

**Decision Notice &
Finding of No Significant Impact
DeWitt Pipeline Rehabilitation/Replacement Project**

USDA Forest Service

**Logan Ranger District, Wasatch-Cache National Forest
Cache County, Utah**

Background

This document details the Forest Service's decision regarding issuing a new term Special Use Permit to the City of Logan for the proposed rehabilitation/replacement of the DeWitt Pipeline across National Forest System lands on the Logan Ranger District (RD) of the Wasatch-Cache National Forest.

The existing DeWitt Pipeline is critical to the City of Logan (City) because it supplies 70 percent of the City's potable water, including nearly all of the City's winter supply and half of its summer supply. The DeWitt facilities provide the City its lowest-cost water, and have operated continuously since their construction in 1934, with only minor shutdowns for essential repairs. Steel pipe segments constructed in 1934 were upgraded with reinforced concrete pipe (RCP) in 1949.

The existing pipeline is 5 miles long and consists of 1 mile (upstream to downstream) of 36-inch RCP, 2 miles of 24-inch RCP, 0.7 mile of 24-inch steel pipe, and 1.3 miles of 20-inch steel pipe. A study for the City by CH2M HILL (2005) on the condition of the Logan DeWitt Pipeline and the Dewitt Spring capture site concluded that the existing steel sections of pipe leak 3 cubic feet per second (cfs) under normal operating conditions; this raises concerns about the future reliability of this valuable supply, in addition to the loss of the water itself.

Consequently, in 2006, Logan City proposed to rehabilitate and replace portions of the Dewitt Water Pipeline. The project proposed to rehabilitate six air valves in the upper 3 miles of the pipeline and replace the lower 2 miles of the existing pipeline which is leaking.

The pipeline and spring development have been authorized under a Forest Service Special Use Permit since their inception. The most recent Special Use Permit was issued in 1997 with a term of 20 years. The Forest Service agreed to complete an environmental analysis to evaluate the proposed project and decide if a new permit should be issued, and if so, under what terms and conditions.

Decision

After considerable review of the environmental analysis and discussion with Forest Service resource specialists and staffs, my decision is to issue a Special Use Permit to the City of Logan for the operation of the Dewitt Water Pipeline. My decision includes implementation of Alternative 3, the North Alignment Alternative (proposed action). I believe Alternative 3

provides the best overall placement of the rehabilitated pipeline. My decision strives to balance the need of the City of Logan to provide a reliable and safe drinking water source for its residents with the need to ensure continued protection of resources in the Logan River canyon.

My conclusions are based on the scientific analysis (and supporting project record) that demonstrates a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information. The analysis identifies techniques and methodologies used, considers the best available science, and references scientific resources relied upon. The analysis includes a summary of the creditable scientific evidence relevant to evaluating reasonably foreseeable impacts.

My decision considered the important issues including fish spawning areas, threatened and endangered species, wetland habitats, Logan River water quality, scenic values, and wildlife species of concern. I also considered the cooperative work the City, Forest Service personnel, and Utah's Division of Drinking Water put forward to create the best alternative for pipeline placement.

Details of the Decision, including Mitigation

Alternative 3, my selected alternative, includes rehabilitating the Dewitt Pipeline's upper 3 miles and replacing its lower 2 miles. The lower 2 miles include one Highway 89 crossing, and one Logan River crossing (just above Red Bridge), two Smithfield Canal crossings, and several air vaults. After the river crossing at Red Bridge, the pipeline will remain on the north side of Highway 89 to the hydropower plant. More specifically, the decision includes the following:

- Six air valve vaults will be rehabilitated in the 3 upper miles of the pipeline. The rehabilitation will require a small excavation roughly 8 foot by 8 foot square; mechanical work on the valves and piping; setting a pre-cast concrete manhole or box over the pipeline; and backfilling with the rock and the materials that were excavated prior to construction and temporarily stored onsite.
- Moving downstream, the replacement portion of the DeWitt Pipeline will begin approximately 600 feet upstream of what is locally known as "Red Bridge." Red Bridge is located approximately 0.5-mile downstream of Second Dam. New, 36-inch welded steel pipe (WSP) will replace the existing 24-inch steel pipe in the trail for approximately 750 feet, to a location just upstream of the Smithfield Canal Diversion Dam. A 20-foot-wide corridor within the trail area will be required to install this section of the pipeline. A minimum buried depth of 3 to 5 feet below the trail will be required throughout the project, and it is anticipated that the trench will be at least 7 or 8 feet wide. The trail will be closed for up to 2 weeks during construction, with no re-routing of the trail possible to maintain safety along Highway 89.
- A river crossing will occur near Red Bridge, where the river flow will be collected in a small pool behind soldier piles constructed across the river and temporarily piped across the open trench. The buried pipeline trench will be backfilled with native

