represent the highest and best technology available, for <u>private</u> residences?</p> <p>D. What about the unique and distinct impacts that Ms. Hagman would suffer on her neighboring 260 acres? The proposed use is inconsistent with the best environmental <u>and</u> aesthetic interests of her neighbors.</p>	<p>A. The proposed action responds to the goals and objectives outlined in the IPNF Forest Plan of 1987. Chapter II of the Forest Plan states that, with regard to recreation uses, "complementary facilities and services by the private sector on National Forest [System] lands will be permitted (page II-3)." Appendix E of the Forest Plan details criteria by which a decision to convey NFS lands to other ownership may be made (page E-2). See Appendix 13.10-3. The sale is also authorized pursuant to Sec. 434 – Idaho Panhandle National Forest Improvement Act of 2004 (Act), Public Law 108-436. See Appendix 13.10-4.</p> <p>B. Project design will comply with IDEQ and EPA design criteria. IDEQ requires on-going leak testing. The risk of the proposed sewer system failing is low. If a failure did occur, with the rate of groundwater movement in the area at 2.0 ft/day, it would take 250 days for the wells 500 feet away to be affected. This scenario would not be likely, given the existing monitoring of wells. If the lines crossing either of the larger streams failed, then untreated effluent could be delivered to the shoreline of Priest Lake within minutes of the failure. Measures taken to prevent leakage and to respond to leakage, if it occurs, are described in the mitigation and monitoring sections on page 5 and 7 above.</p> <p>C. See response to 1B above.</p> <p>D. See response to 1 C above</p>
4	Allien Mielkie	<p>A. The location of the disposal area is too close to Granite Creek. The liner will fail in time.</p> <p>B. Why has the analysis report been prepared by Welch Comer Associates and not the local or regional FS personnel?</p>	<p>A. See response to 3B above.</p> <p>B. See response to 1B above. The Forest Service prepared Appendix 13.10, which analyzed the effects of conveying the 80-acre parcel of land and authorizing the special use permit.</p>

Letter #	Name	Comment	Response
5	Tom and Hattie Wolf	<p>A. Concern of potential spread of disease by mosquitoes and other insects breeding in the 2.8 acres open sewage lagoon areas.</p> <p>B. Concern of the proximity to the pristine Granite Creek, including leakage of sewage, ground water and well contamination, and possible spread of infectious disease.</p> <p>C. Siting of a wastewater treatment site next door to occupied residential / recreational properties is compatible?</p> <p>D. My family has enjoyed this 80 acres Federal Land, the degradation of my enjoyment and economic value will occur immediately, once this project is initiated.</p> <p>E. Buffer zones and overall utilization of the property.</p> <p>F. Spray drift, odor, and noise.</p> <p>G. Suggest that the road access for the site, rather than being located directly across from Hagman Road, be located at the mid-point. With the entrance across from Hagman Road, the timber where the road will be located will be cut and removed. These trees would otherwise presumably buffer noise and spray mist from the site.</p> <p>H. Construction Noise</p> <p>I. DEQ Involvement:  a. No studies of groundwater flow in area.  b. No clear view with respect to buffers.</p>	<p>A. This issue was considered but eliminated from analysis (see project record).because there will be no standing water in the lagoons. The lagoons will have diffused aeration diffusers. The irrigation site will receive a rate of irrigation that will be absorbed by the natural soil permeability, as well as the tree roots (project record).</p> <p>B. See response to 3B above</p> <p>C. See response to 3A above. In addition, such a facility will help prevent potential public health and environmental risks posed by the current use of unmonitored septic and waste systems, and help protect the water quality of Priest Lake.</p> <p>D. See responses to 1C and 3A above. In addition, the real estate market for this area has not shown a decrease in property values based on proximity to sewage treatment facilities. As shown in table 13.10-3, there was an increase of five percent in land value for a developed parcel adjacent to a similar facility (Outlet Bay Sewer District) after its completion. Any land value changes adjacent to the proposed location of the Granite Reeder sewer facility would be expected to be similar to land values adjacent to the existing Outlet Bay sewer facility.</p> <p>E. See responses 1B and C above.</p> <p>F. See responses 1C and 1D above.</p> <p>G. See responses 1B, 1C, and 1D above.</p> <p>H. See response to 1D above.</p> <p>a. The groundwater flow, the Strata Report, is located in the project file.  b. See response 1C above.</p>

