

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

**STRAWBERRY RIDGE UTILITY IMPROVEMENT
PROJECT**

USDA FOREST SERVICE
CEDAR CITY RANGER DISTRICT
DIXIE NATIONAL FOREST
Kane County, Utah

DECISION AND RATIONALE

This Decision Notice documents my decision to implement the Proposed Action as described in the Strawberry Ridge Utility Improvement Project Environmental Assessment (EA). The environmental and social effects of the Proposed Action as well as the No Action alternative are described in the EA. The purposes of the Proposed Action are to (1) provide for increased public safety through reliable water source for fire-fighting, and (2) provide for increased public health through reliable and safe sources of culinary water. The Proposed Action provides for the issuance of Special Use Permits to Kane County Water Conservancy District (KCWCD), Garkane Energy and South Central Communications to construct, operate, and maintain water storage and transmission, electricity transmission, and communication transmission systems on National Forest System lands. The utility infrastructure is designed to serve the Zion View Mountain Estates and Sky Haven subdivisions, as well as to provide infrastructure needs to adjacent State Institutional Trust Lands Administration (SITLA) lands.

Decision

My decision is to implement the Proposed Action.

My decision is based on consideration of Forest Plan direction and of the analysis as documented in the EA. The specific actions are described below. See attached Figures 1, 2 and 3 for the location of these specific proposed actions. The Proposed Action is to issue special use permits for construction, operation and maintenance of the following on National Forest System Lands:

- **Kane County Water Conservancy District** - a culinary water storage and transmission system including culinary water pipelines, storage tank and associated controls.
- **Garkane Energy** - an electricity transmission system including 2 buried powerlines and associated controls.
- **South Central Communications** - a fiber optic communication system including buried fiber optic cables and associated controls.

The special use permits will provide for:

1. **Permanent 30-foot-wide utility right-of-way.** Issuance of a permanent, single, co-located utility right-of-way for the three permits which is 30 feet wide incorporating the existing roadway of 8 miles of National Forest System Roads. This right-of-way will allow for construction equipment, materials, temporary sidecast and all other construction activities. The water lines, fiber optic line, power lines and all associated controls, access sites and features (except as described for appurtenances below) will be located within this single utility right-of-way. This right-of-way will allow for continued operation and maintenance of utilities following the completion of construction activities.
2. **Permanent 30-foot-wide utility right-of-way and new road construction for tank access.** Construction of a permanent National Forest System road to provide access to the tank. The road will be 0.54 mile (2,854 ft.) long and 20' wide with standard drainage and surfacing. Issuance of a permanent, single, co-located utility right-of-way for the three permits which is 30 feet wide incorporating the new the roadway. This 30-foot-wide right-of-way will allow for construction equipment, materials, temporary sidecast and all other construction activities. The water lines, fiber optic line, power lines and all associated controls, access sites and features (except as described for appurtenances below) will be located within this single utility right-of-way. This right-of-way will allow for continued operation and maintenance of utilities following the completion of construction activities. Following construction the road will be designated as an Administrative Road.
3. **Utility appurtenances.** Controls, instrumentation and access ports for the water pipelines, powerlines and fiber optic line will be constructed as part of the project. The appurtenances are:
 - **Culinary Water:** air vents, fire hydrants (spaced every 1,500-3,000 feet).
 - **Electrical Power:** sectionalizing cabinets and splice vaults, (spaced every 1,000 feet) and pad-mounted voltage regulating and switching equipment (spaced every 5,000-7,000 feet).
 - **Fiber optic:** splice vaults (spaced every 1,500-3,000 feet; two underground access vaults).
4. **Water pipelines and fiber optic cables.** Co-location and direct burial of a 12" diameter distribution and parallel 6" diameter culinary water pipelines and fiber optic cables at a minimum depth of 7 feet. Appurtenances to be included along the pipelines and fiber optic lines are described above (item 2).
5. **Electric power cables.** Direct burial of two 3-phase 34.5 KV power cables within the permanent right-of-way. Power cables will be in separate trenches 5 feet apart horizontally from each other and 2 feet apart horizontally from the water pipelines and fiber optic cables. Burial of the power cables will be at a

minimum depth of 3 feet. Appurtenances to be included along the power lines are described above (item 3).

