

PRO-FONSI-13-001

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment

Sheep Creek Irrigation Company
Cedar Hollow Lateral Salinity Control Project
Utah & Wyoming

United States Department of the Interior
Bureau of Reclamation
Provo Area Office
Provo, Utah

Recommended by:


Peter Crookston

Acting Environmental Group Chief

11/8/13
Date


Kerry Schwartz
Manager, Water & Environmental
Resource Division

11/8/13
Date

Approved by:


Curtis A. Pledger
Area Manager

11/8/2013
Date

FINDING

The Bureau of Reclamation, Provo Area Office (Reclamation), has determined that implementing the proposed action, analyzed in the Sheep Creek Irrigation Cedar Hollow Lateral Salinity Control Project Environmental Assessment (EA), would not have a significant impact on the quality of the human environment, and that an Environmental Impact Statement is not required. This decision was based on a thorough review of the EA and the comment received on the EA. This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-90), as amended, and both the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), and the Department of the Interior regulations implementing NEPA (43 CFR Part 46).

DECISION

Reclamation has decided to approve the piping of the Cedar Hollow lateral to reduce the salinity levels of the Colorado River.

REASONS FOR THE DECISION

The Finding of No Significant Impact (FONSI) and decision to authorize this project is based on the following:

1. Public health and safety was evaluated and no significant effects were identified.
2. 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 project.
3. No past, present, or reasonably foreseeable actions are expected to result in cumulative effects (EA, section 3.4.17).
4. The proposed action would have an adverse effect to a historic resource; however, a Memorandum of Agreement (MOA) would be executed to mitigate the adverse effect to the resource, the Sheep Creek Canal.
5. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, as described in the EA Table 3.5 (EA, section 3.4.8).
6. The action will not violate Federal, state, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered.
7. The proposed action would have no significant effect on such unique characteristics as wilderness areas and wetlands.

Reclamation has analyzed the environmental effects, public comments, and the Action Alternative in detail. Reclamation believes that the Action Alternative best meets the purpose and need described in the EA.

PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Reclamation sent the EA to interested individuals, groups, stakeholders, municipalities, organizations, and agencies for review and comment. One comment was received during the comment period, which ended on September 30, 2013. The comment, issued by the U.S. Fish and Wildlife Service (USFWS), was evaluated and the general response to these items is detailed below.

Comment	Response	Update to EA
<p>USFWS suggests that the proposed project represents a new depletion to the Upper Colorado River Basin.</p>	<p>The proposed project would pipe a delivery line (an off-farm system). The depletions are historic and have already been accounted for. There is no additional or new water diverted by this project; no new land will be irrigated by this project; and the irrigation season will not be extended by this project. Therefore, the proposed project does not represent a new depletion.</p>	<p>Language regarding the historic depletions have been added to Section 2.3 Action Alternative; Section 3.3.2 Water Resources; Section 3.4.2 Water Resources; and Section 3.4.17 Cumulative Impacts.</p>
<p>Since the project represents a new depletion the project would have an adverse effect on Colorado River fish species.</p>	<p>Reclamation does not believe that the implementation of the proposed project would result in new depletions. Therefore there is no basis for an adverse effect determination.</p>	<p>Language regarding the effects determination relating to depletions has been added Section 3.4.7 Fish and Wildlife Resources. The Habitat Replacement Plan has also been updated to provide additional information on how the scoring was derived (Appendix F, Habitat Replacement Plan).</p>

The Total Habitat Value (THV) scoring for the proposed project was scored too low.	The habitat scoring for the proposed project area was evaluated by Reclamation staff and follows the guidelines set forth in the Basin-wide Salinity Control Program: Procedures for Habitat Replacement (2013).	Language regarding how the habitat scoring was evaluated has been added to Section 3.4.6 Wetlands and Riparian Resources.
There are known bald eagle nests in the general project vicinity.	No bald eagle nests were observed along the proposed piping corridor during the site investigations; nor was there any mention of these nests during project scoping. As follow-up correspondence, the USFWS has provided UTM coordinates of three known bald eagle nests within the general project vicinity.	This information has been added to EA Section 3.3.8 Species of Concern; Section 3.4.8.2 Species of Special Concern and a new environmental commitment associated with the potential for bald eagle impacts has been added to Chapter 4 Environmental Consequences. The environmental commitment is also outlined in this FONSI.

The Utah and Wyoming State Historic Preservation Offices were contacted pursuant to applicable laws, and coordination was completed. Tribal consultation in accordance with 36 CFR 800(c)(2) was also completed. The Bureau of Indian Affairs was also consulted regarding Indian Trust Assets in the project area.

