

# **Farson/Eden Salinity Control Project, E-7, E-8, and Westside Laterals Environmental Assessment Addendum May 7, 2012**

## **Background**

In compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and the Department of the Interior (DOI) regulations implementing NEPA, the Bureau of Reclamation, Provo Area Office (Reclamation) completed an Environmental Assessment (EA) and prepared a Finding of No Significant Impact (FONSI) for the Farson/Eden Salinity Control Project, E-7, E-8, and Westside Laterals (Westside Project). The EA and subsequent FONSI (dated December 09, 2010) authorized the use of Federal funds, under the Colorado River Basin Salinity Control Program, to replace the E-7, E-8, and Westside Laterals with a pipeline.

Since the completion of the EA, it has been determined that the installation of an overhead power line is required for the operation of the pipeline associated with the Westside Project. This addendum to the EA analyzes the potential effects of the proposed power line on resources within the project area.

## **Proposed Action**

Under the Proposed Action evaluated in this addendum, a single phased electrical overhead power line would be installed to power the inlet structure of the Westside lateral. The Proposed Action would install approximately thirty three, 25-foot tall wooden power poles and the associated power lines. The new electrical alignment would span an approximate length of 9,650 feet and parallel the Farson Eden Road and the Big Sandy Reservoir Road (Figure 1, Project Location and Figure 2, Proposed Action).

Beyond the addition of the new electrical alignment, the Proposed Action would not impact or alter the Action Alternative and associated mitigation evaluated in the Westside Project EA.