riverbed materials. The pipeline crossing will be constructed during the low-flow periods of the river from September through mid-November. The materials removed from the riverbed will be stockpiled outside of wetland areas and then used to fill the trench and return the river to its original grade and alignment with a natural-looking riverbed. An air valve vault will also be constructed near the pipeline crossing.

- After crossing the Logan River, the pipeline will be within the Utah Department of Transportation (UDOT) easement for Highway 89. The pipeline will cross under both Highway 89 and the Smithfield Canal. The alignment is within the shoulder of the roadway, with the centerline of the pipeline approximately 20 feet north of the centerline of the roadway. Lane closures on Highway 89 are anticipated during construction in the late spring, summer, and fall months, with the exact timing to be determined by the contractor. Notice of lane closures will be provided to the public.
- At Second Bridge, the pipeline jogs north of the bridge and crosses under the north bank of the Logan River. The alignment then generally parallels the existing power line corridor as it climbs across a rocky raveling slope for 300 feet before crossing open terrain for 800 feet. Over the next 1,100 feet, the alignment follows the remnants of the construction road for the powerline but is within a steeply sloped area. This construction will be scheduled for the spring and summer months. A slightly flattened surface about 10 feet wide will remain to provide access to the pipeline in the future. The proposed action alignment follows an existing canal access road for 1,200 feet to the gate at the east end of the hydropower plant site
- The pipeline leaves the National Forest beyond this point as it continues on to the hydropower plant. Therefore, this portion is not included in my decision.

Mitigation

Upon completion of construction, disturbed lands, permanent roads, and other facilities disturbed during construction will be restored. Erosion control measures will be specified to protect Logan River water quality, including a requirement that initial and final site restoration be undertaken as soon as an area is no longer needed for construction, stockpiling, or access.

All mitigation measures and best management practices (BMPs) as listed in Chapter 2 of the EA are included as a key element of my decision. These measures are important in minimizing impacts and protecting resource values. Standards and guidelines from the Revised Forest Plan, also included in Chapter 2 of the EA, are incorporated into my decision as well.

Decision Rationale

In making the decision to issue a Special Use Permit to the City of Logan for the Dewitt Water Pipeline, I reviewed the existing environmental conditions and the direct, indirect, and cumulative effects for all the actions included in each of the alternatives. I gave careful

consideration of how well each alternative met the **purpose and need**, how well each responded to the **significant issues**, and how each alternative addressed **public concerns**.

Purpose and Need

The primary purpose of this project is to provide a reliable pipeline system, increase system capacity, and increase pressure gradients of culinary water from developed facilities at Dewitt Spring to meet the present and future demands of the City.

The needs for the proposed project result from the existing system's condition, including 1) the lower 2 miles of existing pipeline that has a present leakage rate of about 3 cubic feet per second, and 2) the loss of gradient differential from the spring to the City's water tanks in the lower 2 miles. These conditions constrain the pipeline's capacity, which results in increased pumping needs.

Alternative 3 (North Alignment) best meets the purpose and need by providing for a rehabilitated water system with improved flow to meet present and future water demands, while protecting important resource values in Logan Canyon. Alternative 3 has only one river crossing and removes no large cottonwood trees (maintaining potential bald eagle perch sites).

Alternative 1 was not selected because it would not rehabilitate the existing leaking water pipeline nor provide a reliable water pipeline system to meet current or future needs. Alternative 2 would provide a reliable water pipeline, but would have undesirable resource effects including two additional river crossings and removal of several large cottonwood trees from the riparian area.

Significant Issues

In making my decision, I considered the effects of the alternatives on the following important issues:

Fish spawning areas – Alternative 3 has two fewer crossings of the Logan River than Alternative 2. Although impacts to the river bed are temporary, reducing the number of crossing results in less disruption to the construction year's spawning activities.

Threatened, Endangered, and Candidate Species – While both action alternatives would temporarily disrupt habitat for the candidate species, the yellow-billed cuckoo, and both would result in some small loss of potential riparian nesting habitat, construction activities occur mostly in upland areas. This minimizes the potential for disturbing the unoccupied cuckoo habitat.