6. **350,000 gallon water storage tank.** Construction, operation and maintenance of a 350,000 gallon culinary water tank and associated control structures. The permit will provide for a temporary 1.5-acre construction area at the tank site. Following construction, the permit will provide for a permanent 1-acre operation and maintenance area. The tank will include an 82-foot diameter x 16-foot tall tank. The tank will be buried 12 feet in the ground, with 4 feet exposed above ground. A buried vault (10'x10') and a chlorination/control building (11'x16'x10') will be located adjacent to the tank.
7. **Tree removal.** Tree removal at the tank site and tank access road will consist of all tree parts removed including root wads and slash using mechanized equipment. Merchantable material will be sold to the permittee and transported off-site for disposal. Slash will be treated in accordance with Project Design Feature FM-1.
8. **Post-construction rehabilitation.** Top soil will be stock piled prior to construction and spread over the rehab area after construction. Rehabilitation will occur on 0.5 acres at the tank site and 0.66 acres along the tank access road.

Additional actions not in Special Use Authorization. The following actions will also be completed. These will not be part of the Special Use Authorization, but will be completed as part of the project.

- A. **Closure of section of OHV trail.** A section of existing Off-Highway Vehicle (OHV) trail will be removed from the Forest Motorized Travel Plan system. The trail provides redundant access to the Zion View Mountain Estates subdivision from Forest Road 1913. Approximately 0.90 mile (4,780 feet) of the western "arm" of OHV Route #57 (Forest Road 32021) will be closed and obliterated. The eastern "arm" of OHV Route #57 from FR 1913 to the subdivision will remain open to OHV use.
- B. **Borrow material.** Gravel, cinders or other borrow material for road base or other site needs will come from offsite mineral materials sources. These sources may include existing National Forest pits or sources off-Forest.

Project Design Features. The following Project Design Features (PDF) are also part of the Proposed Action:

Project Design Features

Air Quality
AQ-1. Surface disturbance will be watered as necessary to reduced fugitive dust during construction.
AQ-2. Speed limit in construction zones will be reduced to 20 mph to reduce dust.

Noxious Weeds

NW-1. Ground disturbing heavy equipment will be thoroughly cleaned at an off-forest location prior to being transported to the project area.

NW-2. If used for rehabilitation purposes, only certified noxious weed free hay, straw, and mulch will be used.

NW-3. Noxious weeds will be controlled on all disturbed areas, should they become established, through the implementation of actions that are consistent and compliant with the Dixie National Forest Environmental Assessment for Noxious Weed Management and Decision Notice (USDA 2000).

Public Safety

PS-1 General public safety. Address any safety considerations to reduce risk to the public and liability to the Forest, including the following measures:

- **Construction traffic control.** Provide reasonable assurances for public safety during construction and other operations affecting roads, trails or recreation facilities. Post safety signing along roads where construction is occurring as well as the Virgin River Rim Trail (VRRT). Provide traffic control flaggers as necessary to insure public health and safety.
- **Trenches** will be covered and barricaded when unattended by construction personnel. No trenches will be left open overnight.
- **Hazardous materials.** Totally enclosed containment will be provided for all hazardous materials and trash. All construction waste including trash, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials will be removed to a disposal facility authorized to accept such materials.
- **Wildfire prevention.** Two fire extinguishers (20-lb. ABC) and hand shovels will be available at all construction sites to reduce risk of wildfire during construction. All construction activities and personnel will comply with all Forest Service, County or State fire rules and restrictions.
- **Flammable fuels** used for construction will be properly used and stored to prevent igniting wildfire. BMPs including a refueling and hazardous materials plan and Forest Service practice 15.11 – Servicing and Refueling of Equipment will be implemented (FSH 2509.22 1988, Appendix A).

Fuels Management

FM-1. Forest fuels created during clearing or other construction activities will be piled and burned, or removed, or chipped per Forest Service direction.

Wildlife Protection

WP-1. Construction will not occur within outlined goshawk temporal and spatial buffers within an active PFA. See Special Status Species Section.

WP-2. Construction will not occur within outlined peregrine falcon temporal and spatial buffers within one mile of an active eyrie. See Special Status Species Section.

WP-3. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including but not limited to human waste, debris, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

WP-4. No clearing of vegetation or surface disturbance will occur outside of the designated construction easement.

Visual

V-1. Utility lines will be buried to avoid the visual impact of overhead lines. Concurrent construction of multiple utility in the same trench should be implemented wherever possible to reduce the need for three separate construction events.

