

Decision Notice  
& Finding of No Significant Impact  
Mack's Inn Wastewater Treatment Plant Land Application Expansion Project

USDA Forest Service  
Ashton/Island Park Ranger District, Caribou-Targhee National Forest  
Fremont County, Idaho

**DECISION**

After review of the environmental assessment (EA) for the Mack's Inn Wastewater Expansion Project and the Finding of No Significant Impact (FONSI), I have decided to implement Alternative 2, the Proposed Action.

The Proposed Action would increase Fremont County's capacity to process wastewater effluent during peak use as the population increases in the greater Island Park area. The expansion would also enable the wastewater treatment plant to continue to comply with various agency standards.

**PROJECT AREA**

The project area is located on National Forest Service System Lands near Mack's Inn, Township 14 North, Range 44 East, Section 30 in Fremont County, Idaho.

**PURPOSE AND NEED**

The purpose of the proposed action is to respond to Fremont County's application for a special use permit to expand the current wastewater treatment facilities at the Mack's Inn site. The proposed action would increase the capacity of the effluent application area in response to platted properties in the greater Island Park area.

**ALTERNATIVES CONSIDERED IN DETAIL**

I examined two alternatives in detail: Alternative 1, the no action and Alternative 2, the proposed action. I determined that these alternatives provided a reasonable range for the scope of the project. Chapter 2 of the EA includes a description of the alternatives. Following is a summary of the alternatives considered in detail.

Under the no action alternative the Forest Service would not issue a special use permit to Fremont County for the expansion of the land application area. The site would remain at its current capacity serving approximately 1,250 equivalent users. This alternative would hinder any further development of the currently platted subdivisions within the areas of Fremont County serviced by the Mack's Inn Waste Water Treatment Facility (WWTF).

Under the proposed action alternative the Forest Service would issue a special use permit to Fremont County for the expansion of the land application area at the Mack's Inn WWTF. The

special use permit required for the proposed action would authorize the use of 50 acres of contiguous National Forest System lands for the expansion. The 50 acres would provide for the installation of two center pivot irrigation units (pivots) to apply the treated wastewater; a 500 foot buffer area between the land application area and residential structures as per IDEQ setback requirements; and a perimeter fence around the land application area to limit trespass in the area (Figure 3).

The perimeter fence constructed around the area used for the pivots would be a three strand smooth wire fence to facilitate wildlife movement through the area. The fence would be let down in late fall to allow winter wildlife passage, prevent damage to the fence associated with snow loads in the winter, and allow access by snowmobiles during snow months. The fence would be put back up in the non-snow months. Signage would be added to the fence during non-snow months to inform the public that the area is used for treated waste water disposal. This would make the fence visible to the public using the adjacent National Forest System lands for recreation.

To facilitate installation and operation of the pivots all the trees within the area would be removed. The trees are primarily lodgepole pine (*Pinus contortus*) with an average age of 30 years. The County would cut the trees and then use a combination of piling the trees and burning the piles along with some broadcast burning. The County will install erosion and sediment control methods until the site has stabilized. Once cleared, the vegetation communities within the land application area would be routinely maintained using mechanical treatment (i.e., chainsaw or front end loader dependent upon tree size) to prevent interference with the operation of the pivots.

The pivots would be connected to the WWTF via a buried pipeline. The pipeline would connect to a pump located at the treatment facility and be buried in an 18 inch wide trench approximately six feet below ground surface. The pipe would be an eight inch PVC pipe, that would travel north through the existing land application field for approximately 1,000 feet and then turn west and cross Forest Service Road 338, traveling 1,000 feet west to the first center pivot irrigation unit in the land application expansion area. After leaving the first irrigation unit, the pipe would travel the remaining 1,200 feet to the second center pivot irrigation unit. An electrical line would also be buried in the trench used for the pipeline to supply electricity to the irrigation systems. The irrigation units would be designed and installed to accommodate future growth. The expansion of the land application area would allow the Mack's Inn WWTP the ability to distribute 24.4 million gallons of treated wastewater through the land application process.

A site specific forest plan amendment would be implemented. The proposed action would change the management prescription area from 5.1.3(a) (timber management) to 8.1 (concentrated development areas) (USFS 1997b p. III-157). This change would be applied to approximately 50 acres where the new effluent application area would be located.