Bald eagles are known to forage in the Logan River canyon. My decision includes conservation measures to limit the time during the day which construction can occur during the winter months (activity limited to 9:00 am to 4:00 pm from November through March). This provides a means to limit the disturbance to foraging bald eagles. My decision, Alternative 3, avoids removing potential roost trees in the project area (as would be removed under Alternative 2).

Wetlands – Alternative 3 disturbs the least amount of wetlands. This is achieved by reducing the number of river crossings as compared to other alternatives and focusing construction in upland areas.

Logan River Water Quality – Water quality standards would be met under each alternative (see EA). However, reducing the number of river crossings greatly reduces the potential for accidental releases of sediment into the river. Additional mitigation measures included in my decision such as erosion control features and construction in the river during low water months further protects water quality.

Scenic Values – Both action alternatives would result in temporary visual effects during construction. The Scenic Integrity Objective for the project area of “high” would be reduced for several years following construction for both action alternatives until vegetation reestablishes. Alternative 3 will have fewer disturbances adjacent to the road and river where they are more noticeable. Forest Plan standards and guidelines would be met under both action alternatives (see EA, Chapter 3).

Management Indicator Species (MIS), USFS Sensitive Species, Migratory birds, and Big Game Winter Range – Alternative 3 includes mitigation measures and best management practices that will be implemented to protect these species and their habitat (see EA, Chapter 2). Neither action alternative would affect MIS. The proposed action would have less potential effect on sensitive species. Both action alternatives would have a minor impact on big game winter range for 3-5 years until vegetation reestablishes. Forest Plan standards and guidelines will be met under Alternative 3 (see EA, Chapter 3).

Public Involvement

The Logan District Ranger mailed a scoping letter on October 23, 2006 to 135 individuals and organizations. The District received 7 responses. A news release was placed in the Herald Journal on October 12, 2006. Public service announcements were aired on radio stations KVNU, KLGK, and KUSU starting on October 25, 2006.

A public scoping meeting was held on November 2, 2006 at the Logan City Justice Center in Logan, Utah. Logan RD staff, City of Logan staff, and CH2M HILL staff (consultants to the City of Logan) were in attendance. Five members of the public were in attendance. The Public Meeting notice was posted in the Logan City Hall reception area, in the Logan City Library, in the Logan City Utility Billing Office, on the Public Works Office counter, and on the Logan City Building Permit Office counter. Comments were requested on the proposal by November 10, 2006. Public comments revolved around potential resource issues such as fisheries, threatened and endangered species, wetlands, Logan River, wildlife, and scenic values. A desire to include a trail over the pipeline route on the north side of the Logan River was brought forth. The trail proposal is not covered in this decision and would need further NEPA analysis.

The PEA and accompanying maps were posted on the Wasatch-Cache National Forest website on May 21, 2007. Notification of the availability of the preliminary EA for review and comment was sent by mail/email to 54 individuals and organizations that same day. A Legal Notice was posted in the Salt Lake Tribune (newspaper of record) on May 23, 2007, beginning the 30-day comment period. Fifteen hardcopies were sent by mail to various

agencies, organizations, businesses, and individuals. The District received 1 letter and 1 email commenting on the preliminary EA. One comment supported the proposed action. Other comments raised resource issues related to wildlife, fisheries, and the Logan River. A detailed listing of public comments, along with an agency response is included in Section 5 of the Environmental Assessment (EA). The “Decision Rationale” section of this decision notice addresses the issues that were central to the Forest Service decision regarding the current proposal.

A final public meeting was held on June 21, 2007 at the Logan City Justice Center in Logan, Utah. Logan RD staff, City of Logan staff, and CH2M HILL staff (consultants to the City of Logan) were in attendance. No members of the public attended the meeting.

Alternatives Studied in Detail

In addition to the selected alternative, Alternative 3 (North Alignment), the EA analyzed two other alternatives in detail:

Alternative 1 - No Action

Under Alternative 1, the No Action Alternative, the Dewitt Water Pipeline would not be rehabilitated nor have any sections replaced. The pipeline would continue to leak and the City would not be able to develop sufficient culinary water to accommodate forecasted growth in the service area.

