

RECLAMATION

Managing Water in the West

Carriage of Non-Project Water in the Provo Reservoir Canal Environmental Assessment PRO-EA-10-006

**Provo Area Office
Upper Colorado Region
Provo, Utah**



**U.S. Department of the Interior
Bureau of Reclamation
Upper Colorado Region**

December 2009

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

**Carriage of Non-Project Water in the Provo Reservoir Canal
Provo River Project
Utah County, Utah**

**United States Department of the Interior
Bureau of Reclamation
Upper Colorado Region
Provo Area Office
Provo, Utah**

Recommended by:


Beverley C. Heffernan
Chief, Environmental Group


2/4/10
Date

Concur:


Kerry Schwartz
Manager, Water and Environmental Resources Division

2/5/2010
Date

Approved by:


Bruce C. Barrett
Area Manager, Provo Area Office

2/5/10
Date

FINDING

The Bureau of Reclamation (Reclamation) has determined that implementing the Proposed Action analyzed in the Carriage of Non-Project Water in the Provo Reservoir Canal Environmental Assessment (EA) will 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. This decision is in accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-90), as amended, and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508).

DECISION

Reclamation has decided to implement the Proposed Action Alternative as described in the EA. This proposes to allow the Provo River Water Users Association (PRWUA), Jordan Valley Water Conservancy District (JWCD), Central Utah Water Conservancy District (CUWCD), and Provo Reservoir Water Users Company (PRWUC) to convey non-project water through the Provo Reservoir Canal under conditions of a carriage agreement. This would not affect normal operations of the project, and would protect environmental aspects mentioned in the EA (i.e. recreation; water rights water resources; water quality; public safety, access, and transportation; visual quality; socioeconomics; cultural resources; paleontological resources; wetlands and vegetation, wildlife resources; threatened, endangered, and sensitive species).

REASONS FOR THE DECISION

A finding of no significant impact is based on the following:

1. The Proposed Action will have no significant effect on such unique characteristics as cultural resources, wilderness areas, wetlands, and riparian areas.
2. The environmental effects of the proposed action are neither controversial nor do they involve unique or unknown risks.
3. The proposed action would not adversely affect, species either currently listed or proposed for listing as candidate, endangered or threatened species, and will not affect designated critical habitat for these species.
4. The proposed action does not threaten to violate a Federal, state, or local law, or requirements imposed for protection of the environment.

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

SUMMARY OF ENVIRONMENTAL IMPACTS

The environmental analysis focused on the resources mentioned above. The environmental analysis indicates that there would be no anticipated impacts to any of the resources analyzed in the EA, as well as no significant adverse cumulative impacts.

Contents

	Page
Purpose and Need for Action	1
Proposed Action Alternative	1
No Action Alternative	3
Description of Project and Facilities	4
Environmental Consequences.....	5
Proposed Action.....	5
No Action Alternative.....	7

Purpose and Need for Action

The purpose of the proposed action is to allow the Provo River Water Users Association (PRWUA), Jordan Valley Water Conservancy District (JVWCD), Central Utah Water Conservancy District (CUWCD), and Provo Reservoir Water Users Company (PRWUC) (collectively referred to as the Parties) to convey non-project water through the Provo Reservoir Canal under conditions of a carriage agreement. This environmental assessment analyzes the impacts resulting from the conveyance of non-project water through Provo River Project (Project) facilities.

Proposed Action Alternative

The proposed action is to allow carriage of non-project water in the Provo Reservoir Canal through a carriage agreement between the Bureau of Reclamation (Reclamation) and PRWUA, JVWCD, CUWCD and PRWUC. PRWUA has also received Congressional Authority to seek a transfer of title for this Canal (Provo River Transfer Act, P.L. 108-382) and is planning to pursue title transfer in the future. Concurrent with the proposed carriage agreement, these entities will enter into a Contributed Funds Agreement pursuant to the Contributed Funds Act (43 U.S.C. § 395) to enclose and enlarge the capacity of the Canal to approximately 630 cubic feet per second (cfs). The existing capacity of 550 cfs in the Canal is allocated as follows:

Table 1. Capacity Allocation of Existing Canal

Entity	Capacity (cfs)
PRWUA	328
PRWUC	180
CUWCD	0
JVWCD	0
Total	508

The proposed capacity of the enclosed and enlarged Canal will be allocated as follows:

Table 2. Proposed Capacity Allocation of Enclosed and Enlarged Canal

Entity	Capacity (cfs)
PRWUA	316
PRWUC	180
CUWCD	50
JVWCD	80
Unassigned Capacity	4
Total	630

The contract would allow conveyance of non-project water up to the enlarged canals total capacity of 630 cubic feet per second (cfs). This water would be used primarily for Municipal and Industrial (M&I) purposes although limited irrigation remains a possibility with everyone involved. Conveyance of non-project water will be allowed only at times and in amounts when capacity is available in the Project facilities. Project water deliveries will have first priority for the use of the Project facilities.