***Design Features Associated with the Proposed Action Alternative***

- The land application expansion site would be designed in such a manner as to comply with all Idaho Department of Environmental Quality (IDEQ) standards and requirements. These include but are not limited to maximum hydraulic loading rates, buffer zones, seasons of use, ground water quality, fencing and posting, and odor management.
  - Seasons of use – growing season: May 1 thru October 15 (168 days).
  - Maximum hydraulic loading rates – 18 inches/acre per growing season.
  - Buffer zones –
    - Distance to public access – 50 feet
    - Distance to inhabited dwellings – 300 feet
    - Distance to streams – 100 feet
    - Distance to private water sources – 500 feet
    - Distance to public water sources – 1,000 feet
    - Single sample maximum total coliform level – 240/100ml
  - Ground water quality – ground water quality shall be in compliance with *Idaho Ground Water Quality Rule* IDAPA 58.01.11 and monitored with existing monitoring wells on site. If necessary new wells will be installed at the request of IDEQ.
  - Sign posting – signs should read “Irrigated with Reclaimed Wastewater – Do Not Drink” or equivalent, to be posted every 500 feet and at each corner of the outer perimeter of the buffer zones of the site.
  - Odor management – the WWTP and other operations associated with the facility shall not create a public health hazard or nuisance conditions, including odors. These facilities shall be managed in accordance with an IDEQ approved Odor Management Plan which shall be submitted to and approved by the Department as a part of the preliminary engineering report described in Section 411 of IDAPA 58.01.16. The Water Environment Federation Guidance referenced in Section 008 of these rules provides guidance for use in developing an odor management plan that is inclusive of the facilities being designed.
- If any historical sites are found during construction, work would be immediately stopped and the Forest Archeologist would be contacted.
- During timber removal, off-road tractor use would be postponed when soil moisture is high and use is causing soil disturbance consistent with Soil Disturbance Class 3 (defined in the Soil Disturbance Field Guide (USDA FS 2009)).

- Slash would be piled and burned on roads where feasible. Where this is not feasible, slash would be piled in such a way (tall and narrow) as to reduce the footprint on the soil and piles would be burned when the soil is cold/frozen and moist.
- All personnel involved with on the ground implementation of the project must comply with the food storage order, Order Number 04-15-0063, to protect grizzly bears. This order makes food unavailable to grizzly bears.
- Prior to commencement of activities, a nest survey would be conducted to determine if active goshawk nests are present. If nests are present and active, all activities would occur between October and February.
- Any machinery used on site for construction or maintenance will be cleaned of invasive species seed or debris prior to working on site. The site would be monitored and treated for invasive plant species for up to five years following the initiation of the project. .
- Tree removal activities should result in edges which appear natural with irregular lines and shapes to the extent possible.
- Following disturbance if native plants do not revegetate the site, these areas would be re-seeded to an appropriate native plant mix approved by the Forest Botanist.
- Best management practices associated with heavy equipment operation (i.e., fuel storage, fueling procedures, spill prevention/clean-up kits present, and proper functioning of machinery) would be implemented to prevent contamination of soils and potential run-off of contaminants offsite.
- Constructed skid trails would be obliterated and scattered with a thin layer of slash.
- Landings would be revegetated with an approved native seed mix and areas of compacted soil would be scarified prior to seeding (USDA Forest Service 1988, practice 14.11).
- Vehicle staging, cleaning, maintenance, refueling, and fuel storage will be 150 feet or more from any stream, waterbody, or wetland and in a location where surface runoff from the site is incapable of being delivered to perennial or intermittent channels.
- The following Best Management Practices related to sanitation systems would be applicable to the project (USFS 2012):
  - An operation and maintenance plan would be prepared and maintained for the waste treatment and disposal facilities (FSM 7410).
  - Follow-up actions identified during inspections of the facility would be implemented as needed to ensure that the system is working properly.
  - Procedures would be included in the operation and maintenance plan to contain or avoid releases of pollutants in floods or other emergencies.
  - The waste treatment and disposal facilities authorized on NFS lands would be operated and maintained according to applicable regulations and direction.

## RATIONAL FOR THE DECISION

The proposed action was designed to meet the purpose and need for the project as well as address issues and concerns.

Based on the effects analysis in the Mack's Inn Wastewater Treatment Plant Land Application Expansion Project EA and the supporting project record, my decision supports the need to expand the effluent application capacity of the waste water treatment plant. I determined that it was inappropriate to select the No Action alternative because it does not respond to the need for action. Without the additional effluent spray field, the waste water treatment plant will not be able to process the additional waste added to the system in the Island Park area.

The proposed Action best meets the purpose and need by:

- Amends the Forest Plan to the appropriate management prescription or designation
- Facilitates wildlife movement through the area during all seasons
- Complies with 2007 Final Conservation Strategy for the Grizzly Bear in Greater Yellowstone area and grizzly bear management direction in the 1997 Targhee Revised Forest Plan.
- Minimizes effects to ground water quality
- Complies with IDEQ requirements for public safety and water quality.

I believe this Alternative meets the purpose and need for this project, responds to public concerns and is consistent with applicable laws, plans, amendments and policies.

## FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that the Proposed Action, which I have selected, will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). For this reason, I determine that it is not necessary to prepare an environmental impact statement for the Mack's Inn Wastewater Treatment Plant Land Application Expansion.

1. **Impacts That May Be both Beneficial and Adverse:** The EA includes effects discussions for resources that could be affected through implementation of the Proposed Action. Potential adverse effects have been identified and disclosed (EA Chapter 3, Pages 13-32) and mitigated through development of design features (EA Pages 8-10). While the overall effect of implementing the Proposed Action is expected to be beneficial, the specific direct, indirect and cumulative effects will be within the standards set forth by the Revised Forest Plan and Amendments and consistent with applicable environmental laws and therefore not significant.

My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. **The Degree to Which the Proposed Action Affects Public Health and Safety:** There will be no significant effects on public health and safety by implementing the Proposed Action. Design criteria include Idaho Department of Environmental Quality standards and requirements that protect public health and safety.
3. **Unique Characteristics of the Geographic Area such as Proximity to Historic or Cultural Resources, Park Lands, Prime Farmlands, Wetlands, Wild and Scenic River, or Ecologically Critical Areas:** The project does not contain any park lands, prime farmlands, wetlands, wild and scenic river corridors or ecologically critical areas. A cultural resources review has been completed and no sites exist within the project area. A determination of Significance and Effect from Idaho State Historic Preservation Officer determined there would be no effect on any known historic properties from implementation of this project. Project design features required for project implementation provide protection for new sites if discovered during project implementation. No activities are proposed for research natural areas. Based on field reviews and information contained in the EA and Project Record, I conclude that the selected alternative (proposed action) will have no effects on unique resources.
4. **The Degree to Which the Effects on the Quality of the Human Environment are Likely to be Highly Controversial:** Based on the limited context, size and location of the project and my review of public comments as well as the information in the EA, I do not find any highly controversial effects to the human environment.
5. **Consideration of the Degree to Which Possible Effects on the Human Environment are Highly Uncertain or Involve Unique or Unknown Risks:** Fremont County, in accordance with IDEQ standards has successfully installed and operated effluent application systems in this area and has experience with this type of project. The effects analysis shows the effects are not uncertain and do not involve unique or unknown risk. The selected alternative (Proposed Action) is the same activity as past effluent application projects permitted on the Ashton/Island Park Ranger District and its effects are expected to be similar. Design features outlined above in this decision and in the EA on pages 8-10 will be incorporated by Fremont County when the project is implemented. The Proposed Action was developed based on professional and technical insight and experience, public input, field surveys and reconnaissance and incorporation of the best available science. It is my conclusion that there are no unique or unusual characteristics of the area which have not been previously encountered that will constitute an unknown risk upon the human environment.
6. **The Degree to Which this Action May Establish a Precedent for Future Actions with Significant Effects or Represents a Decision in Principle About Future Considerations:** The Proposed Action is similar to the installation of the previous effluent application system at the Mack's Inn Waste Water Treatment Plant on the Ashton/Island Park

Ranger District and does not set new precedent. It does not include or set precedence for any other action on the Caribou-Targhee National Forest. From review of the analysis and Project Record documentation, it is evident that these types of actions are consistent with the Revised Forest Plan for the Targhee National Forest (1997). Any future decisions will need to be considered in a separate analysis. This action does not represent a decision in principle about a future consideration. We have experience with this type of activity.

- 7. Consideration of the Action in Relation to Other Actions with Individually Insignificant but Cumulatively Significant Impacts:** My review of the EA and supporting documents indicates there has been adequate analysis of cumulative effects in and outside the project area and no significant negative environmental impacts are likely to occur due to this decision. Based on my review of the analysis and disclosure of effects in the EA, Specialist Reports, Biological Assessments and Evaluations and other analysis in the Project Record, I conclude that this project does not represent potential cumulative adverse impacts (EA Pages 13-32).
  
- 8. Consideration of the Degree to Which the Action May 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 Historic Resources:** My decision to approve this project will not have adverse affects nor cause the loss or destruction of significant, scientific, cultural or historic resources. A cultural resources review has been completed and no sites exist within the project area. A determination of Significance and Effect dated February 4, 2012 from Idaho State Historic Preservation Officer determined there would be no adverse effect from implementation of this project.
  
- 9. Consideration of the Degree to Which the Action May Affect an Endangered or Threatened Species or Their Habitat that has been Determined to be Critical Under the Endangered Species Act of 1973:** This project will not significantly affect threatened or endangered species or their habitat. A Biological Assessment has been completed for Canada lynx, grizzly bear, greater sage grouse, North American wolverine, yellow-billed cuckoo and Ute ladies'-tresses which assessed the potential impact to threatened, endangered and proposed species and their habitat. The determination of effects for greater sage grouse, North American wolverine, Yellow-billed cuckoo, Ute lades'-tresses, and whitebark pine is No Effect. The determination for Canada lynx and Grizzly bear is May Effect Not Likely to Adversely Affect.
  
