

**DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT**

**City of Huntsville
Old Colony Road Sewer Line 5 & 6**

**USDA Forest Service
Sam Houston National Forest
Walker County
December 2012**

DECISION NOTICE

Based upon my review of the proposal, the analysis and process described in the environmental assessment (EA), public comments, and the project record, I have decided to select Alternative 3 and its associated design criteria for the City of Huntsville, Old Colony Road 5 & 6 Pipeline Project. Alternative 3 provides for the following activities:

Issuance of a Special Use Permit to the City of Huntsville authorizing the construction of two pipelines (referred to as Old Colony Road 5 & 6) to be operated as low pressure, gravity fed sanitary sewer lines measuring a total of 2,423 feet long and approximately 2.6 acres in compartment 58 of the Sam Houston National Forest in Walker County, Texas.

DESIGN CRITERIA ASSOCIATED WITH ALTERNATIVE 3

Old Colony Road 5 and 6 (OCR 5 and OCR 6) will tie into the existing Fish Hatchery Road Sewer Improvement line (permitted in 1997). Under Alternative 3, OCR 5 will be placed in a newly constructed permanent Rights-of-Way (ROW) measuring approximately 843 feet long; OCR 6 will have a total length of approximately 1,580 feet but will require only 670 feet of new ROW to be constructed. OCR 6 will maximize the use of the existing Entergy Powerline ROW for approximately 910 feet. Both ROW's will have a permanent width of 20 feet; an additional 30 feet will be permitted for use throughout the construction phase to provide additional room for materials, equipment and soil stockpiling. The total area temporarily impacted will be approximately 2.6 acres, however at the completion of the construction phase, the temporary 30 foot ROW will be allowed to revegetate itself reducing the ROW to 1.12 acres in total. Because OCR 6 shares the same ROW with the existing electric utility, only .69 acre of new ROW will be cleared of vegetation. Additionally, several bends in the alignments of both OCR 5 and 6 will help to reduce visual impacts.

The following Best Management Practices (BMPs) will be used to avoid or minimize disturbance to aquatic and wetland resources and to allow vegetation to re-establish after construction.

- Hydraulically Directional Drill (HDD) the two creek crossings at Spring Branch Creek to ensure the vegetation and stream characteristics will remain intact.
- Implement erosion control measures, such as waterbars and wing ditches, during construction. Waterbar design and spacing will be implemented according to the Plan, FW-215 and FW-216 (p. 82). The Plan's Standards and Guidelines will be followed in all stages of construction.
- Remove cover vegetation as close to the time of construction as practicable.
- Confine construction equipment and associated activities to the 50-foot construction easement.
- Prohibit refueling of construction equipment within 100 feet of the aquatic and wetland resources.

The following measures will be implemented to prevent the introduction and spread of non-native invasive plant species (NNIPS) to the project areas:

- Agency approved seed will be used to revegetate areas of exposed soil.
- Straw or certified weed free hay will be used if mulching is needed.
- Follow up monitoring will be required to insure revegetative work is successful.

The monitoring and follow up treatment identified for NNIPS will be completed in accordance to the 1996 Revised Land Resource Management Plan for the National Forests and Grasslands in Texas (the *Plan*) and the 2008 Non-Native Invasive Plant Species (NNIPS) Environmental Assessment for the National Forests and Grasslands in Texas (NFGT).

In the event that historic or prehistoric cultural resources are discovered, work within the immediate vicinity of the discovery will stop and the Heritage Resources staff will be notified. The cultural resource will be protected until consultation between the Forest Service and the State Historic Preservation Officer (SHPO) is completed and a treatment plan is developed and implemented.

REASONS FOR THE DECISION

My decision to implement Alternative 3 is based on the need provide a secure source of wastewater collection and treatment needed as the result of many existing on-site disposal systems exhibiting unacceptably high frequency of failure due to age, poor soil conditions, hydraulic overloading, and inadequate maintenance. These conditions all contribute to the degradation of surface waters, shallow groundwater, and surrounding habitats. By collecting and disposing the wastewater properly, water and soil quality will likely improve, contributing to the restoration of the ecosystem.

