

## Finding of No Significant Impact for the Easement Administration Action on an Agricultural Conservation Easement Program-Wetland Reserve Easement (ACEP-WRE), 5461141701KOP, Warren County, Iowa

### I. AGENCY ROLE AND RESPONSIBILITY – United State Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS)

In accordance with the NRCS regulations (7 Code of Federal Regulations Part 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental assessment (EA) of the following proposed action:

The City of Norwalk, (City) proposes to construct a 30- to 60-inch, 9,500-foot (1.77 miles) long North River Interceptor Sanitary Sewer Extension (NRISSE) north of the North River within the municipal boundary of Norwalk and portions of currently unincorporated Warren County, Iowa. The proposed infrastructure development would expand an existing sewer right-of-way within the easement from 30' in width to 70' in width. The installation of the sanitary sewer would require 4.10 acres of new permanent sanitary sewer easement and 7.37 acres of temporary construction easement through ground held in a permanent Wetland Reserve Easement (WRE) by the Natural Resource Conservation Service (NRCS). To compensate for subordination of the conservation easement within the proposed expanded sewer right-of-way, the City proposes to secure approximately 4.12 acres of land adjacent the conservation easement for enrollment of, and restoration under, ACEP-WRE.

### II. ALTERNATIVES CONSIDERED IN THE EA

Two alternatives were analyzed in the EA and are characterized as follows. Two additional alternatives were proposed, but not carried forward for analysis, due to inability to connect to existing sewer infrastructure and increased potential for increased environmental impacts.

Alternative 1 (No Action) – Under this alternative, the sanitary sewer extension would not be constructed. This alternative would not require a modification of the easement. The stated purpose and need for the project would not be met under this alternative.

Alternative 2 (Preferred Alternative) - Subordination of a portion of the existing ACEP-WRE easement, allowing the City of Norwalk to increase the width of the existing sewer right-of-way easement for installation of a new 30 to 60 inch sanitary sewer line, acquiring 4.10 acres of new permanent right-of-way and 7.37 acres of temporary construction right-of-way on a parcel of land currently enrolled in a NRCS ACEP-WRE conservation easement. To compensate for subordination of the conservation easement within the proposed expanded sewer right-of-way, the City proposes to secure approximately 4.12 acres of land adjacent the conservation easement for enrollment of, and restoration under, ACEP-WRE.

### III. PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to provide the City to: 1) limit septic system installation; 2) ensure connection to municipal sanitary sewer to properly treat wastewater; 3) provide sewer services to a proposed industrial and commercial development at the southwest corner of Highway 28 and Delaware Street; and 4) properly manage and discharge stormwater from urban development.

### IV. NRCS DECISION

Based on the evaluation in the EA, I have chosen to select Alternative 2 as the Agency Preferred Alternative. I have taken into consideration all the potential impacts of the proposed action and balanced those impacts with considerations of the Agency's purpose and need for action. Potential impacts to soil, water, air, plants, wildlife, and human resources were heavily considered in the decision. The agency's preferred alternative (Alternative 2) would result in long-term beneficial impacts to environmental resources.

### V. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in the Amendment, NRCS is required by NEPA, 40 CFR 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the review of NEPA criteria for significant effects and the analysis in the amendment, I have determined that the action be selected, Alternative 2 (Agency Preferred Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) on the final action is not required under Section 102(2)(c) of NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This Finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from NRCS regulations at 7 CFR Part 650:

- 1) Alternative 2 would not significantly affect public health or safety. As discussed in applicable sections of the EA, the sewer line expansion would in fact improve public health and provide long-term beneficial impact to the human environment.
- 2) As analyzed in Section 5 of the EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas under the proposed action. NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. In accordance with these requirements it is not anticipated that implementing Alternative 2 would have adverse effects on these resources.
- 3) The effects on the human environment are not considered controversial for Alternative 2. There are no impacts associated with the proposed action that would be considered controversial.

- 4) Alternative 2 is not considered highly uncertain nor does it involve unique or unknown risks.
- 5) Alternative 2 would not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations.
- 6) Alternative 2 does not result in significant adverse cumulative impacts to the human environment as discussed in Section 5.13 of the EA. It is, however, anticipated to result in beneficial long-term impacts.
- 7) The EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated that Alternative 2 would result in long-term beneficial impacts for environmental resources (i.e., soil, water, air, plants, animals, and human resources) due to the enrollment and restoration of the replacement acres being placed under the easement. Conversely, the No Action alternative would have long-term adverse impacts to these resources because it would eventually require routing the sanitary sewer line around the easement, impacting more acres of prime farmland, wetlands, floodplain, and habitat. Alternative 2 would not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate. Specifically, soil, water, wildlife, and plants would be improved and protected.
- 8) Alternative 2 would not be likely to adversely affect endangered or threatened species or critical habitat as discussed in Section 5.3 of the EA. There are no Federally listed species impacted by the proposed action. The United States Fish and Wildlife Service, which has jurisdiction over these species, has reviewed our conclusions and has concurred with our findings.
- 9) Alternative 2 does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in section 5 of the EA. The major laws identified with the proposed alternative include the Clean Water Act, Clean Air Act, Endangered Species Act, Executive orders (on Environmental Justice, Floodplains, and Wetlands), Farmland Protection Policy Act, and Migratory Bird Treaty Act. The proposed action is consistent with the requirements of these laws.

Based on the information presented in the attached EA, I find in accordance with 40 CFR Section 1508.13 that the proposed action (Alternative 2) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS.



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Jon Hubbert  
State Conservationist

September 17, 2024

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Date