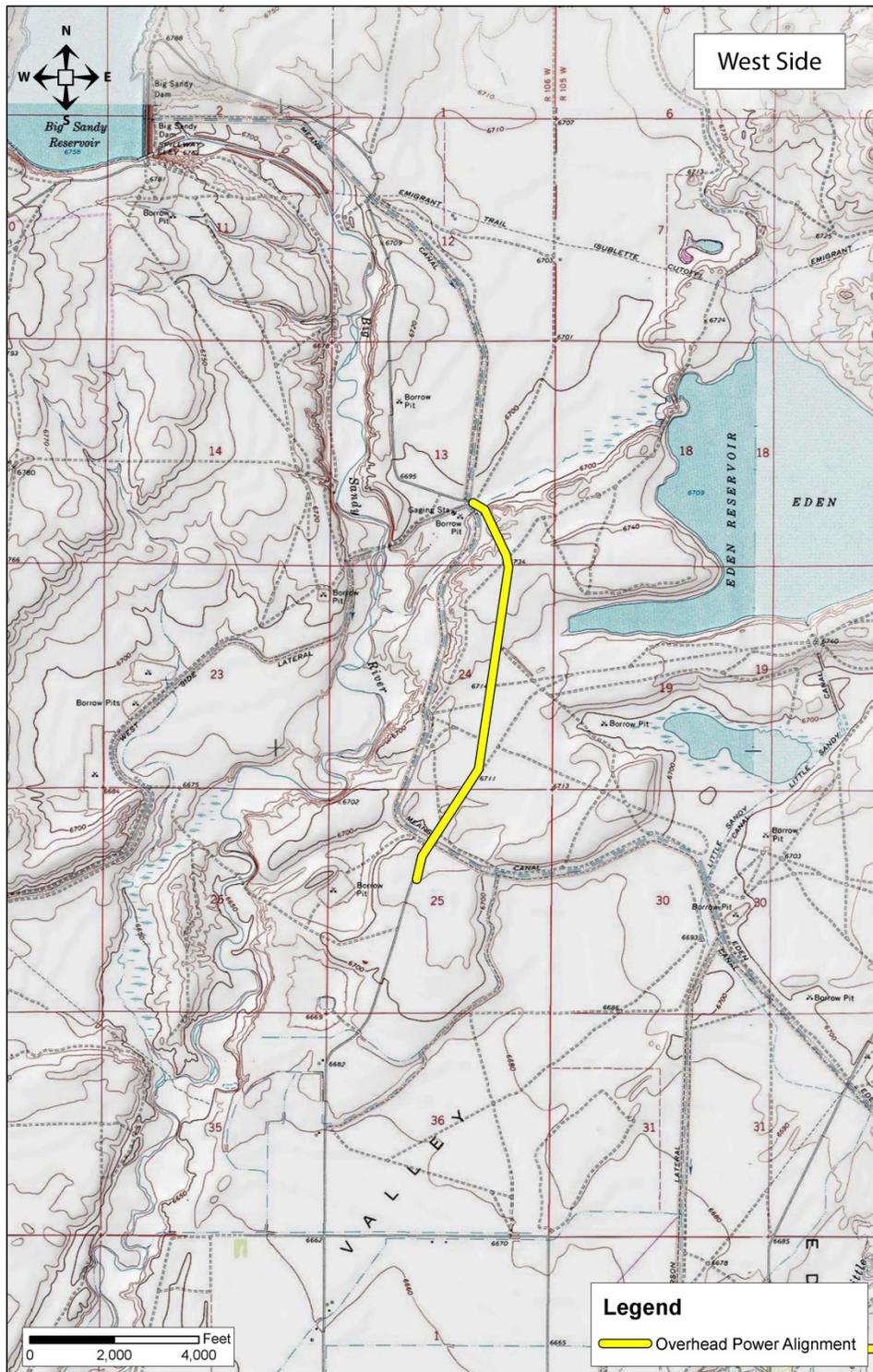


Figure 1, Project Location

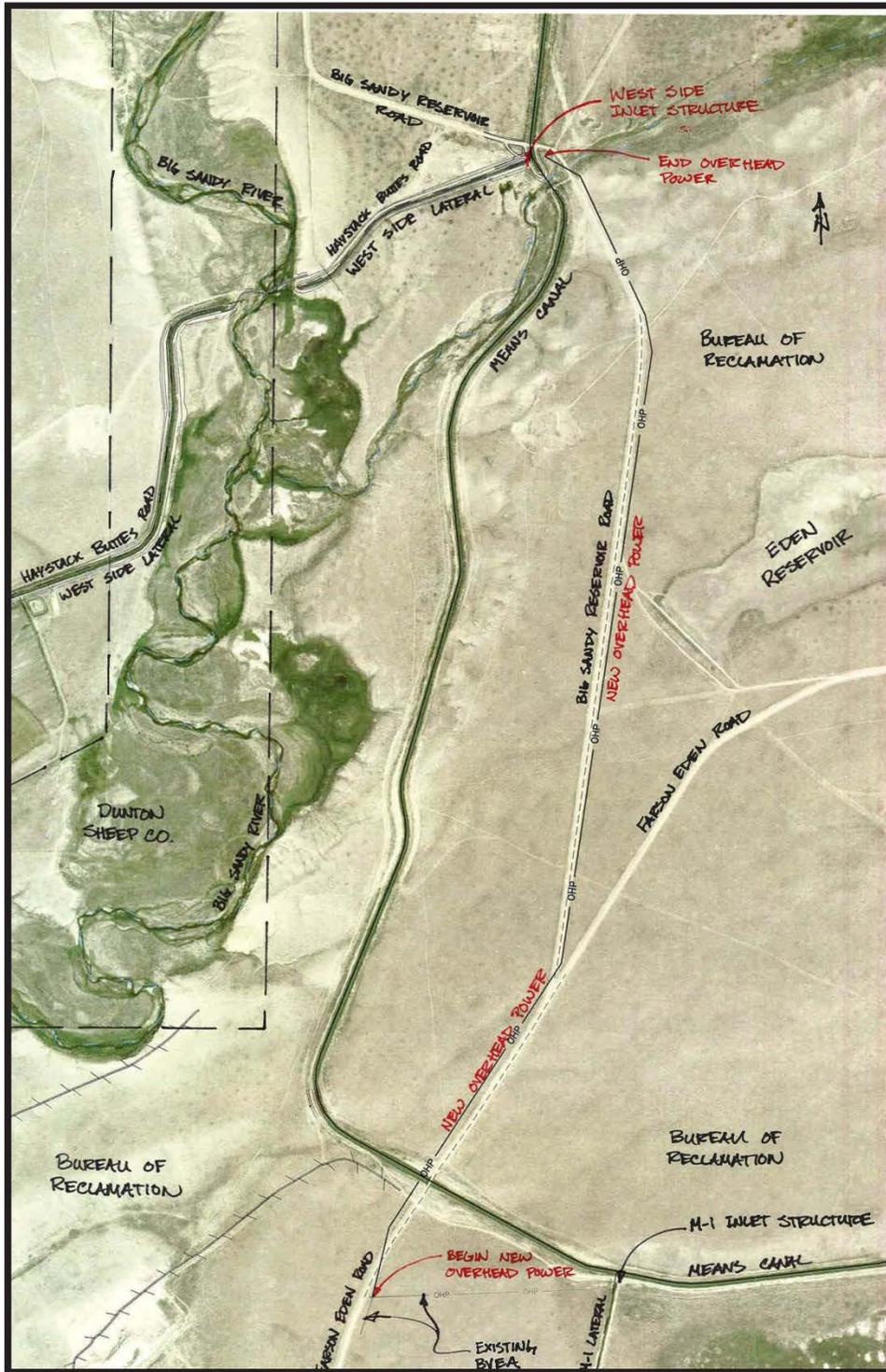


Figure 2, Proposed Action

## **Environmental Consequences**

### **Air Quality**

Under the Proposed Action there would be no long-term impacts to local air quality. Fugitive dust generation from construction activities would have a temporary, short-term effect on the air quality in the project area. The fugitive dust would be generated by excavation activities and the movement of construction equipment on unpaved roads. Best Management Practices (BMPs,) established in the Westside Project EA and FONSI would be implemented. Impacts due to construction activities would be temporary and would cease once the project was completed.

### **Water Resources**

There are no water resources within the project action area and the Proposed Action would have no impact on water resources.

### **Water Quality**

The Proposed Action would have no impact to water quality.

### **Upland Vegetation Resources**

Construction activities for the Proposed Action would take place within the existing right-of-way of two roadways. These areas are highly disturbed. Upland areas directly adjacent to the roadways may experience some minor disturbances during construction (due to excavation activities and construction equipment). These disturbances would be minimal and short-term. There would be no long-term impacts to vegetation. Therefore, the Proposed Action would have no long-term impact on upland vegetation resources.

### **Wetland and Riparian Vegetation Resources**

There are no wetland or riparian resources within the project action area and the Proposed Action would have no impact on these resources.

