

DECISION MEMO
Grove Creek Spring Drainage Structure Special Use Permit

USDA Forest Service
Uinta-Wasatch-Cache National Forest
Pleasant Grove Ranger District
Utah County, Utah

I. DECISION

1. Description of Decision

I have decided to approve issuance of a special use permit to Pleasant Grove City to maintain and operate an overflow structure for their existing water holding tank, and to construct and maintain an overflow ditch southward approximately 500 feet to the Pleasant Grove Debris Basin. The project will be implemented on the Uinta National Forest north of Grove Creek Trailhead, T5S, R2E, NW1/4NW1/4 of Section 22, SLBM, on an easement of approximately .25 acres (see attached map). A drainage structure will be built and maintained in order to manage water coming from a spring north of Grove Creek, and the overflow of the water storage tank. This land was recently purchased by the Uinta National Forest, and existing facilities of Pleasant Grove were not excluded from the purchased property as were the water holding tank and feeder lines.

The Forest Service's proposed action is to authorize Pleasant Grove City to conduct the following activities through issuance of a special use permit:

- Construct an overflow channel (ditch) on the southeast end that would maintain a lower water level than existing conditions. The overflow channel would convey excess spring discharge into the Grove Creek Debris Basin, located about 500 feet southeast. The natural spring flow would continue to provide wetland/standing water habitat, and the channel would provide linear riparian habitat. The channel banks would be stabilized with vegetation and erosion-control material, where needed.
- Install a culvert of the appropriate size to pass required flows, and require minimum maintenance under the Grove Creek trailhead access road to convey the overflow water to the Grove Creek Debris Basin.
- Build up the northeast end of the embankment (if determined to be needed after water level is lowered) to minimize potential for overflow to be routed toward the housing development.

2. Purpose of the Decision

The purpose of the proposed action is to allow Pleasant Grove City to address the impacts from overflow water coming from the Grove Creek pond, and the potential impacts that overflow might have on residences below the spring.

3. Need for Decision

The need for the proposed action includes:

- Managing the water level from the spring to prevent damage to adjacent private property from overflow.
- Providing wildlife habitat benefits by maintaining some riparian/wetland conditions.
- Assisting the previous water rights holder to meet their obligations to the Utah State Division of Water Rights.
- Providing Pleasant Grove City a method to manage overflow that may come from their water storage tank.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or listed in 36 CFR 220.6 (d) or (e), 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

The proposed projects fit within categories identified by the Chief of the Forest Service for categorical exclusion as follows:

Approval of a minor special use fits under FSH 1909.15, Section 31.2, Category 3:

Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land

B. Extraordinary Circumstances

The federal regulations at 36 CFR 220.6 (b) list the following resource conditions that should be considered in determining whether extraordinary circumstances

related to a proposed action warrant further analysis and documentation in an EA or EIS:

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The project area has been surveyed and no threatened or endangered species are present. The project area does not contain any critical habitat for threatened and endangered species. The Forest Service has determined that this project will not adversely affect any federally protected species or critical habitat (Van Keuren 2007, Bornstein 2006).

2. Floodplains, wetlands, or municipal watersheds

Floodplains: Executive Order 11988 requires federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains.

The project area does not reside in, and the project will not have any direct, indirect, or cumulative impacts on, any water bodies, and floodplains.

Wetlands: Executive Order 11990 requires federal agencies to avoid adverse impacts associated with destruction or modification of wetlands.

There is a very small wetland associated with the existing pond. The wetland characteristics would not be changed by implementing this project. The drainage ditch to the south from the pond would provide additional wetland habitat depending on the flow of the spring (Hanson, 2008).

Municipal Watersheds: This project is located within a municipal watershed.

The construction of the overflow ditch will have no impact on municipal watersheds.

3. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas:

The project area does not reside in, and the project will not have any direct, indirect or cumulative impacts on any wilderness, wilderness study areas, or national recreation areas.

4. Inventoried roadless areas or potential wilderness area:

The project area does not reside in, and the project will not have any direct, indirect or cumulative impacts on any inventoried roadless areas (IRAs) or potential wilderness areas.

