Decision Notice
& Finding of No Significant Impact

Rush Creek Culvert Replacement Project

USDA Forest Service
Bankhead Ranger District, Bankhead National Forest
Section 1, T9S, R7W

Existing Rush Creek Culvert

Decision and Reasons for the Decision

Background
The purpose of this project is to replace the existing culvert at the NFSR 263 crossing of Rush Creek with a single span bridge that matches the full bank width of the stream. The project site is located within the Bankhead National Forest in Winston County, Alabama, just south of the
Winston County – Lawrence County line and approximately 7.0 miles northwest of Addison, Alabama.

The existing culvert was constructed in 1962 and is undersized for the Rush Creek channel, being narrower than the width of the creek bottom and the 26-foot bankfull width of the stream. This condition serves to act, along with the associated road embankments, to restrict or dam stream flow during high water conditions. Engineering data show the existing culvert pipe will not adequately pass a 25-year storm event. Past storm events have created conditions where water has overtopped the structure and embankment, saturating the embankment, and resulting in sloughing of road fill materials and eroding the surface aggregate from the road. This requires periodic maintenance by the US Forest Service to repair the damaged road surface following major flow events. During periods when flows cover the road, the existing crossing is unsafe for vehicular traffic.

The existing culvert will be demolished and replaced with a single span, pre-cast concrete bridge with abutment walls and wing-walls. The new bridge and road approaches will be located within the footprint of the existing road alignment and creek crossing. The new bridge will be designed to pass a 50-year storm event. The bridge opening will span the entire width of Rush Creek, while also elevating the road 3 feet. The new structure will accommodate high flows in addition to providing 5 feet of freeboard. The increased conveyance capacity provided by the bridge for high flows will eliminate the existing situation where high flows periodically cover the road and cause localized erosion.

Construction will disturb an estimated 0.5 acre of land. Vegetation will be removed within the construction limits only where necessary to facilitate project construction and associated activity. This will occur primarily along the existing right-of-way for the road. The disturbed areas will essentially result from the activities associated with demolition of the culvert and a slight widening of the footprint of the roadway.

The proposed action will improve transportation, enhance public safety, and reduce road maintenance requirements. The proposed project is also not likely to adversely affect five Federally listed Threatened and Endangered mussel species, the ranges of which include Rush Creek. The positive environmental effects would include the provision of an unrestricted bridge opening for stream flow, improved channel morphology and stability, and the unimpeded passage of aquatic organisms within the stream, particularly for fish hosts important for the continued existence of the listed mussel species.

Decision

Based upon my review of the two alternatives considered, which include the best available science, I have decided to implement Alternative 2 (i.e., the Proposed Action). The selected alternative will demolish the existing culvert and construct a new single span bridge that will follow the existing alignment and footprint of the NFSR 263 crossing of Rush Creek. The new bridge will consist of wing walls, a pre-cast superstructure, and cast-in-place substructure to accommodate both normal and high flows up to a 50-year recurrence interval. The existing culvert will be removed.
Alternative 2 with mitigation was selected for the following reasons.

1. The actions included in this decision are consistent with the Forest Plan based on the disclosure within the Environmental Assessment (EA) that the selected action has been planned and will be implemented in accordance with the applicable standards in the Forest Plan.

2. Alternative 2 best meets the need of the Proposed Action and addresses the issues of concern developed for this project.

3. Alternative 2 provides for a new bridge that removes the current risks to vehicles during high stream flows produced by 50-year storm events.

4. The proposed project is reasonable and feasible and results in applying management practices that meet the National Forests in Alabama Revised and Resource Management Plan (RLMFP) overall direction of protecting the environment while producing goods and services.

5. The proposed project is not likely to adversely affect listed threatened and endangered aquatic species that are present or expected to occur within the project area according to the June 2013 Biological Evaluation, as well as having no impact on aquatic species included on the Regional Forester’s list of Sensitive Species.

6. The proposed project will not affect significant historic properties or archaeological resources according to an archaeological survey prepared in compliance with Section 106 of the National Historic Preservation Act and for consultation with the Alabama State Historic Preservation Officer.

7. Mitigation measures will include temporary erosion and sediment control measures consisting of erosion control blankets and/or silt fencing.

8. Other mitigation measures include relocating any Federally listed species and other sensitive mussel species occurring within the project area prior to initiating demolition and construction activities.

9. Both beneficial and adverse effects have been considered and analyzed and this action will have no significant effect on the human environment.

**Other Alternative Considered**

In addition to the selected plan to implement the Proposed Action, I also considered the No Action alternative. A comparison of the Proposed Action and No Action alternatives is found on pages 11 and 12 in the EA.

**Alternative 1 – No Action**

Under the No Action Alternative, the existing culvert would not be replaced and a new bridge would not be constructed. Periodic overtopping of NFSR 263 at the stream crossing would
continue to occur, and current maintenance practices to periodically repair the damaged road would also be required following each overtopping event. The culvert crossing would remain temporarily impassable during high stream flows and flooding. The danger from flash floods would remain.

**Public Involvement**

Public involvement for this project began with the mailing of an informational scoping package to approximately 231 members of the public, tribes, and other agencies on May 23, 2013. The scoping period ended on June 14, 2013. The proposal was also listed in the Schedule of Proposed Actions for the Bankhead National Forest for July 1, 2013 through September 30, 2013. A legal notice was published in the Bankhead National Forest’s newspaper of record, the *Northwest Alabamian*, on June 1, 2013. A legal notice was also published in the *Moulton Advertiser* on May 30, 2013. The 30-day Legal Notice and Comment for the completed EA was published in the *Northwest Alabamian* on August 13, 2013 and in the *Moulton Advertiser* on August 14, 2013.

