Decision Memo
Howard Drilling Special Use Permit MRN388 Reissue Project

USDA Forest Service, Eastern Region
Allegheny National Forest
Marienville Ranger District
McKean County
Pennsylvania

I. Decision

A. Description of Decision

My decision is to issue a new special use authorization to Howard Drilling, Incorporated to replace a currently expired authorization for a buried natural gas pipeline on the Marienville Ranger District. The use proposed for re-authorization occupies approximately 0.24 acres of National Forest System lands in McKean County (Wetmore Township), Pennsylvania (see attached map). This use will continue under a new special use authorization issued for a new term of up to 30 years. The authorized use would remain the same, and no increase in the scope or intensity of activities would occur.

B. Purpose of Decision

The special use authorization is in Management Areas 2.2 (Late Structural Linkages). Management Area 2.2 is suitable for re-authorizing existing uses under the Allegheny National Forest Land and Resource Management Plan (or Forest Plan), which provides that "[a]ll existing and established permitted uses [including road rights-of way, …] will remain suitable and may be renewed during the plan period" (Forest Plan, page 37).

II. Reasons for Categorically Excluding the Decision

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they qualify for one of the categories identified by the U.S. Department of Agriculture in 7 Code of Federal Regulations (CFR) part 1b.3 or one of the categories identified in 36 CFR 220.6, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

This project falls within category of exclusion 36 CFR 220.6(e)(15). This category allows for "Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization." This falls within the categories of actions for which a project or case file and a decision memo are required. This decision is not subject to the predecisional objection process used for environmental assessments or environmental impact statements under 36 CFR. Part 218.

3. Congressionally Designated Areas

***Wilderness*:** This decision is not located within or near any designated wilderness area, Management Area 5.1 (pages 116 through 120) in the Forest Plan; therefore, there will be no impacts to designated wilderness areas.

***Wilderness Study Areas*:** There are two wilderness study areas on the Allegheny National Forest, Management Area 5.2 (pages 121 through 125) in the Forest Plan. This decision is not located within or near any wilderness study area; therefore, there will be no impacts to any wilderness study area.

***National Recreation Areas*:** The Allegheny National Recreation Area is the only national recreation area on the Allegheny National Forest (Forest Plan, pages 148 through 152). This decision is not located within or near any national recreation area; therefore, there will be no impacts to the Allegheny National Recreation Area.

***National Wild and Scenic Rivers*:** There are two National Wild and Scenic Rivers, the Allegheny and Clarion, on the Allegheny National Forest. This decision is not located along or near the Allegheny and Clarion Rivers; therefore, there will be no impacts to either wild and scenic river.

4. Inventoried Roadless Areas

This decision is not located within or near any inventoried roadless areas (RARE II or Forest Plan); therefore, there will be no impacts to inventoried roadless areas.

5. Research Natural Areas

This decision is not located within or near any research natural areas; therefore, there will be no impacts to any research natural area.

6. Native American Religious or Cultural Sites

The federal government has trust responsibilities to tribes under a government-to-government relationship to ensure that the tribes' reserved rights are protected. The project was determined to be an undertaking that has no potential to cause effects, per 36 CFR 800.3-Initiation of the section 106 process. Therefore, since the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, and meets the restrictions for an exempted project as outlined in the 2015 Programmatic Agreement among the Allegheny National Forest, the Pennsylvania State Historic Preservation Office, and the Advisory Council for Historic Preservation under Section III.A.3.b, the agency official has no further obligations under section 106 and does not require additional heritage clearance or tribal consultation. This decision will have no known impacts on Native American religious or cultural sites.

7. Archaeological Sites or Historic Properties or Areas

No ground disturbing activities are proposed with this decision or alterations to potentially eligible structures; therefore, there is no potential to effect cultural resources. Since the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 and does not require additional heritage clearance or tribal consultation, as outlined in the 2015 Programmatic Agreement among the Allegheny National Forest, the Pennsylvania State Historic Preservation Office, and the Advisory Council for Historic Preservation. The project meets the criteria for exemption under Section III.A.3.b and will be tracked per Stipulation XIII of the Programmatic Agreement.

Federal Cave Resources Protection Act - This Act requires securing, protecting, preserving, and maintaining significant caves, to the extent practical. No known caves exist within or near the special use; therefore, there would be no effects to caves. Subsequently, any identified caves would be protected.

National Historic Preservation Act – See Section II, Item B6 and B7.

Archeological Resources Protection Act – See Section II, Item B6 and B7.

Native American Graves Protection and Repatriation Act – See Section II, Item B6 and B7.

Wild and Scenic Rivers Act – See Section II, Item B3.

Environmental Justice (Executive Order 12898) – This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. The decision complies with this Act. Public involvement occurred for this project, the results of which I considered in making this decision. Public involvement did not identify any adversely impacted local minority or low-income populations. The decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act – This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

V. Implementation

Implementation of this decision may occur immediately.

VII. Responsible Official and Contact Person

The responsible official for the project is: Robert T. Fallon, Marienville District Ranger.