### **Fish & Wildlife Resources**

A Biological Technical Memorandum for the Proposed Action was completed in May 2012 (Appendix A, Biological Technical Memo). Informal consultation with the Bureau of Land Management determined that the project action area falls within a State of Wyoming designated core area for the greater sage-grouse. In accordance with Executive Order (EO) 2011-05 Greater Sage-Grouse Core Area Protection, the Proposed Action is classified as an exempt activity. However, EO 2011-05 stipulates that new overhead power lines placed in designated core areas must have provisions to prevent raptors from perching on the power poles.

The project action area is also located within the pronghorn antelope crucial winter range. Construction activities are anticipated to take place May and would not impact wintering pronghorn.

A site visit by the BLM Regional Biologist on May 3, 2012 concluded that there are two inactive raptor nests within a one-mile radius of the project area. Given that these nests are inactive and

appear to be in poor shape; and that the Proposed Action is within a disturbed area along two roadways, noise impacts associated with construction activities are not to have a significant adverse impact on nesting raptors. However, if the raptors return to these nests during construction, biological monitoring may be required to ensure that construction activities do not disturb the raptors.

### **Cultural Resources**

A Class I literature review and a Class III cultural resource inventory were completed for the Area of Potential Effect (APE) by Western Archaeological Services in May 2012. The cultural resources survey concluded that there would be no impact to cultural resources from the Proposed Action.