Using the Scoping comments received, the US Forest Service’s Interdisciplinary Team identified several issues regarding the effects of the Proposed Action. Three of the issues raised that were determined to be particularly relevant included:

- **Issue 1** - The installation of a new bridge will meet the purpose and need of increasing public safety within National Forests. Questions were raised as to the safety features to be provided by the Proposed Action, increased road availability, and reduced road maintenance.

- **Issue 2** – Water quality could be degraded during construction. Questions were raised as to which water quality parameters could be most affected by the demolition of the existing culvert and construction of the new bridge. The production and delivery of sediments to Rush Creek and the elevation of turbidity offered the greatest potential for adverse impacts to occur to water quality and instream habitat.

- **Issue 3** – Construction of a new bridge could harm Federally listed Threatened and Endangered species and other sensitive species and designated Critical Habitat for mussels. Questions were raised as to how these species would be protected in accordance with the Endangered Species Act of 1973. Emphasis will be placed on five Federally listed mussel species and their Critical Habitat which has been designated to occur within Rush Creek. Three additional mussel species and the Tuskaloosa darter included on the Regional Foresters list of Sensitive Species will be considered similarly.

Other issues raised, but not considered to be relevant for the purposes of preparing the environmental analysis include the need to protect heritage resources; the need to consider wildlife and non-listed plant and animal species; and the need to provide access for hunting. These issues were not considered to be relevant because they are already decided by law, regulation, Forest Plan, or other higher level decisions; they are not relevant to the decision being made pertaining to this project; they are outside the scope of the Proposed Action; or they are conjectural and not supported by scientific or factual evidence.
Finding of No Significant Impact

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

1. My finding of no environmental effects is not biased by the beneficial effects of the Proposed Action.

2. There will be no significant effects on public health and safety ((see EA Environmental Consequences, p. 15-41).

3. Since the project area does not possess any unique characteristics or ecologically critical areas, park lands, rare communities, wetlands, and wild and scenic rivers, such resources will not be affected (see EA Environmental Consequences, p. 15-41).

4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the proposed project (see EA Environmental Consequences, p. 15-41).

5. The US Forest Service has considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risks (see EA Environmental Consequences, p. 15-41).

6. The Proposed Action is not likely to establish a precedent for future actions producing significant adverse effects (see EA Environmental Consequences, p. 15-41).

7. The cumulative impacts are not significant (see EA Environmental Consequences, p. 15-41).

8. The Proposed Action will have no significant adverse effect on sites, highways, structures, or objects eligible for listing in the National Register for Historic Places. The Proposed Action will also not cause the loss or destruction of significant scientific, cultural, or historical resources; because none are known to exist within the project area (see EA Environmental Consequences, p. 15-41).

9. The Proposed Action is not likely to adversely affect any endangered or threatened species or Critical Habitat designated under the Endangered Species Act of 1973 (see EA Environmental Consequences, p. 15-41; the June 2013 Biological Evaluation contained in Appendix B of the EA; and the August 7, 2013 project file letter of concurrence from the US Fish and Wildlife Service).

10. The Proposed Action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA Environmental Consequences, p. 15-41). Proposed Action is consistent
Findings Required by Other Laws and Regulations

It is my finding that actions in this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976 and the National Forests in Alabama RLMFP. Specifically:

- The proposed action responds to the goals and objectives outlined in the RLRMP, and helps move the project area towards the desired conditions (Goals 35 and 37, p. 2-6; EA p. 6).
- The Biological Evaluation for this project was sent to the Fish and Wildlife Service, with that agency providing its concurrence with that document on August 7, 2013. It was determined that the Proposed Action is “not likely to adversely affect” the five Federally listed mussel species having the potential to occur within the project area or their designated Critical Habitat (EA, p. 25-35).
- An archaeological survey of the Rush Creek project site was performed. Examination of the culvert design and the materials used in its construction do not indicate the existing structure possesses any remarkable features that would make it eligible for listing on the National Register of Historic Places (NRHP). Any cultural resource materials that may have helped the eligibility status of the culvert and project area within the right-of-way of NFSR 263 were likely destroyed or were covered during original construction in 1962. The results of the archaeological survey were coordinated with the Alabama State Historic Preservation Officer (SHPO) who concurred in the survey’s findings on ______________, 2013. Therefore, the Proposed Action complies with the provisions of the National Historic Preservation Act and Executive Order 11593. Since no known significant historic properties occur within the project area, there is little likelihood for adverse effects to occur on heritage resources (EA, p. 39).
- As required by Executive Order 12898, all Federal actions must consider potentially disproportionate effects on minority and low-income communities. There is no evidence that minority or low-income communities will be adversely or disproportionately affected by the alternatives addressed in the EA (p. 40).

Implementation Date

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

Assuming no appeals will be filed, the proposed project is expected to be implemented during the fall of 2013. Construction of the proposed project is expected to last 60 to 90 days.

Administration 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, email, hand-delivery, or express delivery) with the Appeal
Deciding Officer to ATTN: Appeal Deciding Officer, 2946 Chestnut Street, Montgomery, AL 36107-3010. Appeals may also be faxed to 334-241-8111.

The office business hours for those submitting hand-delivered appeals are: 8:00 am – 4:00 pm 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), or Word (.doc) to comments-southern-alabama-bankhead@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification 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 Northwest Alabamian, the newspaper of record for the Bankhead National Forest. Attachments received after the 45-day appeal period will not be considered. The publication date in the Northwest Alabamian (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 who submitted substantive comments during the comment period specified in 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact, Elrand D. Denson, Bankhead National Forest, PO Box 278, Double Springs, AL 35553, phone (205-489-5111).

/s/ Elrand D. Denson  
ELRAND D. DENSON  
District Ranger  
Bankhead National Forest

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.