- 10. Whether the Proposed Action Threatens a Violation of Federal, State, or Local Law or Requirements Imposed for the Protection of the Environment:**
  - National Forest Management Act (NFMA): this act guides development and revision of National Forest Land management plans. The proposed action is consistent with NFMA and the Revised Targhee National Forest Plan (RFP). This project incorporates all

applicable Forest Plan forest-wide standards and guidelines and management area prescriptions as they apply to the project area. This project also complies with Forest Plan goals and objectives. This includes additional direction contained in all Forest Plan amendments. All required interagency review and coordination has been accomplished (EA, BA, BE and specialist reports).

- The National Environmental Policy Act (NEPA): NEPA establishes the format and content requirements of environmental analysis and documentation. The process of preparing this environmental analysis was undertaken to comply with NEPA and its implementing regulations.
- Endangered Species Act: Biological Assessments (BAs) were prepared to document possible effects of the proposed action on endangered and threatened species within the analysis area potentially affected by the project (BA, Project Record). The analysis concluded that implementation of the Proposed Action would have no effect greater sage grouse, North American wolverine, Yellow-billed cuckoo, Ute lades'-tresses, and whitebark pine. Implementation of the Proposed Action may effect but not likely adversely effect Canada lynx and Grizzly bear. (BA Page x, Project Record). The biological assessments prepared in conjunction with the EA supports this conclusion.
- Clean Water and State Water Quality Standards: The Proposed Action alternative would be in compliance with the applicable hydrology-related standards and guidelines from the RFP. Design features for the proposed action are in place to address IDEQ standards and requirements (EA Page 8, Hydrology and Soils Reports, Project Record). This decision incorporates Best Management Practices to ensure protection of soil and water resources (EA Pages 27 and 30, Hydrology and Soils Reports, Project Record). The Proposed Action is consistent with other pertinent laws, regulations and directives discussed above (Hydrology and Soils Reports, Project Record).
- Clean Air Act: Upon review of the EA, I find the Proposed Action is in compliance with all requirements with this act. There is no prescribed burning or other activities that may affect air quality planned with this project.
- Migratory Bird Treaty Act: On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds. Upon review of the effects analysis regarding Migratory birds (EA Page 22) I find no significant loss of migratory bird habitat is expected from implementation of the Proposed Action.
- National Historic Preservation Act: These laws require the adequate and extensive review of these undertakings by conducted in order to assess the possible effects of these activities upon cultural resources. They also provide that Federal agencies conduct adequate consultation with pertinent tribes in order to be informed of any possible conflicts the actions taken would have on their ability to conduct traditional religious practices.

A cultural resource review has been completed and no sites were located in the project area. A determination of no adverse effect was made for this project and SHPO concurred with this determination on February 17, 2012.

- American Indian Religious Freedom Act and Grave Protection and Repatriation Act: The Shoshone-Bannock tribes were contacted and tribal comment was encouraged. No tribal concerns were identified for this project.
- Environmental Justice: The selected Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations and Departmental Regulation 5600-2 direct federal agencies to integrate environmental justice considerations into federal programs and activities. Environmental justice means that to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or environment.

Implementation of any of these alternatives will be consistent with this Order and will not have a discernible effect on minorities, American Indians, or women or the civil rights of any United States citizen. Nor will it have a disproportionate adverse impact on minorities or low-income individuals. No civil liberties will be affected. The Forest Service has considered all public input from individuals or groups regardless of age, race, income status, gender or other social/economic characteristics.

Executive Order 12898 also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish and wildlife. The decision would not alter opportunities for subsistence hunting by Native American tribes. Native American tribes holding treaty rights for hunting and fishing on the Caribou-Targhee National Forest were provided an opportunity to comment on the proposal.

None of the alternatives would substantially affect minority or low-income individuals, women, or civil rights. The implementation of this project is expected to provide additional waste treatment services to the community of Island Park including minority populations.

- Idaho Roadless Rule (36 CFR 294): The project area does not include any areas identified as Roadless Areas in the Targhee National Forest Revised Plan or Final Rule for Roadless Area Conservation.

#### **IMPLEMENTATION DATE**

Implementation of the Proposed Action can begin immediately after the signature of this Decision and publication of notice of appeal opportunities in the paper of record.

#### **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is not subject to administrative review (appeal). Two supportive comments were received during the comment period; this decision is not subject to appeal (36 CFR 215.12). Implementation will begin immediately.

**CONTACT**

For additional information concerning this decision, contact Liz Davy, P.O. 858, Ashton, ID 83420, phone, 208-652-7442.



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Date 2/7/2013