V-2. Color of the tank, chlorine building, fire hydrants and air lock vent colors will be approved by the Forest Landscape Architect.

V-3. The tank will be buried with only the upper 4-feet exposed.

V-4. Contractors will utilize dust control measures during construction.

V-5. The proposed alignment of the tank access road conforms to the natural topography of the hillside to the extent possible thereby minimizing cuts and fills.

V-6. Roads that are widened for construction will be contoured and reseeded to maintain the original road width.

Hydrology and Soils

HS-1. All applicable Soil and Water Conservation Practices (SWCPs) will be implemented. Refer to the Soils Section and Water Resources Section and Appendix A.

HS-2. All construction vehicle movement outside of the right-of-way will be restricted to pre-designated access, contractor acquired access, or public roads.

HS-3. Fill material will be left at a stable angle and revegetated with appropriate vegetation or seed mix.

HS-4. All construction and maintenance activities will be conducted in a manner that will minimize disturbance to vegetation, drainage channels, and intermittent and perennial stream banks.

HS-5. All roads will be left in a condition equal to or better than their condition prior to construction.

HS-6. Silt fences will be used where necessary to identify the construction limits and prevent incidental fill from being placed in the wet area adjacent to FS 058 and Strawberry Creek. No occupation of the wet area will occur as a result of project activities.

HS-7. New disturbance areas will be reseeded as appropriate with a Forest Service approved seed mix. Reseeding will occur during fall months within the first year upon completion to promote seed germination.

HS-8. The Utah Department of Environmental Quality – Division of Water Quality will be consulted on the National Pollutant Discharge Elimination System (NPDES) permit needs. The proper NPDES permits will be obtained as needed.

Recreation

R-1. Gates and signage will direct Virgin River Rim Trail users to prevent trail confusion with the tank access road.

R-2. The proposed tank site and access road is located out of view of Strawberry Point scenic look out.

R-3. Short-term temporary trail closure may be necessary during construction of the 400 foot section of access road that overlaps the Virgin River Rim Trail.

R-4. Commercial outfitters and trail guides will be notified, via the District Special Uses staff, of construction schedule and any temporary trail closures 2 weeks prior to any temporary closure. Signage indicating closures will be coordinated with the DNF officer and placed at the Strawberry Point trailhead, crossing of the Strawberry Point Road, and at the Cascade Falls trailhead 1 week before closures to notify potential users.

Background

The Zion View Mountain Estates and Sky Haven subdivisions contain over 700 platted single-family homesites surrounded by National Forest System lands which are popular for recreational use. The subdivisions are without a regionalized culinary water supply, fire protection water supply, communication lines, or a power supply.

In 2009 the existing drinking water source used to supply water to private properties in these subdivisions failed the state drinking water standards. Property owners asked KCWCD for water supply service. KCWCD subsequently proposed an approved drinking water supply and transmission system.

The system was designed to provide adequate water supply to support the numbers of users and also provide required water supplies and pressures for fire protection. Numerous water storage tank site locations on non-federal lands and National Forest System (NFS) lands were evaluated and eliminated from consideration because they did not facilitate the hydraulic requirements of the proposed water system or will require supplemental booster pumps to operate the system.

The proposed project to supply water to the Strawberry Ridge Area with water from the Duck Creek approved sources was presented to the Forest Service in a Special Use

Application, which was accepted on May 9, 2011, predicated upon an environmental analysis to determine environmental effects.

The proposed project begins near the Strawberry Point Road/SR-14 intersection, roughly 2.5 miles southeast of Duck Creek Village, and terminates at the Sky Haven subdivision in Kane County.

The legal description of the project on National Forest lands is Sections 20 and 29-31 of Township 38 South, Range 7 West, Sections 35-36 of Township 38 South, Range 8 West, and Sections 1 and 11-13 of Township 39 South, Range 8 West, SLBM. Private lands includes Sections 20 and 21, Township 38 South, Range 7 West, Section 2 and 14, Township 39 South, Range 8 West, SLBM (Figures 1, 2 and 3).

Rationale for the Decision

In making this decision I considered comments and concerns from interested publics and the analysis brought forward in the EA. The following paragraphs address the topics I considered most important.

I considered the growing need to provide pressurized water systems for both culinary and fire-fighting needs. I considered the continuing development within the isolated private subdivisions and the health and safety of the residents.