Letter #	Name	Comment	Response
		<p>c. Distinction between IDEQ guidelines recreation property vs suburban/urban areas, any degradation in the fresh air environment at the lake is noticeable, undesirable and affects property use and values.</p> <p>d. Increase secondary disinfection to a higher level; discussion of conditional use permit.</p> <p>J. Sole source of drinking water.</p> <p>K. Groundwater concerns</p> <p>L. The system proposed is old technology with a history of failures.</p> <p>M. Effluent Absorption</p>	<p>c. See responses 1B, 1C, and 5D, above.</p> <p>See response to 1B, above.</p> <p>J. Protection of drinking water is paramount to the FS. Analysis of potential effects to drinking water and compliance with the Clean Water Act information is presented on pages 13.10-28, 13.10-29, 13.10-32, 13.10-33, 13.10-35 and 13.10-36.</p> <p>K. The USFS Hydrologist used the most current data available from the STRATA, Inc. Report for her analysis. A complete analysis of the groundwater issue is found on pages 13.10-32, 13.10-34, and 13.10-35.</p> <p>L. See response 1B above.</p> <p>M. The hydrologic analysis did not specifically address the possibility of chemical pollutants moving into the groundwater from sewage effluent. It is assumed that users of the sewage facility would comply with rules and guidance on proper disposal of potentially hazardous materials. The groundwater issue was assessed on pages 13.10-28, 13.10-29, 13.10-32, 13.10-33, 13.10-35, and 13.10-36.</p>
6	Granite/Reeder Water & Sewer District	<p>A. Potential Odors: The lagoon and land application site will comply with buffer design guidelines established by DEQ. Specifically the lagoons will be at least 300 ft. from the property line. Causes of potential odors in wastewater ponds can be eliminated by adequate design, including features for effective operation and maintenance. Odor control designs include continuous diffused air aeration of both ponds to maintain aerobic conditions. Also, a pre-aeration facility with a carbon filter to scrub gases entering the facility will be included. Similar aerated lagoon facilities that are in operation</p>	<p>A. Statement of facts or intended design features provided by Granite Reeder Sewer District. No response necessary.</p>

Letter #	Name	Comment	Response
		<p>and have good experience in operating without odor nuisance include Kalispell Bay Sewer District (SW), Outlet Bay SW, and Kidd Island Bay SW.</p> <p>B. Potential Leakage: Project design will comply with IDEQ and EPA design criteria. IDEQ requires on-going leak testing. Land application will be closely regulated by IDEQ to assure the treated water is consumed by the crop.</p> <p>C. Standing water: There will be no standing water in which the diffused aeration diffusers will maintain turbulence and mixing of the lagoon surface.</p> <p>D. The Granite-Reeder area is the only high-density community on Priest Lake, which does not provide central sewer service to preclude water quality contamination from inadequate on-site sewage disposal practices.</p>	<p>B. Statement of facts or intended design features provided by Granite Reeder Sewer District. No response necessary.</p> <p>C. Statement of facts or intended design features provided by Granite Reeder Sewer District. No response necessary.</p> <p>D. Statement of fact provided by Granite Reeder Sewer District. No response necessary.</p>
7	American Society of Medical Missionaries	<p>A. Odor pollution</p> <p>B. There can be no expected continued growth as a 30 % increase in capacity has already topped-out the land use.</p> <p>C. Not only are the animals jeopardized by the fencing but so would mushroom and berry pickers, and recreational users.</p> <p>D. Use of toxic technology while other alternatives are more superior.</p>	<p>A. See response to 1C above.</p> <p>B See response to 1B, above.</p> <p>C. See response 1A for wildlife issues. There are other sources in the immediate area and throughout the Priest Lake Ranger District for berry picking and recreation uses.</p> <p>D. See response to 1B above.</p>
8	Delbert Lee Futon c/o ASMM	A. Water Birds	A. See response to 1A above.