In compliance with 36 CFR 800.4(d)(1) and 36 CFR 800.11(d), a copy of the cultural resource inventory report and determination of no historic properties affected will be submitted for consultation to the Wyoming State Historic Preservation Office (WYSHPO) and tribes.

### **Paleontological Resources**

There are no known paleontological resources within the project action area and the Proposed Action takes place in a previously disturbed area. Therefore, it is highly unlikely that the Proposed Action would impact paleontological resources. However, monitoring is required for all construction activities outside of the existing lateral alignments that have the potential to impact the bedrock layer.

### **Soil Sedimentation and Erosion**

Due to the minor nature and location of the construction activities, the Proposed Action would not increase erosion or sedimentation.

### **Indian Trust Assets**

There are no known Indian Trust Assets within the project action area.

### **Environmental Justice**

The proposed action would not involve population relocations, health hazards, hazardous waste production, property takings, or substantial economic impacts. Therefore, there would be no impacts on Environmental Justice populations from the Proposed Action.

### **Public Safety, Access, and Transportation**

Construction activities would take place along Farson Eden Road and the Big Sandy Reservoir Road. These activities may cause minor temporary disruption and traffic volumes may increase slightly during construction. Emergency dispatch service for Eden is operated from the Eden Valley Fire District in Farson. Service from the fire station would not be impacted by the Proposed Action. Therefore, there would be no impact to public safety, access or transportation from the Proposed Action.

## **Cumulative Impacts**

Cumulative impacts from the Proposed Action and related actions were assessed during the resource evaluation. This analysis determined that there were no adverse cumulative impacts.

## **Mitigation**

All BMPs and mitigation measures established in the Westside Project EA and FONSI applicable to the Proposed Action will be followed during construction and implementation of the Proposed Action. In addition, the following mitigation measures apply to the Proposed Action:

- Power poles used for the Proposed Action must meet the raptor-proof criteria established in EO 2011-05.
- Biological monitoring may be required if the raptor nests in the project action area are active during construction activities.

## **Conclusion**

The resource evaluation determined that the proposed electrical alignment would not yield any significant impact. Therefore, the existing FONSI for the Farson/Eden Salinity Control Project, E-7, E-8, and Westside Laterals dated December 9, 2010 should remain valid.

**Appendix A,  
Biological Technical Memo**



## TECHINICAL MEMO

May 7, 2012

To: Jeffery D'Agostino (Environmental Chief, Bureau of Reclamation, Provo Area Office); Bryson Code (Biologist, Bureau of Reclamation, Provo Area Office); Mark Snyder (Wildlife Biologist, Bureau of Land Management, Rock Springs Field Office); Jon Frazier, P.E. (J-U-B); Brian Deeter, P.E. (J-U-B); and, Marti Hoge (Environmental Planner, J-U-B).

Copy: J-U-B File #55-11-033

From: Vincent J. Barthels, Biologist (J-U-B) VJB

Subject: Biological Evaluation of the New Overhead Power Line Alignment associated with the Westside Lateral Salinity Control Project, Sweetwater County, Wyoming.

A Finding of No Significant Impact (FONSI), issued in accordance with the National Environmental Policy Act (NEPA) process, was signed into place on December 9, 2010 for the Westside (WS) lateral salinity control project. The NEPA document (i.e. an Environmental Assessment [EA]) did not account for the overhead power line alignment correlated to the WS lateral. The installation of the new overhead power line alignment is deemed an interrelated project action. Therefore, this technical memo is intended to act as an addendum to the EA. This biological evaluation has been developed commensurately to document the pertinent biological parameters linked to the installation and ongoing operation of the new overhead power line associated with the WS lateral project.