The growing number of residents, homes and associated improvements in these subdivisions make fire protection and culinary water increasingly necessary. The Proposed Action components will provide the necessary water system for these needs. The proposed locations on National Forest System lands and the use of NFS roads will minimize disturbance to resources while insuring access for future maintenance.

I also considered the direction provided by the Dixie National Forest Land and Resource Management Plan (Forest Plan), which directs the Forest Service to act on Special Use applications according to the following priorities: *"Land and land use activity requests relating to public safety, health and welfare, e.g., highways, power lines and public service improvements."*

I found the application for the proposed facilities to be consistent with the Forest Plan requirements to provide for public safety, health and welfare. The environmental analysis confirmed that these public values were at risk without the water, electrical and communication systems. After considering the number of landowners, residents and current residential investments in the subdivisions, it was clear to me that the utility installations are essential.

I considered the fact that while there may be culinary water sources in the area, these are not proximal to the subdivisions and would not provide fire-fighting capability. Distance, transporting challenges and increased dust along the roads were also factors in my decision.

I reviewed the current water systems in Strawberry Valley (5 miles to north) and other public water systems further away. I concluded that these water resources were too distant and would be inadequate or unusable in the event of a wildfire or house fire in the Zion View subdivisions. As for culinary water, the current system has failed due to condemnation of the water source by the State. This decision will result in a State-approved water source.

The actions have considered the available science. These science considerations are documented in the EA.

Comments provided during scoping and the 30-Day Notice and Comment period have been evaluated.

Public involvement was conducted since scoping was initiated November 30, 2011, as described in the EA. We have had numerous discussions with landowners, fire protection personnel, County officials and other entities regarding all aspects of the proposal. We have received a number of comments, and these are documented in the project record. These have been evaluated to determine what design features were needed in the utility proposal. I am satisfied that the comments and discussions have been fully considered and documented in the analysis.

After reviewing the analysis, I have determined that this action will not have significant effects to the human environment.

I have participated in the analysis and been apprised by the resource specialists of all aspects of the environmental analysis. I have reviewed the anticipated effects on the various resources, on social needs, and our compliance with environmental regulations and laws. I have determined that the proposed action will not have significant environmental effects on the human environment.

OTHER ALTERNATIVES CONSIDERED

In addition to the Proposed Action (Alternative 1), the interdisciplinary team analyzed the No Action alternative:

No Action. Under the No Action alternative, current plans would continue to guide management of the project area. Under this alternative, no tank construction or utility line installation would occur on National Forest System lands, and no other actions would be implemented to accomplish project goals. The No Action alternative is required by law to be analyzed and used as a base line for action alternatives.

PUBLIC INVOLVEMENT AND ISSUES

The Strawberry Ridge Utility Improvement Project environmental analysis was initially listed in the Schedule of Proposed Actions on October 7, 2011.

Scoping. The proposed action and other elements of the proposal were officially available for public scoping beginning November 30, 2011. A scoping notice inviting comments was mailed to a list of property owners of record in the Zion View Mountain Estates and Sky Haven subdivisions, Federal, State and County elected officials, tribal leaders and other interested parties.

In response to scoping, comments received were categorized as: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence.

Of the 23 comments received, two were identified as being outside the scope of the proposed action, and one is decided by existing law. Others expressed concerns that are addressed in the analysis or addressed by the Proposed Action. The Council on Environmental Quality (CEQ) NEPA regulations require this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)...."

The comments were documented and reviewed to determine substance and to identify Issues to carry forward in the analysis. No Issues were identified from the comments.

30-Day Comment Period. A 30-day Comment Period was initiated on June 11, 2012 with a legal notice and a mailing to government entities, elected officials and persons known to be interested in this project. In accordance with 36 CFR 215.13, no parties established standing to appeal the decision.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act (NEPA) criteria for significant effects, and my knowledge of the expected impacts, I have determined that this action does not pose a significant effect upon the quality of the human environment. Therefore, an Environmental Impact Statement is not needed. This determination is based on the following factors:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. The Environmental Assessment documents the effects, both beneficial and adverse, of the Proposed Action and No Action alternatives. (EA)

2. The degree to which the proposed action affects public health or safety. Currently, culinary water is restricted and no fire-fighting water resources are available. The lack of a dependable culinary water system is posing threats to public safety, either from fire or contaminated water. This action is designed to provide dependable pressurized water for culinary and fire-fighting needs to improve and sustain the health and safety of both private lands subdivision residents and the public in general. (EA pp.18, 22, 25, 32-34)

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The analysis included review of all resources and natural resource characteristics in the project area. Also, best available scientific sources were considered related to characteristics. There are no unique characteristics of the geographical area that will be significantly affected by the proposed action. The analysis area is not proximal to cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (EA pp. 23, 25, 34, 53-62)

4. The effects on the human environment are not likely to be highly controversial. The Proposed Action is comparable to other utility developments in nearby subdivisions (see item 5). These were not controversial. The effects to the human environment include protection of human health and safety (see item 2).