ENVIRONMENTAL MITIGATION COMMITMENTS

The expected environmental impacts of the Action Alternative are described in Chapter 3 of the EA. The environmental analysis indicates that there would be an adverse effect to a historic resource, the Sheep Creek Canal, under the Action Alternative. An MOA will be executed to mitigate for the adverse effect. No other adverse effects would result from the implementation of the Action Alternative. The following environmental commitments would be implemented as an integral part of the proposed action for the piping of the SCIC Cedar Hollow lateral.

1. **Standard Reclamation Best Management Practices-** Standard Reclamation Best Management Practices (BMPs), would be applied during construction activities to minimize environmental effects and would be implemented by construction personnel or included in contract specifications.

2. **Additional Analysis-** If the proposed action were to change significantly from the alternative described in this EA, additional environmental analyses would be undertaken as necessary.
3. **State Stream Alteration Permit-** Before implementing the selected alternative, the contractor would obtain a State Stream Alteration Permit from the Utah State Engineer. The conditions and requirements of the State Stream Alteration Permit would be strictly adhered to by the contractor.
4. **Cultural Resources-** Any person who knows or has reason to know that he/she has inadvertently discovered possible human remains on Federal land, must provide immediate telephone notification of the discovery to Reclamation's Provo Area Office Archaeologist. Work would stop until the proper authorities are able to assess the situation onsite. This action would promptly be followed by written confirmation to the responsible Federal agency official, with respect to Federal lands. The Utah SHPO, Wyoming SHPO, and interested Native American tribal representatives would be promptly notified. Consultation would begin immediately. This requirement is prescribed under the Native American Graves Protection and Repatriation Act (43 CFR Part 10); and the Archaeological Resources Protection Act of 1979 (16 U.S. C. 470).

An MOA will be executed to mitigate for the adverse effect to the Sheep Creek Canal (42DA915/48SW17017). Mitigation for the adverse effects to the canal, set forth in the stipulations of the MOA, must be completed before construction activities associated with the proposed action begin.

5. **Paleontological Resources-** Should vertebrate fossils be encountered by the proponent during ground disturbing activities, construction must be suspended until a permitted paleontologist can be contacted to assess the find.
6. **Construction Activities Confined to the Surveyed Corridor-** All construction activities would be confined to the 100-foot-wide corridor that has been surveyed for cultural, paleontological, and biological resources.
7. **Roads-** Existing roads would be used whenever possible for project activities.
8. **Disturbed Areas-** During construction, topsoil would be saved and then redistributed after completion of construction activities. Subsequently, disturbed areas resulting from the project would be smoothed, shaped, contoured, and reseeded to as near their pre-project condition as practicable. Seeding and planting would occur at appropriate times with weed-free seed mixes of native plants and agricultural grasses on disturbed areas, where appropriate.
9. **Habitat Replacement-** A plan to replace foregone wildlife values has been prepared by the applicant and approved by Reclamation following coordination with the USFWS, UDWR, and the WDGF. Total acreage of wildlife habitat predicted to be lost is 3.84

acres of riparian habitat along the lateral. Implementation of the Habitat Replacement Plan will be completed prior to the end of construction.

10. **Sage Grouse Monitoring-** Prior to initiating construction activities, and as the project proceeds, the applicant would ensure that surveys and monitoring will be conducted to confirm that greater sage grouse leks do not exist within the construction area. If there are leks present in the area, the applicant and contractor shall notify the Utah Department of Wildlife Resources, the Wyoming Department of Game and Fish, and Reclamation's Provo Area Office biologist. Regardless of the presence of leks, any observation of sage grouse will lead to monitoring by a biologist to ensure that impacts to sage grouse are avoided.
11. **Bald Eagle Monitoring -** Prior to construction, Reclamation will confirm if there are active bald eagle nests within a 1-mile radius of the proposed piping corridor. If there is an active bald eagle nest within a 1-mile radius of the proposed piping corridor, then BMPs consistent with the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances will be implemented and followed through the construction process. If a nest is determined to be active during construction, then construction operations hours will be limited to 1 hour after sunrise to 1 hour prior to sunset during the nesting period (i.e. January 1 through August 15).

UPDATES AND CORRECTIONS TO THE EA

Based on the comment received, one substantive change to the EA has been made in regards to bald eagles. No active bald eagle nests were observed along the proposed piping corridor during the site investigations. Since that time, USFWS provided evidence of known potential bald eagle nests within the project vicinity. To address this new information, an environmental commitment related to bald eagles has been added to the EA and is detailed in environmental commitment No. 11 (described in the previous paragraph).

Final copies of the EA, dated November 2013, will be posted to Reclamation's website and also made available to anyone who requests a copy.