Provo River Project Contract History

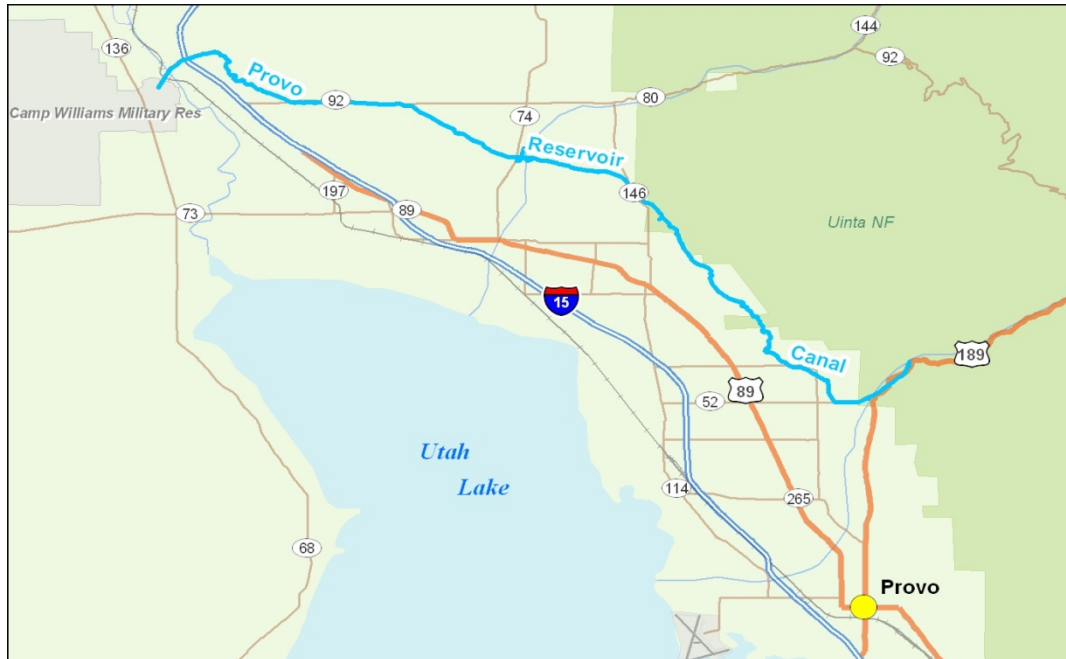
On June 27, 1936, PRWUA entered into Contract No. ILR-874 to repay the construction obligation of \$7,600,000 within 40 years. On July 3, 1937, that contract was amended to allow for, among other things, the increase of the cost of construction to \$11,400,000. On October 28, 1939, PRWUC, which owned the Canal, and PRWUA entered into Contract No. ILR-1180 with the United States to enlarge the Canal and convey it to the United States as a Project feature. In Section 14 of Contract No. ILR-1180, the United States makes secure the PRWUC's pre-existing carriage right to move its water through the Canal with the restriction of 180 cfs at the head which then tapers to 110 cfs at the tail end at or near Jordan Narrows. This was done to ensure that PRWUC's rights were kept whole after the Canal was enlarged and became a project facility. Section 4 of P.L. 108-382 authorizes the carriage of CUWCD water through the Canal. The repayment obligation for the Project as of 2009 is \$5,626,133 with expected payout by 2029.

Carriage Agreement

Provo Reservoir Enclosure Project. The Parties are working towards a project to enclose the Canal with private funding provided to the United States through the Contributed Funds Act. This enclosure project will also increase the capacity of the Canal from 550 cfs to 630 cfs. The proposed carriage agreement will allocate the total carriage capacity for non-project water of the enclosed and enlarged Canal between the Parties.

After completion of the enclosure and enlargement of the Canal and Pursuant to P.L. 108-382, it is anticipated that the title for the Canal will be transferred to PRWUA contingent upon the requirements set forth in P.L. 108-382. At the time of title transfer a transfer agreement among the Parties will supersede and terminate this proposed carriage agreement.

Figure 1. The Provo Reservoir Canal.



Authority

The authority to carry non-project water under this proposed carriage agreement is the Warren Act (Act of February 21, 1911) (43 U.S.C. § 523; 36 Stat. 925) and Section 2 of the Act of December 19, 2002 (P.L. 107-366). The Central Utah Project water will be conveyed under the authority provided in Section 4 of P.L. 108-382.

No Action Alternative

The water conveyance contract would not be initiated, and the Parties would not be allowed to convey non-project water through the Provo Reservoir Canal.

Description of Project and Facilities

Wasatch County, located in north-central Utah with forested mountains ranging over 10,000 feet, is a picturesque area that has experienced significant growth within the past few years. Deer Creek Reservoir is one of the larger lakes available to the Wasatch front visitors and serves as a major source of recreation for residents of Utah, Salt Lake, Wasatch, and Summit Counties.

