

**DECISION MEMO
Wapiti Water System**

**USDA FOREST SERVICE
Shoshone National Forest
North Zone/Wapiti Ranger District
Park County, Wyoming
T52N, R106W, North Half Section 21**

PROJECT IDENTIFICATION:

Wapiti Water System

DECISION

I have reviewed the environmental analysis and decided to implement Alternative 2, the Proposed Action, which is to drill a water well within the administrative/recreation site boundaries of the Wapiti Campground. In addition to the well, install a water distribution system that services both the campground and the nearby Wapiti Ranger Station administrative site.

The proposed action falls under Categories 3 and 4, in Section 31.1b of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook – Category 3 is for the Repair and Maintenance of Administrative Sites and Category 4 is for the Repair and Maintenance of Recreation Sites

BACKGROUND AND PROPOSED ACTION

(Alternative 2) Proposed Action-Wapiti Water System. The proposal is known as the Wapiti Water System Project and would combine the water systems of the Wapiti Ranger Station and campground into one system. This project proposal involves drilling a new water well and construction of a water pipeline distribution system that will serve both the campground and the administrative site. By consolidating two systems into one water system, operation and maintenance costs such as water testing will save considerable time and money in the long-term.

The proposal is located in Park County in the North Fork of the Shoshone River corridor within the boundaries of the Wapiti recreation site. The location is approximately 25 miles west of Cody, Wyoming on U.S. Highway 14 roughly halfway between Cody and the East entrance to Yellowstone National Park. The legal description is T52N, R106W, North Half of Section 21. Project implementation would be the summer of 2002.

The Shoshone National Forest (SNF) is considering this improvement project to upgrade the Wapiti Ranger Station water system because of water not meeting drinking water standards and health/safety concerns. The proposal involves drilling a new well and installing a new water distribution system to supply potable water to both the Wapiti Ranger Station and the Wapiti Campground, which is being



reconstructed in 2004 pending funding. Several alternatives were examined, including a well site approximately 400 feet south of State Highway 14 or sites on the north side.

The existing well is in this North Fork river corridor and is classified by the EPA as “ground water under direct influence of surface water.” Because of contamination by surface water, the water has to be filtered and treated to pass EPA testing for drinking water standards. A new well drilled on the north side of the highway would possibly still be in the area influenced by ground water and the water likely would need to be filtered and treated. By moving to the south side of the highway, a new well could be located outside this influence of surface water and the water would not need to be filtered or treated, possibly resulting in considerable savings in time, money, equipment and maintenance.

The **project implementation** of the selected alternative involves:

- 1) Obtaining the necessary permits to drill the well. To relocate the well, the appropriate paperwork must be filed with the Wyoming State Groundwater Section
- 2) Surveying the site by an archaeologist prior to project implementation.
- 3) A short, native surface road to access the drill site and provide for periodic maintenance would be needed.
- 4) Forest Service contractors drilling a well and constructing the water distribution system. It is estimated that trenching for up to 2500 feet of water pipeline would be needed to bury the line.
- 5) A small building/well house would be located at the well location.
- 6) Rehabilitation of disturbed areas as needed.

RESOURCE PROTECTION /PROJECT DESIGN MEASURES

Project design for resource protection and methods and tools for implementation to minimize any environmental effects or site enhancement would include:

- A cultural resource survey would be completed and no change to the historic nature of the area would result.
- Locate the new well and well house where it would not be visible from the highway to the extent possible.
- Biologists were consulted for their expertise on bear/human interactions and how to best implement this action. Guidelines for reducing bear/human conflicts would be incorporated into the project, to include compliance with the requirements of the Grizzly Bear Management and Protection Plan:
 - ✓ Garage and refuse handling and disposal procedures would be implemented.
 - ✓ Human safety awareness training, human/bear conflict prevention procedures, and encounter procedures would be conducted.
 - ✓ Enforce human activity restrictions by area, season, etc.

ALTERNATIVES

- No Action Alternative – The current situation would continue with old, inadequate water system that frequently does not pass EPA requirements for drinking water when tested. It is probable that the campground and/or the ranger station water systems would be closed down.

- Alternative 1 - The project would be implemented by drilling a well on the south side of highway and a water system constructed to serve both the ranger station and the campground. A water filtration/treatment system would not be needed.
- Alternative 2, the Proposed Action – The project would be implemented by drilling a well on the north side of the highway within the recreation site and a water system constructed to serve both the ranger station and the campground. A filtration/treatment system would be added to meet EPA standards for drinking water if needed.
- No other alternatives or methods were identified from issues and concerns raised through scoping and public involvement.

