

DRAFT DECISION MEMO

Alcona County Monitoring Wells

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USDA Forest Service, Eastern Region
Huron-Manistee National Forests, Huron Shores Ranger Station
Harrisville Ranger District
Section 7, T26N, R8E, Alcona County, Michigan

I. DECISION

A. Description of Decision

My decision is to authorize Alcona County Department of Public Works (DPW) to operate and maintain seven (7) groundwater monitoring wells located on National Forest System lands over a ten (10) year period (January 1, 2010 through December 31, 2019).

Alcona County DPW will be authorized by the terms of a special use permit to conduct maintenance activities necessary to utilize the monitoring wells. Maintenance activities include access to the wells by mowing of vegetation along road edges and use of maintenance equipment along the easement and at well locations.

Biological Evaluations and Cultural Resource Reviews have been prepared for the proposed projects and are included in the project file. There are no historic properties or cultural resources, Endangered, Threatened, or Sensitive (ETS) species, nor sensitive areas that will be impacted by this decision.

Implementation of this decision will consist of allowing Alcona County personnel and their contractors access to utilize and maintain groundwater monitoring wells in the vicinity of the former Alcona County landfill. Seven wells have been constructed on National Forest System lands to assess groundwater quality parameters associated with the landfill.

B. Purpose of Decision

The purpose of this decision is to respond to the 12/31/2009 expiration date of an existing special use permit authorizing the occupancy of National Forest system lands by Alcona County to maintain water quality monitoring wells to determine the affects of landfill operations on underlying groundwater.

It is the responsibility of the Forest Service to monitor special use activities that occur on National Forest system lands and ensure potential environmental concerns associated with the use of the federal lands are mitigated. This Decision Memo documents the evaluation of effects the proposed action may have on the economic, social, physical, biological, and other components of the ecosystem.

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This proposal is consistent with the Forests' Land and Resource Management Plan, Management Prescription Areas 2.1 Roded Natural Rolling Plains and Morainal Hills.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or environmental assessment (EA) when:

- a. They are within one of the categories identified by the Secretary of the U.S. Department of Agriculture in Title 7 CFR Part 1b.3, or
- b. They are within one of the categories identified by the Chief of the Forest Service in 36 CFR 220.6 (e) or (d), and
- c. There are no extraordinary circumstances related to the proposed action.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

Implementation of this project consists of utilizing groundwater monitor wells in the vicinity of the closed Alcona County landfill. Water samples will be collected from the wells on a periodic basis. Access to the wells, as well as the wells themselves, will be maintained by Alcona County or their designee.

A. Category of Exclusion

The decision to maintain water quality monitoring wells qualifies for categorical exclusion from documentation in an environmental impact statement or environmental assessment as identified in 36 CFR 220.6 (e)(15):

“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 the 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.”

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B. Relationship to Extraordinary Circumstances

Steep Slopes or Highly Erosive Soils

Rolling to flat, the terrain is conducive to the activities included in the decision. The soils present are resistant to erosion when they are kept in a vegetated condition. This is supported by topographical map review and field visits.

Similar past projects in this area were determined to have no significant soil-related impacts. The soils involved in this project will be kept vegetated in grasses to maintain soils stability reducing erosion potential. To further ensure that soil-related impacts are minimized, Best Management Practices are incorporated.

Threatened and Endangered Species or Their Critical Habitat

The Endangered Species Act requires federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat.

Biological Evaluations of the subject property was completed by the District Biologist on October 6, 2009 and the Forest Botanist on December 2, 2009. The evaluation process included a review of the District's ETS database and the Michigan Natural Features Inventory occurrence records. It was determined that the proposed project would have no impact to endangered, threatened and sensitive plant or animal species or critical habitat.

Existing habitat conditions are common and are found throughout the Huron Shores Ranger Station and the Huron-Manistee National Forests. There are no documented occurrences of federally listed species on the project areas. Implementation of the proposed activities would have no effect on federally endangered and threatened species or their habitats and no impacts to Regional Forester Sensitive Species.

Therefore, it is the professional opinion of the District Biologist that:

- The Alcona County Monitoring Wells Project complies with the requirements of the Endangered Species Act,
- There is no critical habitat within the project area on the Harrisville District, therefore actions will not jeopardize or adversely modify critical habitat of federally listed species,

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- All ETS and associated suitable habitat for species documented within the Huron Shores Ranger Station of the Huron-Manistee National Forests received full consideration in the decision-making process,
- The described actions will not contribute to the loss of viability of any native or non-native species and will not cause a trend toward Federal listing of any species, and
- The described actions will have no effect on any Federally Endangered or Threatened species, and no impact on any Regional Forester Sensitive Species.

In addition, it is the professional opinion of the District Botanist that:

- This project may impact Regional Forest's Sensitive Species of plants, but is not likely to cause a trend to federal listing or loss of viability within the planning area.

Floodplains, Wetlands or Municipal Watersheds

Floodplains - The primary purpose of Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any one year."

