

DECISION MEMO

Special Use Permit Amendment for a Waterline on National Forest Land
USDA, Forest Service, Wayne National Forest-Gallia County, Ohio
Woodside Road, Perry Township, Gallia County
T5N, R16W, Section 29

Federal Action: After review of the project file, it is my decision to grant Gallia Rural Water Association's Inc. existing special use permit, allowing them to extend a waterline across National Forest land in Perry Township, Gallia County. Gallia County Rural Water Association installed this section of waterline prior to contacting the Forest Service, without prior knowledge of the permitting process. Once I was aware of the waterline installation, analysis was initiated and as the balance of this decision discloses, no impacts to resources occurred. The project will involve installing a waterline along Woodside Road (CR 58). The location is T5N, R16W, Section 29. In the segments involving National Forest a 3 inch PVC pipe will be buried 3-4 feet deep. The approved permit area is 1,000 feet in length with a width of 10 feet after installation, being .23 acres of permitted area. The disturbed areas will be reclaimed to the approval of the Forest Service.

Management Requirements:

1. All equipment will be cleaned prior to entering onto federal property to prevent the possibility of any non – native invasive species being introduced.
2. The road will have all berms pulled back from outside of the road and revegetated after the waterline is installed to prevent erosion.
3. Reclamation of the road berms and any bare soil should contain a mix of annual and perennial species for short and long-term erosion control. The recommended species are as follows, annual: annual rye, winter wheat, barley or oats; perennials: Canada or Virginia wild Rye (*Elymus canadensis*, *E. virginicus*), bottle brush grass (*Elymus Hysterix*). If the permittee wishes to use species besides the annual and perennials grasses listed, contact a Forest Botanist for approval of such species.
4. If any mulching is needed, mulch with straw, NOT hay.

Findings Required by and/or Related to other Laws and Regulations: This decision is consistent with the 2006 Revised Wayne National Forest Land and Resource Management Plan and applicable laws and regulations. It is consistent with Forest and Shrubland Mosaic (FSM) management area goals and objectives and with standards and guidelines cited in GFW-SPEC-6: "Locate roads and utilities for access to private land or to privately held mineral rights in the same corridor" (Forest Plan, pg 2-69). This project is consistent with the Endangered Species Act and the National Historic Preservation Act. This decision complies with the process detailed in the National Environmental Policy Act (NEPA).

Reasons for Categorically Excluding the Proposed Action: This action to permit installation of the above described waterline can be categorically excluded from documentation in an EIS or EA because it falls within a category of actions for which a project or case file and decision memo are required at 36 Code of Federal Regulations (CFR) 220.6(e)(3) "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land", and 36 CFR 220.6 (e) (2) "Additional construction or reconstruction of existing telephone or utility lines in a designated corridor".

Category 36 CFR 220.6(e)(3) "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land", is the most applicable category for this type of special use project since the project is a construction of a utility line (buried water line) in the existing corridor of the public roadway. The roadway is not considered a "designated utility corridor" as defined in the Wayne National Forest Land and Resource Management Plan; therefore Category 2 is not as applicable as Category 3 for this project.

Relationship to Extraordinary Circumstances: 36 CFR 220.6 (b) identifies resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS. Our analysis has found that there are no extraordinary circumstances related to this project which might cause this action to have significant effects. The summary of our analysis is as follows:

1. Federally listed threatened and endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species: The Endangered Species Act requires that 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. The Biological Evaluations in the project file considered federally endangered, threatened, and Regional Forester's Sensitive Species. The analysis has shown that, due to the minimal amount of vegetation disturbance on this project the issuance of this permit will have no adverse affect to any federally-listed or regional sensitive species known to occur in the area.

The District Botanist determined that the issuance of this permit will have no adverse affect on any federally listed or regionally sensitive plant species known to occur in the area.

2. Floodplain, Wetlands, or Municipal Watersheds: No floodplains, wetlands, or municipal watersheds are present in the project area.

3. Congressionally Designated Areas: This decision will not affect wilderness, wilderness study areas, national recreation areas, or other congressionally designated areas, as none exist on the Wayne National Forest.

4. Inventoried Roadless Areas or potential wilderness areas: No inventory roadless areas are present on the Wayne National Forest.

5. Research Natural Areas: There are no research natural areas in the vicinity of this project or that might be affected by this project.

6. American Indians and Alaska Native Religious or Cultural Sites: The project was reviewed by the Forest Archeologist per Section 106 of the National Historic Preservation Act. It is the opinion of the Forest Archaeologist that the proposed undertaking will not affect any American Indian or Alaska Native religious or cultural sites.

7. Archaeological Sites, or Historic Properties or Areas: The review by the Forest Archeologist mentioned in number 6 above also concluded that the proposed undertaking will not affect any archeological sites or historic properties or areas.

Administration Review or Appeal: This decision is not subject to administrative review or appeal pursuant to 36 CFR 215.

Implementation Date: Implementation of this decision may occur immediately upon signature of this Decision Memo.

Contact Person: For further information about this decision, contact Scott Means, Special Uses Technician, Ironton Ranger District; Wayne National Forest, 6518 SR 93, Pedro, Ohio 45659, or by telephone 740-534-6533.

_/f/Chad Fitton Acting DR

TIM SLONE
District Ranger
Ironton Ranger District
Wayne National Forest

Date: December 12, 2008