### Project Action Description:

A single phase electrical current source is required to power the inlet structure of the WS lateral. A new overhead power line is planned to be constructed parallel to existing segments of Farson Eden Road and Big Sandy Reservoir Road to power the WS lateral inlet structure. The overhead power line alignment is located within Sections 13, 24 and 25; Township 26 North and Range 106 West. The attached exhibits illustrate the alignment of the overhead power line. This project action involves the installation of 33 new (25-foot tall), wooden power poles and connecting power lines. Construction activities are anticipated to occur during the day (i.e. between 10:00 AM and 4:00 PM) between May 10th and May 15th, 2012. An auger drill rig with a 35-foot boom will be the primary piece of equipment utilized to set the power poles into place and subsequently run the power lines.

### Known Biological Resources in the Project Action Area:

Based on a recent review of Wyoming Game and Fish Department's (WGFD's) database, the project action area falls within a designated core area for greater sage-grouse (*Centrocercus urophasianus*); however, there are no active or occupied leks within a one mile radius of the proposed project action area (Snyder 2012). Approximately seven months after the FONSI was signed, the Governor of Wyoming signed Executive Order (EO) 2011-05, pertaining to greater

sage-grouse. In accordance with EO 2011-5, the construction of overhead power lines are considered “exempt (de minimus) activities” if the construction activities are more than 0.6 miles from known leks (WGFD 2012). The relevant portion of EO 2011-05 (i.e. page 16, item # 5) is attached to this memo (please see attached). In addition, EO 2011-05 stipulates that new overhead power lines should be raptor proof (page 9, item # 5).

Prior to initiating construction activities along the new overhead power line servicing the WS lateral, it has been determined that greater sage-grouse leks are not documented to be present within the construction area. The construction area occurs along an established roadway corridor. Further notification with WGFD or the Bureau of Reclamation’s Provo Area Office Biologist, specifically in regard to the presence of greater sage grouse leks, is not warranted. However, should any greater sage grouse be observed within the construction action area during construction activities subsequent monitoring by a biologist is required consistent with the FONSI to ensure impacts to greater sage-grouse are avoided.

Within the FONSI (please see attached), there is an environmental commitment associated with “Sage Grouse Monitoring (on page 4, item # 11),” which is required to be implemented as part of the proposed project action. Construction activities associated with the proposed project action are scheduled to commence this month. This memo documents compliance with the aforementioned environmental commitment linked to greater sage-grouse and the WS lateral construction project.

The recent WGFD’s database search (Snyder 2012) also revealed that the overhead power line action area is within a mile of a documented ferruginous hawk (*Buteo regalis*) nest, and falls within the pronghorn antelope (*Antilocapra americana*) crucial winter range. All construction activities associated with the overhead power line will take place in May, well outside of the wintering season linked to the pronghorn antelope crucial winter range.

Ferruginous hawks and their nests are protected under the Migratory Bird Treaty Act. The documented or known ferruginous hawk nest is located approximately 4,500 feet, toward the northwest of the northern most power pole location. On May 3rd, 2012, Mark Snyder (Wildlife Biologist with the Bureau of Land Management) conducted a site visit of the ferruginous hawk nest in question, which is situated in the northeast quadrant of Section 14, Township 26 North, Range 106 West. Mr. Snyder discovered two inactive nesting sites that were located on the ground and spaced approximately 200 feet apart. The nests were observed from Big Sandy Reserve Road.

A follow-up site visit to confirm the two known relic nests are “inactive” should be completed on May 9th. If the nests are again observed to be “inactive,” then no further biological monitoring should be required. If either of the nests is observed to be “active,” then onsite biological monitoring throughout the construction process is warranted to ensure that impacts to ferruginous hawks and their nests are avoided. Any biological monitoring that takes place shall be coordinated through the Bureau of Reclamation, Provo Office.

Construction activities should start at the south end of the power line alignment and work toward the north. Installing perch guards in an attempt to raptor proof the new power poles is a best management practice that should be implemented into the construction plans and specifications.

With respect to the information presented herein, I can be reached at (509) 458-3727 [office phone] or (509) 951-9564 [cell phone] or via email at vbarthels@jub.com. Lastly, it should be noted that the final authority rests with the appropriate regulatory agencies.