5. Research Natural Areas:

The project area does not reside in, and the project will not have any direct, indirect or cumulative impacts on any research natural areas.

6. American Indians and Alaska Native religious or cultural sites:

Based on site investigations and scoping, the project area is not known to include, and the project will not have any direct, indirect, or cumulative impacts on any American Indian religious or cultural sites (Thompson, 2007).

7. Archeological sites, or historic properties or areas:

The project will not have the potential to affect known archeological sites or historic properties or areas located in the project area; therefore, there would be no impacts as a result of this project. (Thompson, 2007)

For projects that are categorically excluded, there is no need to repeat a detailed analysis of effects to all resources. In promulgating the categories, the Forest Service has concluded that projects that fit those categories do not individually or cumulatively have a significant effect on the human environment. Thus, once the analysis establishes that this project has no extraordinary circumstances and fits into a category, the responsible official can reach the conclusion that there will be no significant effects to the environment without further analysis.

The proposed action will be of limited context and intensity and will not result in any significant environmental effects (40 CFR 1508.4) individually or cumulatively on the quality of the human environment; is within a 36 CFR 220.6 (e); and there are no extraordinary circumstances related to the proposed action.

III. PUBLIC INVOLVEMENT AND SCOPING

The Pleasant Grove Ranger District initiated scoping for this proposal by sending a scoping letter on April 30, 2007, to about 100 known interested parties. A request for comments was published in the *Provo Daily Herald* on May 4, 2007. In response to these solicitations, the Forest received one comment. The project was also internally scoped. Through public scoping, the following concerns were expressed:

1. Main consideration from the State Engineers Office was that there are no water rights or approved dam plans or permits associated with the pond, and it should not store water or be capable of storing water.

Their claim that there are no water rights or an approved dam permit is correct. The intended future of the site is to continue to provide a wetland that

provides a unique habitat within the area, and maintain free flowing water from the spring for avian and other wildlife species.

2. The outlet should be fully functionally open with no gate or controls and the spillway should be brought down to the natural level and/or the dam structure should be removed so there is no possible hazard or risk associated with the dam.

The proposal is to follow the State Engineer recommendation by lowering the southern bank to create an unobstructed spillway in which there will be minimal amounts of water to collect in the pond area, and allow a natural flow southward to the Grove Creek Debris Basin. The earthen dam will be left in place to provide screening for wildlife using the area.

3. If the spring flow is to be directed to Grove Creek Debris Basin it should be considered in the hydrology and operation of the structure.

Capacities and major events have been evaluated in relationship to the amount of water and timing of water that would reach the debris basin. The flow in the spring in most years would not reach the debris basin and would be handled in the design of the ditch. The discharges from the water storage facilities are infrequent, but have the greatest potential of creating flows into the debris basin.

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

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below:

Endangered Species Act – See Section II, Item B1 of this document.

National Historic Preservation Act – See Section II, Item B6 of this document.

Archaeological Resources Protection Act – See Section II, Item B6 of this document.

National Environmental Policy Act – This Act requires public involvement and consideration of potential environmental effects. Opportunities for the public to be involved were given, and potential environmental effects were considered. The documentation of this decision supports compliance with this Act.

National Forest Management Act - This Act requires all projects and activities are consistent with the Forest Land and Resource Management Plan.

The project area lies within the American Fork Management Area as identified in the 2003 Uinta National Forest Land and Resource Management Plan (2003

Forest Plan). The proposed project is consistent with Forest-wide and Management Area specific direction, and is in compliance with all relevant Standards and Guidelines.

V. ADMINISTRATIVE REVIEW OF APPEAL

Pursuant to 36 CFR 215.12(f) and Earth Island Institute v. Ruthenbeck, No. CIV F-03-386 JKS (E.D. Cal., October 19, 2005), this decision is not subject to appeal.

VI. IMPLEMENTATION DATE


This decision may be implemented immediately.

VII. CONTACT PERSON

For further information about this decision or project, please contact John R. Logan, Pleasant Grove Ranger District, 390 North 100 East, Pleasant Grove, Utah 84062, or by phone at (801)785-3563.

VII. SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in and environmental impact statement of environmental assessment, as it is within one of the categories identified in 36 CFR 220.6 (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the planning record.