The subject National Forest System land does not contain any floodplains. This has been validated by map and site-review (www.fws.gov/wetlands/data/index.html).

Wetlands – The primary purpose of Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction."

The subject National Forest System land does not contain any wetlands. This has been validated by map and site-review (www.fws.gov/wetlands/data/index.html).

Municipal Watersheds – Municipal watersheds are designated by Congress and managed under multiple use prescriptions in forest plans.

There are no municipal watersheds within the Huron-Manistee National Forests.

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Native American Religious or Cultural Site, Archaeological Sites or Historic Properties or Areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands.

The Native American Graves Protection and Repatriation Act addresses the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. Identification studies were conducted within the area of potential effect for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A ‘no historic properties affected’ assessment was made. Appropriate consultation with the Forest Archeologist, State Historic Preservation Officer and tribal government was completed.

The District Archeologist has reviewed the project and determined that it is an undertaking that requires compliance with Section 106 of the National Historic Preservation Act (NHPA). The area of potential effect (APE) is identified as the existing seven wells and a small area around each well that is needed to operate. Back ground research has revealed that the APE was previously surveyed.

I am recommending a finding of “No historic properties” under Section 106 (36 CFR 800.4.d.1). The official Determination of Effect (DOE) is made by the Forest Supervisor. No further action is required by Section 106. If any archaeological or historic sites are found during the project, stop work and contact me or the Forest Archeologist.

Congressionally Designated Area

Wilderness - The National Forest System land is not in or near Wilderness. The only Wilderness Area within the Huron-Manistee National Forests is Nordhouse Dunes, located over 100 miles from the project areas.

This decision will not affect Wilderness Areas.

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Wilderness Study Areas - There are no Wilderness Study Areas on the Forests.

This decision will not affect Wilderness Study Areas.

National Recreation Areas - There are no National Recreation Areas on the Forests.

This decision will not affect National Recreation Areas.

Wild & Scenic Rivers – These roads are not located within a Wild and Scenic River corridor.

This decision will not affect Wild and Scenic Rivers.

Inventoried Roadless Areas – The National Forest System land is not in or near Roadless Areas.

This decision will not affect inventoried roadless areas.

Research Natural Areas – There are no Research Natural Areas (RNA) in the decision area. The closest RNA, Hayes Tower, is over 30 miles from the project.

This decision will not affect RNA's.

No other extraordinary circumstances related to this decision were identified.

III. PUBLIC INVOLVEMENT

Scoping on this project was conducted internally amongst resource professionals, as well as externally with the public. The project has been identified since October 1, 2009 on the Forest Service's Schedule of Proposed Actions (SOPA) website. The SOPA is distributed quarterly to interested parties and is posted on the Forest Service's website:

<http://www.fs.fed.us/sopa/components/reports/sopa-110904-2009-10.pdf>

No comments or inquiries regarding the proposal have been received.

As provided for in 36 Code of Federal Regulations (CFR) 215.4, this action is not subject to notice and comment procedures. 36 CFR 215.4 – The procedures for legal notice (§215.5) and opportunity to comment (§215.6) do not apply to: (a) Projects and activities which are categorically excluded from documentation in an EIS or EA pursuant to FSH 1909.15, Chapter 30, Section 31.

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IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision complies with all applicable laws and regulations, some of which include:

Environmental Justice (EO12898) – This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in the decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans. The Huron-Manistee National Forests Land and Resource Management Plan (Forest Plan) was approved in March 2006, as required by this Act. The Act requires all projects and activities are consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Forest Plan, as summarized in Section I of this document. This decision is consistent with the Standards and Guidelines contained in the Forest Plan. Management activities authorized by this decision are consistent with Forest Plan Management Area (MA) Direction for MA 2.1 Roaded Natural Rolling Plains and Morainal Hills.

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. ADMINISTRATIVE REVIEW AND APPEAL

This Decision Memo is not subject to the appeal procedures for National Forest System projects and activities pursuant to 36 CFR 215.12(f), Decisions Not Subject to Appeal.

VI. IMPLEMENTATION DATE

This decision may be implemented immediately.

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VII. CONTACT PERSON

Further information about this decision can be obtained from Gordon L. Haase at the Huron Shores Ranger Station, 5761 North Skeel Avenue, Oscoda, Michigan 48670, telephone (989) 739-0728; TTY: (989) 739-0806; FAX: (989) 739-0347; or via email at ghaase@fs.fed.us

VIII. SIGNATURE AND DATE

I have concluded that this decision to issue a special use permit to Alcona County DPW to maintain water quality monitoring wells qualifies for categorical exclusion from documentation in an environmental impact statement or environmental assessment as identified in 36 CFR 220.6(e)(15).

“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 the 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.”

It is my finding that there are no extraordinary circumstances which would affect my choice of categorical exclusion.

In addition, I have concluded there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

My conclusions are based on information presented in this document and the entirety of the Project Record.

BARRY PAULSON, Forest Supervisor

Date: _____

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