

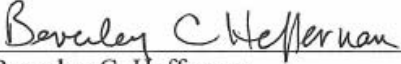
PRO-FONSI-10-007

**FINDING OF NO SIGNIFICANT IMPACT
And Decision Document**

**Davis & Weber Counties Canal Company Improvement Project
American Recovery and Reinvestment Act of 2009
Davis County, Utah**


**Bureau of Reclamation
Upper Colorado Region
Provo Area Office
Provo, Utah**

Recommended by:


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1/11/10
Date

Concur:


Kerry L. Schwartz
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1/11/10
Date

Approved by:


Bruce C. Barrett
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1/11/10
Date

FINDING

The Bureau of Reclamation, Provo Area Office (Reclamation) has determined that providing funds to implement the proposed action analyzed in the Davis and Weber Counties Canal Company Improvement Project Environmental Assessment (EA), published on December 22, 2009, 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 public comments 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 the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508).

DECISION

Reclamation has decided to provide funding authorized under the American Recovery and Reinvestment Act (ARRA) of 2009 to implement the Action Alternative described in the EA. The proposed action is needed to improve water delivery and efficiency. The purpose of the project is for DWCCC to use ARRA funds to replace a deteriorating canal liner, the canal headworks in the Weber River, the forebay channel and associated gates. The purpose of the proposed improvements is to conserve water, increase availability of water, increase the efficiency of the existing facilities, and replace deteriorated facilities before they can no longer function.

The project will replace two sections of the DWCCC canal. The first improvement section includes the replacement of 620 feet of the forebay channel and overflow and regulator gates adjacent to the Weber River. The forebay channel will be replaced with an open reinforced concrete rectangular channel. The regulator gates will be replaced with a radial gate to control the water entering the canal and a hinged crest (overshot) gate to return excess water to the Weber River. The second section includes the replacement of 1,400 feet of the canal near the north of Weber Canyon (Figure 2, Project Improvements). The open canal will be replaced with an eight-foot wide reinforced concrete box culvert. The canal headworks in the Weber River will be replaced with new concrete structures, walkways, four tainter gates, and updated with automated technology to eliminate the current manually controlled operation. The automation system will consist of adding the Supervisory Control and Data Acquisition (SCADA) system to monitor and adjust water delivery flow more efficiently according to user needs.

Mitigation measures for the adverse effect to the Peoples Canal have been outlined in a Memorandum of Agreement (MOA) in accordance with 36 CFR 800.6(c).

REASONS FOR THE DECISION

The finding of no significant impact and decision to authorize funding for the project are based on the following:

1. The proposed action would have no significant effect on such unique characteristics as wilderness areas, and wetlands.
2. The environmental effects of the proposed action are neither controversial nor do they involve unique or unknown risks.
3. The proposed action does not adversely affect species either currently listed or proposed for listing as candidate, endangered or threatened species and would not affect designated critical habitat for such species.
4. The proposed action will have an adverse effect to cultural resources. However, mitigation measures for the adverse effect have been developed in consultation with the Utah State Historic Preservation Office and outlined in a Memorandum of Agreement (MOA) in accordance with 36 CFR 800.6(c). The MOA has been signed and mitigation has been completed.
5. The proposed action does not threaten to violate Federal, State or local laws or requirements imposed for protection of the environment.

PUBLIC INVOLVEMENT

On December 22, 2009, Reclamation sent a copy of the EA to approximately 34 interested individuals, groups, stakeholders, municipalities, organizations, and agencies, in order to make solicit public input. One comment was received during the public comment period which ended on January 8, 2010. The comment was considered together with the EA in determining whether issuance of the FONSI was appropriate.

SUMMARY OF ENVIRONMENTAL IMPACTS

The expected environmental impacts of the Action Alternative are described in Chapter 3 of the EA. The environmental analysis indicated under the Action Alternative that there will be an adverse effect to the DWCCC Canal. As noted above, mitigation for this adverse effect has already been completed in accordance with the requirements of the National Historic Preservation Act.

ENVIRONMENTAL COMMITMENTS

The environmental commitments listed below must be implemented as an integral part of the proposed action. This list expands upon and supersedes the commitments listed in Chapter 4 of the December 2009 EA.