The No Action Alternative was not selected because it does not meet the purpose and need to provide the City of Logan with a safe and reliable water supply. Maintenance issues, pipeline failures resulting in road damage and sediment into the river, as well as loss of potable water from the pipeline would continue to occur under this alternative.

Alternative 2 - South Alignment

Alternative 2 would have rehabilitated and replaced the Dewitt Water Pipeline. However, in addition to the features common to both action alternatives, Alternative 2 included 2 additional Logan River crossings, one at Second Bridge and another at First Bridge. Locating a portion of the pipeline on the south side of the road would necessitate the removal of five large cottonwood trees.

Alternative 2, the South Alignment was not selected, because it resulted in greater temporary impacts to the river ecosystem, temporarily impacted more Waters of the U.S., removed potential bald eagle and bat roosting habitat, and had greater traffic disruptions.

Other Alternatives Considered but not Studied in Detail

Two other alternatives were considered initially, but dismissed from detailed study. These alternatives considered repair and replacement feasibility, as well as costs for the pipeline repair and rehabilitation project, and how well the alternative met the current and future demands of the facility and structures.

- **Rehabilitate the 24-inch WSP or Construct a New 24-inch WSP in the Trail and/or Highway** – These options were dropped from further consideration because, although

the 24-inch WSP offers more capacity than existing conditions, these options would provide less flow capacity and limit operational flexibility compared to the Proposed Action and action alternative. The 24-inch pipe would not meet the future demands on the water system or maximize the capability of the DeWitt Spring delivery, and, therefore, would not meet the project purpose and need.

- **Convert the Smithfield Canal Conveyance System into a Piped System**— This option was proposed by the associated irrigation companies as a teaming opportunity with the City. Although this alternative would meet the purpose and need, it is quite complex in that it would have additional permitting, coordination, funding, water rights, and constructability issues that would exceed those associated with the Proposed Action or action alternative, and, therefore, was not carried forward for detailed analysis.

Finding of No Significant Impact

After carefully considering the environmental effects described in the EA, I have determined that my decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared on this action. I base my finding on the following:

1. The beneficial effects of the action do not bias my finding of no significant environmental effects.
2. There will be no significant effects on public health and safety. The proposed action protects public health by ensuring a safe and adequate drinking water supply for the City of Logan. The proposed action protects public safety by minimizing the need for road and lane closures during construction.
3. There will be no significant effects on unique characteristics of the area. This decision will not significantly affect cultural resources in the project area. Surveys were conducted in summer 2007; a report was prepared and the State Historic Preservation Office concurred with the findings of no significant impact (see EA, Section 3.5.6). In addition, there are no permanent effects to parklands, prime farmlands, wetlands, ecologically critical areas, or wild and scenic rivers. Although a portion of the Logan River above Guinavah-Malibu Campground is eligible as wild and scenic, the project occurs well below that section of the river. Nothing in this decision would affect its potential for formal designation as wild and scenic.
4. The effects on the quality of the human environment are not highly controversial. While there is some degree of public concern for a safe, reliable supply of drinking water, there is no known scientific controversy over the impacts of the project (see EA, Chapter 3).
5. The environmental analysis shows the effects are not uncertain, and do not involve unique or unknown risk. The Wasatch-Cache National Forest has issued many special use permits similar to the one in this analysis with no uncertain or unique risk.
6. This decision will not establish a precedent for future actions with significant effects.
7. The cumulative impacts are not significant (see EA, Chapter 3).

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8. This decision will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historical Places. This action will also not cause loss or destruction of significant scientific, cultural or historical resources (see EA, Section 3.5.6).
 9. This decision will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (see EA, Section 3.3, as well as the Biological Assessment and Biological Evaluation, in the Project Record).
 10. This decision will not violate Federal, State, and local laws or requirements for the protection of the environment.

In addition, the facility plan for this project has been reviewed and found to be in accordance with the requirements of the Utah Division of Drinking Water. The review process indicated that no significant environmental impacts would result from the proposed action.

Findings Required by Other Laws and Regulations

Numerous laws, regulations, and agency directives require that my decision be consistent with their provisions. My decision is consistent with all laws, regulations, and agency policy relevant to this project. The following discussion is intended to provide information on the regulations that apply to issues raised and comments made by the public or other agencies.

National Forest Management Act of 1976 (PL-94-588) - The National Forest Management Act directs that management activities be consistent with the Forest Plan. Based on the discussions provided in the EA, I have concluded my decision is consistent with provisions of the 2003 Revised Land and Resource Management Plan for the Wasatch-Cache National Forest (Forest Plan), including Goals, Management Prescriptions, and Standards and Guidelines.