Where possible, the proposed actions will be done within already-disturbed roadways. New disturbance will be minimized and project design features will insure resource protection. .

After reviewing the project record and public involvement, there is not an unusual or high degree of controversy related to effects on the human environment for this project. (EA pp. 10, 20-62)

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. This project is similar to utility improvements and water system developments for other private subdivisions in the vicinity as well as across the Dixie National Forest. These include water systems in the Duck Creek Village area, Strawberry Valley and Swains Creek area. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. All of the effects of the Proposed Action are similar to those taken into consideration in the Forest Plan. (EA pp. 20-62)

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The Proposed Action is similar to past and proposed future water system developments. The Proposed Action does not represent a precedent for future actions with significant effects or represent a decision in principle about a future consideration, because this analysis is site-specific and its actions incorporate those practices derived from current science or envisioned in the Dixie National Forest Land and Resource Management Plan and are within the Standards and Guidelines included in the Forest Plan.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The EA describes the anticipated cumulative effects. Other actions in the cumulative effects area are documents and analysis is presented. There are no known significant cumulative effects between this project and other projects implemented or planned in the area affected by this project. After

reviewing the EA, none of the cumulative effects of the proposed action are significant. (EA pp. 20-62)

8. 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 cultural resource analysis confirmed there are no known districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places that will be significantly affected by this project. (EA pp. 23, 52-53)

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. The Biological Assessment (BA) was completed and US Fish and Wildlife Service concurred with the findings. The BA determined that no current or proposed federally threatened or endangered animal or plant species will be adversely affected by actions of this project. The project record contains the Biological Assessment. (EA pp. 35-52; BA)

10. The action will not violate Federal, State, or local law or requirements imposed for the protection of the environment. Implementation of the Proposed Action will not violate any Federal, State, or local law or requirements imposed for the protection of the environment.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the following laws:

National Forest Management Act

Clean Water Act

Endangered Species Act of 1973, as Amended

American Antiquities Act of 1906 and Historic Preservation Act of 1966

Executive Order 11990 of May, 1977 [Wetlands]

Executive Order 11988 of May, 1977 [Floodplains]

Executive Order 12898 of February, 1994 [Environmental Justice]

Executive Order 13186 of January, 2001 [Migratory Bird Treaty Act]

No significant adverse impacts are expected on Wilderness, critical habitat, or farmlands. This action does not pose any unusual risks to public health and safety and there are no known significant effects on civil rights, women, or minorities. I believe this project will enhance the natural and social environments in and surrounding the Dixie National Forest.

This project is fully consistent with the Dixie National Forest Land and Resource Management Plan (1986). This project will not have a significant adverse effect upon subsistence resources and opportunities.

BEST AVAILABLE SCIENCE

Projects implementing land management plans and plan amendments must be developed considering the best available science in accordance with 36 CFR 219. The project record for this proposed action includes a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

Pursuant to 36 CFR 215.11, on June 11, 2012 a legal notice in "The Spectrum" announced a 30-day Comment Period on the Proposed Action. Individuals or organizations which would have submitted written or oral comments during the 30-day Comment Period would have established "standing" to appeal this final decision. In accordance with 36 CFR 215.13, no parties established standing to appeal the decision.

IMPLEMENTATION

Pursuant to 36 CFR 215.9 (c) (1), implementation of this decision may occur immediately after publication of a legal notice in "The Spectrum". Implementation of this decision is expected to begin during the fall of 2012.

CONTACT

A detailed record of the EA is available for public review at the Cedar City Ranger District office, 1789 N. Wedgewood Lane, Cedar City, UT 84721. For additional information, contact Dave Swank, Environmental Coordinator, at (435) 865-3200.



Kevin R. Schulkoski
Acting Forest Supervisor

August 23, 2012

Date

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