PURPOSE OF AND NEED FOR ACTION

The **Purpose and Need** for the action is:

This action is tied to guidance set forth in the 1986 Shoshone National Forest Plan and Record of Decision. General direction in the Forest Plan (FP-III-7) is “Ensure that National Forest developed sites are appropriate for the surrounding forest setting and do not compete with the private sector of unnecessarily duplicate other public land facilities and services.” The project **is needed** in order to: 1) Maintain facilities in a safe condition. Replace facilities when rehabilitation costs 50 percent or more of replacement costs or when existing facilities are no longer compatible with site design or ROS classification; 2) Ensure long-term potable water for a developed recreation site and administrative site; 3) Protect health and safety by providing drinking water that meets EPA requirements.

- The **purpose** of the proposal is to drill a new well and upgrade the potable water system to serve both the Wapiti Ranger Station and the Wapiti campground. Two water systems would be consolidated into one system and a potable water system implemented to serve the need of the campground and residences at the ranger station.

ISSUES AND DECISION-MAKING PROCESS

The decision rationale for implementing the proposed action is based on the following concerns/issues and opportunities and how the decision would address the issue:

- **How to Best Implement Repair and Maintenance of the Water System for the Sites?**– Concerns exist regarding where to locate the well to obtain the best water. Visual resource concerns exist over the well/well house, especially if visible from the highway.
- **Health and Safety, How to Provide Potable Water for the Sites?** -Concerns exist regarding the water failing to meet EPA standards and being able to supply potable water to the campground and administrative site.
- **How to Ensure Safety for Employees and the Public and Protect Infrastructure/Facilities?** - Through facilities maintenance, repair/upgrade existing conditions so that the operation of the water system meets EPA standards for public safety.

The decision and actions implemented need to be the most expeditious, cost efficient method available to address concerns. A decision-making process was followed, where 1) the problem was defined with the help and input of the public, local government, and staff expertise; 2) possible alternative solutions were identified and evaluated; 3) the solution thought to be the best to solve the problem was selected; 4) project design measures developed to implement the solution and provide an adequate level of resource protection; and 5) established a procedure to evaluate progress, compliance, and need for adaptive changes.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

The proposed action falls under Category 3 and 4, in Section 31.2 of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook. Based on internal and external scoping, field reviews, specialist’s input and past experience, the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment. The primary justification for this determination is that it involves the use of the land that does not involve significant changes in the physical environment.

FOREST PLAN DIRECTION/FINDINGS REQUIRED BY OTHER LAWS

This proposal is consistent with laws, regulations, and policy, as well as direction and standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP), as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12). The management area is 2B, where the primary management direction is rural and roaded natural recreation opportunities. This decision is in accordance with other applicable federal regulations and laws.

This decision was coordinated with the Wyoming State Historic Preservation Officer (SHPO). In a letter from SHPO dated 5/24/02 to Region 2 of the Forest Service, if a cultural resource survey is done and no sites are found then it is not necessary to wait for a concurrence letter from SHPO.

SCOPING AND PUBLIC INVOLVEMENT

In February 2002 letters were sent to approximately 180 individuals and 28 American Indian Tribes to scope their ideas and identify issues/concerns/opportunities. The scoping was mailed February 5 and closed March 15, 2002.

Results from this scoping and public involvement effort are summarized as follows. Locally, neither strong support nor opposition for this project was identified. Issues revolving around regulations, multiple use, fees, growth and development, tourism, economics, and others could enter the discussion. However, resolution of all issues is beyond the scope of this analysis. To narrow the scope of issues, the decision-making process was focused on these concerns/issues or comments:

- The existing water supply well in the document is permitted (by decree), however, the Forest Service will need to file the appropriate paperwork to relocate it with the groundwater section of the Wyoming State Engineer’s Office.
- The Cheyenne River Sioux Tribe commented that after reviewing the scoping information that the tribe has no cultural concerns regarding the project and that they are in favor of the project as proposed.

This decision is being distributed to interested and potential affected parties, including those who responded during the scoping process.

FINDING OF NO EXTRAORDINARY CIRCUMSTANCES

Under the Forest Service Handbook definition, extraordinary circumstances exist, only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly

affect the environment. Scoping was conducted to identify any conditions associated with a normally excluded action as potentially having effects, which may significantly affect the environment.