1. Standard Reclamation Management Practices – Standard reclamation management practices will 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 changes significantly from the proposed action analyzed in the EA, additional environmental analyses will be undertaken as necessary.

3. State Stream Alteration Permit – Before implementing the selected alternative, the contractor will obtain a State Stream Alteration Permit from the Department of Natural Resources. The conditions and requirements of the State Stream Alteration Permit will be strictly adhered to by the contractor. Reclamation understands that this permit has been obtained.

4. Cultural Resources – Any person who knows or has reason to know that he/she has inadvertently discovered possible human remains on Federal land, he/she must provide immediate telephone notification of the discovery to Reclamation's Provo Area Office archaeologist. Work will stop until the proper authorities are able to assess the situation onsite. This action will promptly be followed by written confirmation to the responsible Federal agency official, with respect to Federal lands. The SHPO and interested Native American tribal representatives will be promptly notified. Consultation will 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).

5. Cultural Resources - A Memorandum of Agreement (MOA) among Reclamation, SHPO, and the DWCCC, to mitigate the adverse effect to the Davis-Weber Canal, must be executed by all parties prior to project implementation. This commitment has been completed and the mitigation required by the terms of the MOA has also been completed.

6. Paleontological Resources – Should paleontological resources be encountered by the proponent during ground disturbing actions, construction must be suspended until a qualified paleontologist can be contacted to assess the find.

7. Construction Activities Confined to the Surveyed Corridor – All construction activities will be confined to the project area that has been surveyed for cultural, paleontological, and biological resources. No construction activity will occur outside of this area.

8. Roads – Existing roads will be used for all project activities. New access roads would not be necessary.

9. Disturbed Areas – During construction, any topsoil excavated will be saved and then redistributed after completion of construction activities. Post-construction, disturbed areas resulting from the project will be smoothed, shaped, contoured and reseeded to as near their pre-project condition as practicable. Seeding and planting will occur at appropriate times with weed-free seed mixes of native plants distributed where appropriate in conjunction with post-construction control as needed of noxious weeds and/or invasive species. Reclamation's staff biologists can recommend the appropriate seed mix.

10. Air Quality – Best management practices will be implemented to control fugitive dust during construction. The contractor will follow the EPA’s recommended control methods for aggregate storage pile emissions to minimize dust generation, including periodic watering of equipment, staging areas, and dirt/gravel roads. All loads that have the potential of leaving the bed of the truck during transportation will be covered or watered to prevent the generation of fugitive dust. Construction machinery and operation/maintenance vehicles will be routinely maintained to ensure that engines remain tuned and emission-control equipment is properly functioning as required by law. Additionally, the contractor will comply with all Utah State air quality regulations.

11. Special Status Species - In order to avoid or reduce potential adverse effects to Bonneville cutthroat trout habitat near the project area, sediment control procedures consistent with the state stream alteration permit and Best Management Practices must be implemented.

12. Compliance with Migratory Bird Treaty Act – Information gathered in the course of preparing the EA verified that there were no migratory birds within ½ mile of the project area. Potential nesting habitat for migratory birds in and near the project area is limited. To assure protection of migratory birds in accordance with Executive Order 13186 to further implement the Migratory Bird Treaty Act, the following conservation measures will be implemented as recommended by the U.S. Fish and Wildlife Service if a Reclamation biologist determines them to be necessary:

- Ground-disturbing activities will occur outside the prime breeding season (April 15-August 15) to avoid the take of active nests with eggs and young.
- If activities must be completed during the breeding season, land-clearing activities (e.g., grubbing, tree removal) should occur prior to the breeding season so that the habitat is less suitable for nesting.
- If construction occurs between January 1 to August 31, construction activities will be avoided within 0.5 mile of active raptor nests unless the activity was ongoing prior to the birds’ arrival.

13. Avoidance of Effects to Bald Eagles – Information obtained in the course of preparing the EA verified that no bald eagles were observed roosting within ½ mile of the project area. Should bald eagles be observed roosting within ½ mile of the project area during the period November 1 to mid-April, winter construction procedures must include limiting construction activities to between 9 a.m. and 4 p.m. to avoid disturbance.