I considered the need to take action and the issues identified during scoping in making my decision. I weighed the effects of pipeline construction and installation on the vegetation, soil and water, air, wildlife, social, economic, and aesthetic resources, and recreational use of the area, all key issues associated with the project, against taking no action. Alternative 3 provides minimal impact upon the resources while addressing the sanitary and environmental needs of degrading on-site disposal systems.

I have considered the effect of this project on climate change, as well as the effect of climate change on this project. Any resulting greenhouse gas emission would not be measurable on a global scale.

OTHER ALTERNATIVES CONSIDERED

The following alternatives were considered in detail. They are fully described and contrasted on pages 9-11 of the EA.

Alternative 1 – This is the No Action Alternative. The Proposed Action would not be implemented. This alternative, although it does not meet the purpose and need for the project, provides a baseline on which to compare the alternatives.

Alternative 2 – Topography-based Action involves the alignment and construction of the OCR 5 & 6 gravity sewer lines across private and public lands based on the topography of the area to maximize the efficiency of the system relying on gravity for transport. Under Alternative 2, both pipelines OCR 5 & OCR 6 would be placed across a wooded portion of the national forest land to tie into existing pipelines, and only a portion of OCR 6 would then run parallel to an existing maintained power line right of way south of the national forest on private land. Potential impacts to wooded habitat would be approximately 1,655 linear feet (1.90 acres).

In addition to the alternatives considered in detail, the City of Huntsville, OCR 5 & 6, Interdisciplinary Team (ID Team) and the Responsible Official considered other alternatives. The alternatives were evaluated based on their ability to meet the project's purpose and need. These alternatives were considered, but eliminated from detailed study in the EA (p. 11)

PUBLIC INVOLVEMENT

Public scoping began September 27, 2011, in a letter mailed to persons on the Sam Houston National Forest mailing list describing the Proposed Action. On November 02, 2012, the Pre-Decisional Environmental Analysis was published for public comment. The Forest Service received 1 response per each public comment period. Based on the received and discussions between the ID Team and the decision-maker, three significant issues were identified (EA, page 8). Pursuant to 36 CFR 215.6, only parties who submitted comments during the 30 day Pre-Decisional Comment Period has standing to appeal this decision.

FINDING OF NO SIGNIFICANT IMPACT

After thorough consideration of the EA, Appendices, the Forest Plan, and comments received, I have determined that these actions are not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. In a local context, the short and long term effects of the site-specific actions of the Selected Alternative (Alternative 2) are not significant. Therefore, an environmental impact statement is not needed. This determination is based on the following intensity factors.

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the quality of the environment (EA, pages 17 to 40).
2. Public health and safety are not adversely affected by the proposed action (EA, pages 40).
3. The prescribed actions will not adversely affect any unique characteristics of the geographical area. No wild and scenic rivers or wilderness exist in the area. Floodplains associated with minor streams in the project would not be adversely affected. Although wetlands have been delineated in the area, they are associated with elevated water tables and floodplains along minor streams. Project activities will not significantly affect wetlands.
4. I do not expect the effects of the proposed actions on the quality of the human environment to be highly controversial in a scientific context. Some respondents disagree with the actions proposed and their cumulative effects. However, the opinions they expressed during scoping, and considered within the EA, did not disclose any significant adverse effects that would result from the project on the quality of the human environment. Page 8 of the EA summarizes the public contacts made in the course of the environmental analysis, and documents the issues identified from these contacts. Broad-level public disputes with forest policy are beyond the scope of this decision.
5. The Selected Alternative does not involve highly uncertain, unique, or unknown environmental risks. The Sam Houston National Forest has successfully carried out the proposed activities in similar situations in the past.
6. This decision does not set precedent for future action with significant effects or represent a decision in principle about a future consideration.
7. These actions do not individually, nor with other activities taken cumulatively within the affected area, reach a level of significance (EA, pages 17-40). Where appropriate, design features are proposed which are known to keep effects to vegetation, soils, wildlife, and other resources below a threshold level of significance (EA, pages 14). Cumulative effects of the Selected Alternative actions and other foreseeable actions have been evaluated throughout the EA.
8. No known sites listed or eligible for the National Register of Historic Places will be affected by the proposed activities. If heritage resource sites are discovered during actual

operations, activities will be stopped until the sites can be protected or evaluated for significance. Prescribed activities will not cause loss or destruction of significant scientific, cultural, or historic resources.