Extraordinary circumstances include, but are not limited to, steep slopes or highly erosive soils, threatened and endangered species or their critical habitat, wetlands and flood plains, wetlands, or municipal watersheds, inventoried roadless areas, Congressionally designated areas (such as wilderness, wilderness study areas, or National Recreation Areas), Research Natural Areas, or Native American religious or cultural sites, archaeological sites, or historic properties or areas. These are summarized in the table below to describe the situation for extraordinary circumstances and the effects the project would or would not have.

Determinations for extraordinary circumstances were reviewed in the context of the Forest Service Handbook (1909.15 Chapter 30.3-30.5) and definition and the court decision below¹. Extraordinary circumstances exist, or are “present”, only when *conditions* associated with the proposed action are identified “as potentially having effects which may significantly affect the environment.”

Extraordinary Circumstances	Conditions that may lead to a finding of extraordinary circumstances (Yes or No). If needed, discussion of <i>conditions</i> that may lead to a finding of extraordinary circumstances are discussed in greater detail following the table.
a. Steep slopes or highly erosive soils	No. Steep slopes or highly erosive soils are not present; therefore, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist.
b. Threatened and endangered species or their critical habitat (Attach concurrence from fisheries/wildlife biologist and botanist as needed)	Yes, discussed below. A Biological Assessment for Proposed and Listed Species and a Biological Evaluation for R-2 Sensitive Species was completed.
c. Flood plains, wetlands, or municipal watersheds	No. Steep slopes or highly erosive soils are not present; therefore, <i>conditions</i> that may lead to a finding of extraordinary circumstances do not exist.
d. Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.	No. None present; therefore, no effects from the project on Congressionally designated areas.
e. Inventoried roadless areas.	No. None present; therefore, no effects from the project on inventoried roadless areas.
f. Research Natural Areas	No. None present; therefore, no effects from the project on inventoried roadless areas.
g. Native American religious or cultural sites, archeological sites, or historic properties or areas.	No. None present as determined by the Forest Archaeologist and cultural survey.

¹ The United States District Court for the District of Utah recently reviewed the provisions of the FSH related to categorical exclusions in *Utah Environmental Congress v. U.S. Forest Service*, Case No. 2:01-CV-00390B. In a Memorandum Opinion and Order issued June 19, 2001, the court found the above interpretation of the FSH to be reasonable. Specifically, the court found that the phrase “presence of” referred to *conditions* that may lead to a finding of extraordinary circumstances, not to the phrase “extraordinary circumstances.”

Conditions that may lead to a finding of extraordinary circumstances are discussed in greater detail in the following:

Threatened and Endangered Species: I have concluded that the project would have no effect on any endangered or threatened species known or suspected to occur in the project influence zone; therefore no conditions that may lead to a finding of extraordinary circumstances exists. This is based on the biological evaluation process, conclusions, and determinations made by the North Zone Wildlife Biologist that concluded:

*“It is my **determination** that the proposed action will have “no effect” on any proposed or listed species known or suspected to occur in the Wapiti Ranger Station/Campground area. I have also concluded that this proposed action would have “no effect” on any Region 2 sensitive species known or suspected to occur in the Wapiti Ranger Station/Campground complex area, or on any Forest Plan management indicator species (MIS) that are known or suspected to occur in the Wapiti Ranger Station/Campground complex area.”*

The wildlife documentation for the analysis/evaluation of this proposal relative to the following species is located in the project file:

- ✓ Proposed, Threatened, and Endangered Species
- ✓ Region 2 Designated Sensitive Species
- ✓ SNF Forest Plan Management Indicator Species (MIS)

Summary-I have reviewed the proposal and determined that no significant effects would occur from its implementation. The effects of the actions, as determined through internal scoping, are not highly controversial and are similar to other actions that have been implemented in the area. The effects on the human environment are not highly uncertain or involve unique risks. The Forest Service has been repairing and maintaining recreation sites and administrative sites for years with predictable results, including projects such as drilling a well and operating a drinking water system. The action is not related to any actions that would result in significant cumulative impacts. The project does not represent a decision in principle about future considerations and does not violate federal, state, or local laws or requirements imposed for protection of the environment.

IMPLEMENTATION AND CONTACTS

This decision can be implemented immediately and is not subject to appeal pursuant to 36 CFR 215.8 (a) (4). In order to ensure safety for employees and the public and protect infrastructure/facilities, this project would be implemented as soon as possible during the summer of 2002. For further information on this decision, contact Tom Koenig, Engineer, or Marty Sharp, NEPA Coordinator, 203A Yellowstone Ave., Cody, Wyoming 82414 or telephone 307-527-6921.

/s/ Brent L. Larson

06/26/02

Brent L. Larson
District Ranger

Date