Clean Water Act - The Clean Water Act requires each state to implement its own water quality standards. The State of Utah's Water Quality Anti-degradation Policy requires maintenance of water quality to protect existing in stream Beneficial Uses on streams designated as Category 1 High Quality Water. All surface waters geographically located within the boundaries of the Wasatch-Cache National Forest whether on public or private lands are designated as Category 1 High Quality Water. Mitigation measures and BMPs included in my decision (outlined in the EA, Chapter 2) are designed to prevent contamination of surface and ground water. Based on these measures and the analysis presented in the EA, Section 3.4.2, I have concluded that my decision will maintain water at existing high quality and is consistent with the Clean Water Act.

Executive Order 11990 of May 1977 - This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that analysis be completed to determine whether adverse impacts would result. My decision will have no adverse effects to wetlands located within the project area and therefore is in compliance with EO 11990 (see EA, Section 3.3.1).

Executive Order 11988 of May 1977 – This order requires the Forest Service to provide leadership and take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk to flood loss, (2) minimize impacts of floods on human safety, health and welfare, and (3) restore and preserve natural and beneficial values served by floodplains. My decision will have no adverse effects to floodplains.

Endangered Species Act – This Act directs that all Federal departments and agencies shall seek to conserve endangered, and threatened (and proposed) species of fish, wildlife and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) that states our shared mission to “...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.”

Based on the information disclosed in the EA and the Biological Assessment it has been determined that my decision will not significantly affect populations of endangered, and threatened (and candidate) species of fish, wildlife and plants. A determination of “no effect” was made for the bald eagle, Canada lynx, and the Maguire primrose. A determination of “may effect but not likely to adversely affect” was made for the yellow-billed cuckoo under this decision. Concurrence on these determinations has been received from the US Fish and Wildlife Service (available in the project file).

Executive Order 13186 of January 10, 2001 – Based on the discussion in Chapter 3 of the EA and information in the project file concerning migratory birds, my decision is in compliance with this Executive Order for the Conservation of Migratory Birds.

Executive Order 13112 – Invasive Species – This Executive Order directs that Federal Agencies should not authorize any activities that would increase the spread of invasive species. This decision will not increase the spread of invasive species (see EA, Section 3.3.1 and BA, Section 4.4.1).

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966 – Based on the discussion in Chapter 3 concerning Heritage Resources, SHPO concurrence with findings (available in the project file), and the project file documentation, it has been determined there would be no measurable effects to any historic properties relative to this decision.

Prime Farmland, Rangeland and Forest Land (Secretary of Agriculture Memorandum 1827) – This is no prime farmland within the project area. The decision does not make any changes to grazing allotments or forestlands found within the project area.

Civil Rights – Based on comments received during scoping and the comment period no conflicts have been identified with other Federal, State or local agencies or with Native Americans, other minorities, women, or civil rights of any United States citizen.

Executive Order 12898 of February 16, 1994 “Federal Actions to Address Environmental Justice on Minority Populations and Low-income Populations” – This order requires federal Agencies to the extent practicable and permitted by law to make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health effects, of its programs and policies and activities on minorities and low-income populations in the United States and territorial

possessions. In compliance with this Executive Order the Wasatch-Cache National Forest through scoping and public involvement attempted to identify interested and affected parties, including minorities and low-income populations for this project. A comment period was held for 30 days following the publication of the legal notice in the Salt Lake Tribune. No minorities and low-income populations were identified during public involvement activities.

Violating Federal, State and local Laws – This decision does not violate any Federal, State or local laws or requirements for the protection of the environment.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at *Appeal Deciding Officer, Jack Troyer, Regional Forester, 324 25th Street, Ogden, Utah 84401 fax 801-625-5277*. The office business hours for those submitting hand-delivered appeals are: 8:00 to 4:30, 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), and Word (.doc) to appeals-intermtn-regional-office@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 Salt Lake Tribune, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the Salt Lake Tribune, newspaper of record, 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.

Individuals or organizations that submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact the Logan Ranger District, 1500E, Hwy 89, Logan, UT, 84321, phone 435-755-3620.

/s/Faye L. Krueger

October 9, 2007

FAYE L. KRUEGER

Date

Forest Supervisor