Deer Creek Dam, completed in 1941, is owned by the United States and operated by the Provo River Water Users Association (PRWUA). The Provo River Project is comprised of two divisions: The Deer Creek Division and the Aqueduct Division. Deer Creek Division structures include the dam, powerplant, Weber-Provo Diversion Canal, Duchesne Tunnel, Murdock Diversion Dam, Provo Reservoir Canal, Jordan Narrows Siphon and Pumping Plant, and the South Lateral. The Aqueduct Division includes the 42-mile Salt Lake Aqueduct System which is owned by Reclamation and operated by the Metropolitan Water District of Salt Lake City and Sandy (MWDSLs).

Deer Creek Dam is located in Wasatch County about 50 miles southeast of Salt Lake City and 16 miles northeast of Provo, Utah. Deer Creek Dam stores water from the Provo River as well as water imported from the Weber and Duchesne Rivers through the Weber-Provo Canal and Duchesne Tunnel.

Deer Creek Reservoir was created by Deer Creek Dam and occupies lands along the Provo River in Provo Canyon. Total capacity of the reservoir is 152,700 acre-feet, with a surface area of 2,683 acres. Deer Creek Dam was authorized and constructed to provide water for irrigation and municipal and industrial uses, as well as the incidental benefits of hydroelectric power, flood control, recreation, and fish and wildlife habitat.

The Provo River Project provides a supplemental water supply for irrigation of 48,156 acres of highly developed farmlands in Utah, Salt Lake, and Wasatch Counties, as well as domestic water supply for Salt Lake City, Provo, Orem, Pleasant Grove, Lindon, American Fork, and Lehi, Utah. Water storage in Deer Creek Reservoir is governed by the Deer Creek-Jordanelle Operating Agreement, signed by the Department of the Interior, Reclamation, the PRWUA, and the Central Utah Water Conservancy District.

Environmental Consequences

Proposed Action

The proposed action would require no ground-disturbing activities that have not been analyzed in previous NEPA documentation (i.e. Environmental Assessment for the Provo Reservoir Canal Enclosure Project, PRO-EA-03-006). No additional analysis of these impacts is needed. No change in the use of project water would occur under this proposal. Conveyance of non-project water would not interfere with conveyance of project water through the Project facilities.

There are no anticipated impacts to any of the following resources as a result of the proposed action: threatened and endangered species, farmlands, flood plains, water quality, wetlands, wild and scenic rivers, hazardous or solid wastes, air quality, cultural resources and Native American concerns. A no effect determination was made on each of the following environmental issues as well as no significant adverse cumulative impacts (see table below).

EVALUATION OF CRITERIA FOR CATEGORICAL EXCLUSION		No	Yes	Uncertain
1.	This action or group of actions would have a significant effect on the quality of the human environment. (40 CFR 1502.3)	X		
2.	This action or group of actions would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. (NEPA Section 102(2)(E) and 43 CFR 46.215)	X		
EVALUATION OF EXCEPTIONS TO ACTIONS WITHIN CATEGORICAL EXCLUSION				
1.	This action would have significant adverse effects on public health or safety. (43 CFR 46.215(a))	X		
2.	This action would have an adverse effect on unique geographical features such as: wetlands, Wild or Scenic Rivers, or Scenic Rivers, refuges, floodplains, rivers placed on the Nationwide River Inventory, or prime or unique farmlands. (43 CFR 46.215 (b))	X		
3.	This action would have highly uncertain environmental effects or involve unique or unknown environmental risk. (43 CFR 46.215(d))	X		
4.	This action would establish a precedent for future actions. (43 CFR 46.215 (e))	X		
5.	This action would have a direct relationship to other actions with individually insignificant, but cumulatively significant effects. (43 CFR 46.215 (f))	X		
6.	This action would affect properties listed, or eligible for listing in the National Register of Historic Places. (43 CFR 46.215 (g))	X		
7.	This action would adversely affect a species listed, or proposed to be listed, as endangered or threatened. (43 CFR 46.215 (h)).	X		
8.	This action would violate federal, state, local or tribal law or requirements imposed for protection of the environment. (43 CFR 46.215 (i))	X		
9.	This action would affect Indian trust assets. (S.O. 3175; Policy Memorandum dated 23/15/93)	X		
10.	This action would not accommodate access to or allow ceremonial use of Indian sacred sites by Indian religious practitioners to the extent practicable. Neither will it avoid adversely affect, to any practicable extent, the physical integrity of such sacred sites. (E.O. 13007, 43 CFR 46.215 (k))	X		
11.	This action will disproportionately affect minority or low-income populations (E.O. 12898, 43 CFR 46.215 (j)).	X		
12.	This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act, E.O. 13112, and 43 CFR 46.215 (l)).	X		

No Action Alternative

In the event that a carriage contract is not executed, the Parties would not be allowed to convey non-project water through Project facilities as proposed. The Parties would likely continue deliveries of non-project water through existing infrastructure.