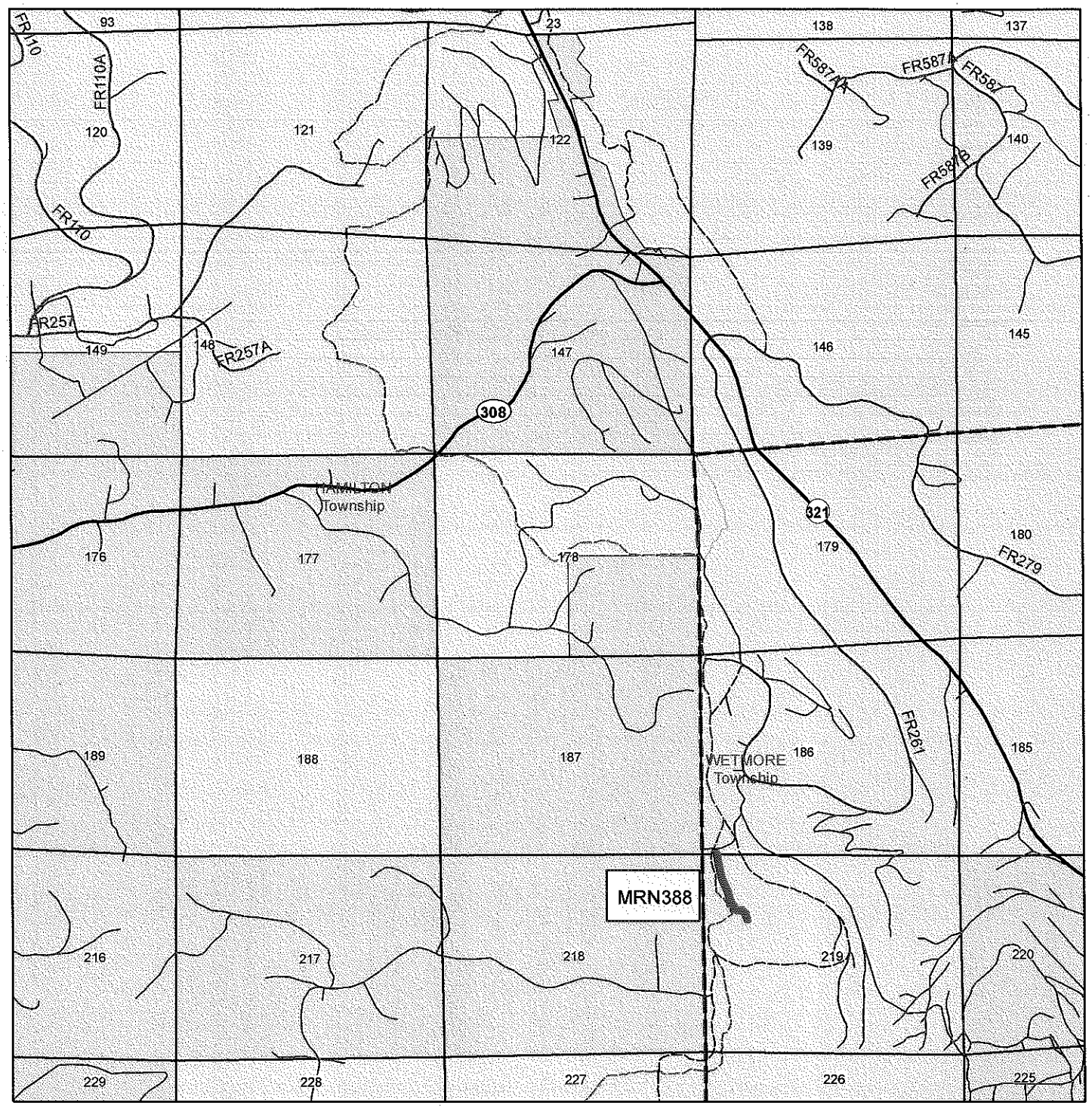
For additional information or for copies of the decision memo, please contact Kevin Treese, District Planning Team Leader, at the Marienville Ranger District, 131 Smokey Lane, Marienville, PA 16239. Phone: (814) 927-5759. Thank you for your interest in the management of your national forest.

ROBERT T. FALLON
District Ranger

07/29/2020
Date

Special Use Authorization

Allegheny National Forest - Marienville Ranger District



Authorization Information

Name: Howard Drilling, Inc.
Authorization ID: Old:RDG13/New:MRN388
Primary Use Code: 631
Use Code Name: Oil and Gas Pipeline
Expiration Date: 12/31/2051
Lot(s)/Warrant(s): Lot 219, Warrant 2555
Township(s): Wetmore Twp., McKean Co.
Management Area: 2.2

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

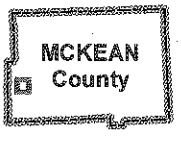
Legend

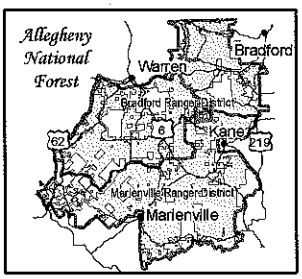
- Special Use Line
- Forest Service Ownership
- Corps of Engineers Ownership
- Non-FS Ownership

1 inch = 2,000 feet

0 0.1 0.2 0.3 0.4 0.5 Miles

PENNSYLVANIA





NAD 1983 UTM 17N

Map Author: sgrisez; Map Creation Date: 1/28/2020