9. The Selected Alternative will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. The Biological Evaluation, dated June 2011, states that the proposed project will have no effect on any federally listed, endangered, or threatened species, will have no impact on any listed Region 8 sensitive species. Formal consultation or concurrence with the US Fish and Wildlife Service is not required (Appendices – Exhibit C).
10. None of the prescribed actions threaten or lead to violations of federal, state, or local environmental laws or requirements imposed for the protection of the environment. This will be ensured by carrying out the selected actions in a way that is consistent with the standards and guidelines, management requirements and mitigation measures established in the Plan. For water quality management, Best Management Practices will be used for this project. The project will be monitored to ensure BMPs are implemented and appropriate corrective measures will take place, if implementing the BMPs on a specific site results in effects significantly higher than anticipated, because of unforeseen site factors or events. This project will fully comply with state approved BMPs and the Clean Water Act.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Alternative 3 is consistent with the management direction, including standards and guidelines, in the *1996 Revised Land Management Plan for the National Forests and Grasslands in Texas (The Plan)*. This direction is summarized as follows:

- ◆ Management practices in conjunction with the use of mechanical equipment on National Forest land are consistent with the Plan standards and guidelines for the protection of soil and water (the Plan, p. 81-83).
- ◆ The actions of this decision are consistent with direction for Management Area 10b – Special Use Permit Sites (the Plan, p. 281).

In accordance with FSM 2671.44 and 2672.42, and regulations set forth in Section 7 (a) of the Endangered Species Act, a Biological Evaluation (BE) was prepared in June of 2011, to evaluate the effects of the planned activities on Federally listed and proposed threatened and endangered (T&E) species, and Region 8 Forest Service (R8 FS) sensitive species. The Biological Evaluation determined that the proposed action will have “no effect” any federally listed Threatened or Endangered species, and “no impact” for any “R8 sensitive species.”

In accordance with the requirements of the National Historic Preservation Act of 1966, Executive Order 13007, the American Indian Religious Freedom Act, and others, an archaeological inventory report was prepared on September 18, 2012 to evaluate the effects of this project on heritage resources. The report determined that the proposed actions will have “No

Adverse Effect” to any historic properties. The State Historic Preservation Office concurred with this determination on October 9, 2012. Additionally, consultation with the Caddo Nation of Oklahoma and The Alabama-Coushatta Tribe of Texas has been conducted, to date, no issues have been identified.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.9 (a)).

If an appeal is filed within the 45-day time period, implementation of this decision may begin on, but not before, the 15th business day following the date of the last appeal disposition (36 CFR 215.9 (b)).

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

In accordance with 36 CFR 215, this decision is subject to notice, comment, and appeal. Individuals or organizations who submitted comments or otherwise expressed interest in this action by the close of the comment period specified in 36 CFR 215, have the right to appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. The appeal shall be sent to USDA, Forest Service, ATTN: Appeals Deciding Officer, 1720 Peachtree Rd, N.W., Suite 811N, Atlanta, Georgia 30309-9102. Appeals may be faxed to (404) 347-5401. Hand-delivered appeals must be received within normal business hours of 7:30 a.m. to 4:00 p.m. Appeals may also be mailed electronically in a common digital format to appeals-southern-regional-office@fs.fed.us.

The office business hours for those submitting hand-delivered appeals are 8 a.m. through 5 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-southern-texas@fs.fed.us]. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Conroe Courier, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Conroe Courier is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

CONTACT PERSON

For additional information concerning this decision, contact Frank Stranimier at the USDA Forest Service, Sam Houston National Forest, 394 FM 1375 West, New Waverly, TX 77358 or telephone (936) 344-6205.

SIGNATURE AND DATE

Mark E. Van Every

MARK E. VAN EVERY

1/16/13

Date

Forest Supervisor
2221 N. Raguet St.
Lufkin, TX 75904

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