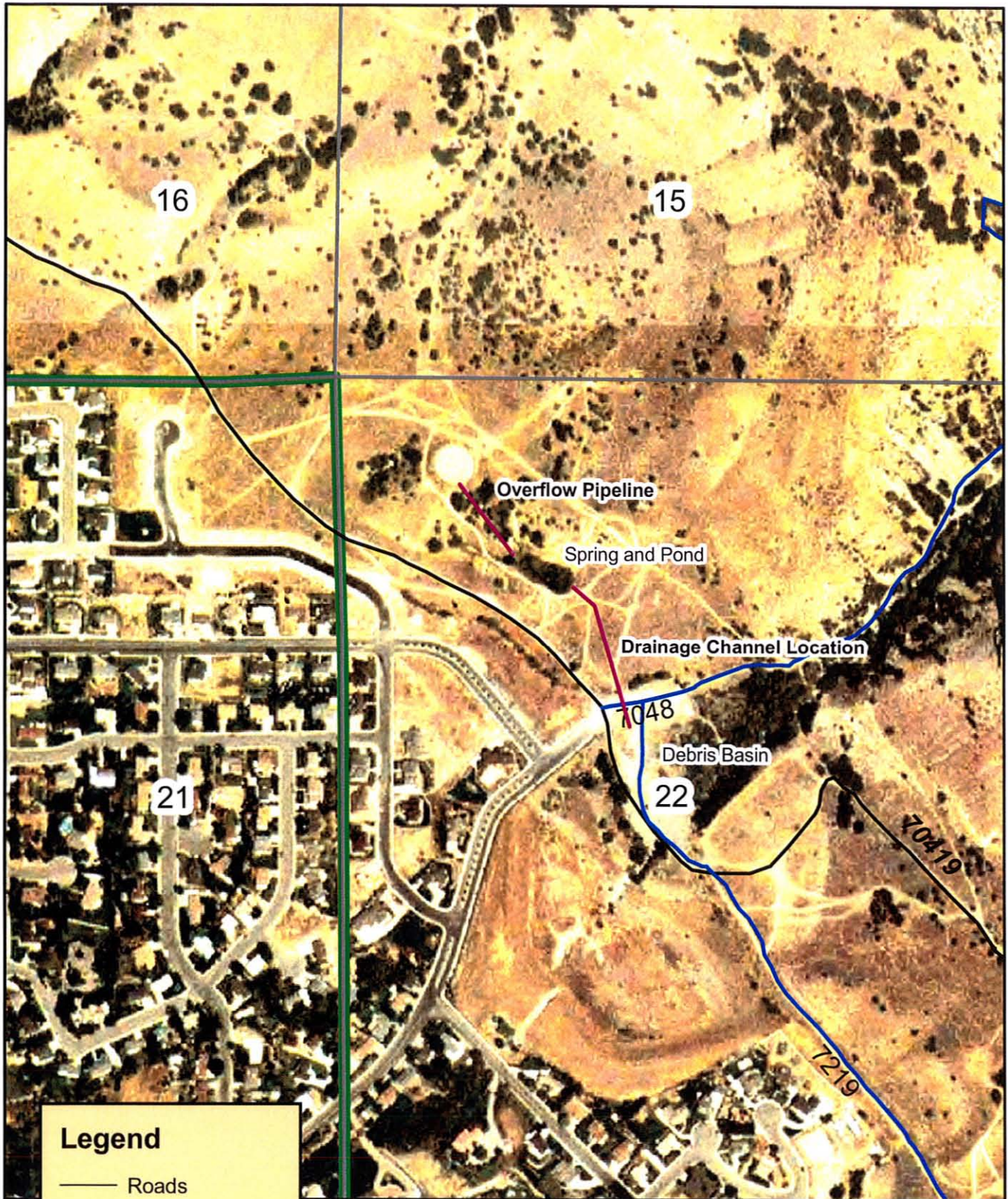


JOHN R. LOGAN
District Ranger
Pleasant Grove Ranger District



Date

Grove Creek Spring Drainage



Legend

- Roads
- Forest Boundary
- Trials
- Special Use