### **List of Attachments:**

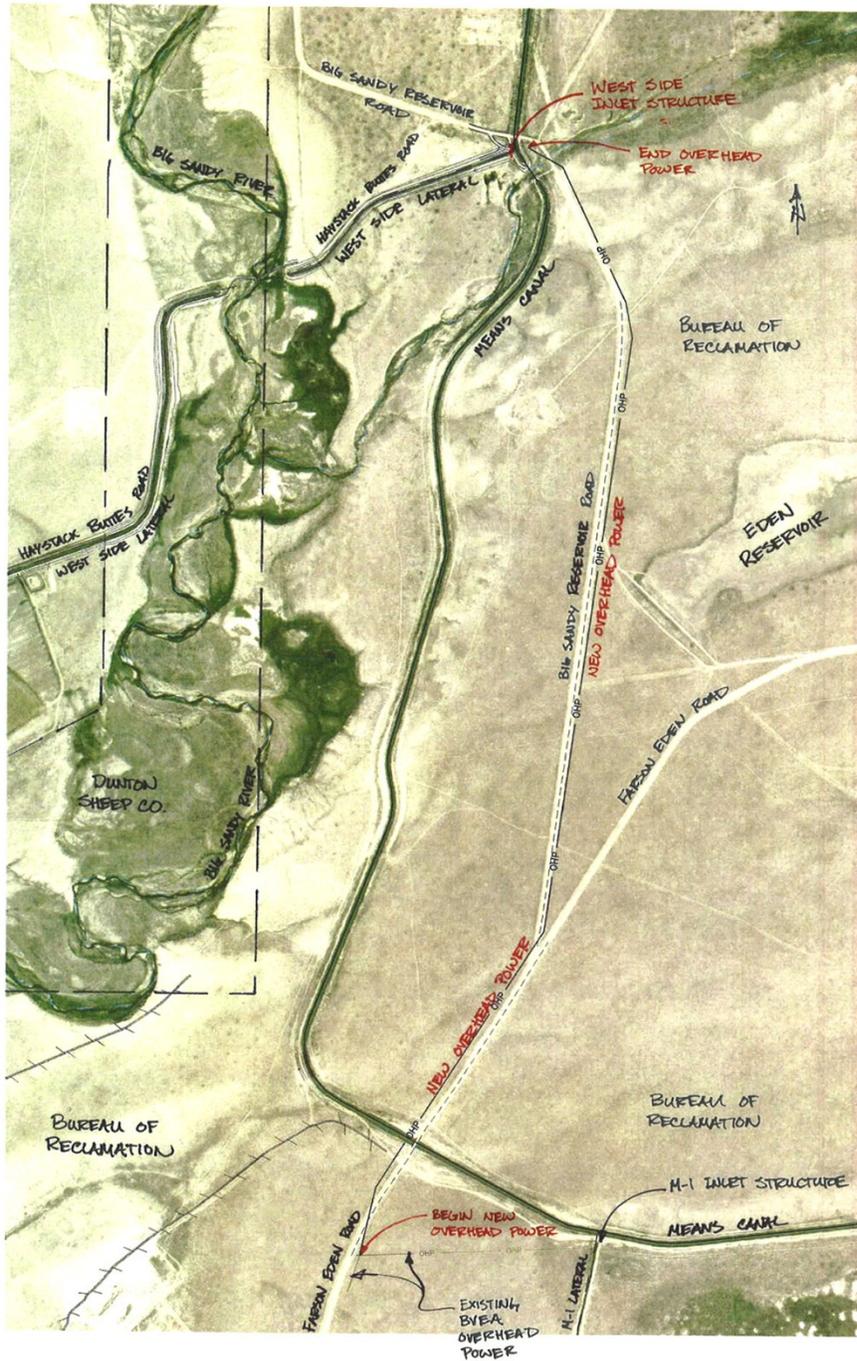
- (1) Aerial Project Locator Exhibit
- (2) Project Locator Exhibit with a Quad Map Background
- (3) Pages 9 and 16 of EO 2011-05
- (4) FONSI dated December 9, 2010

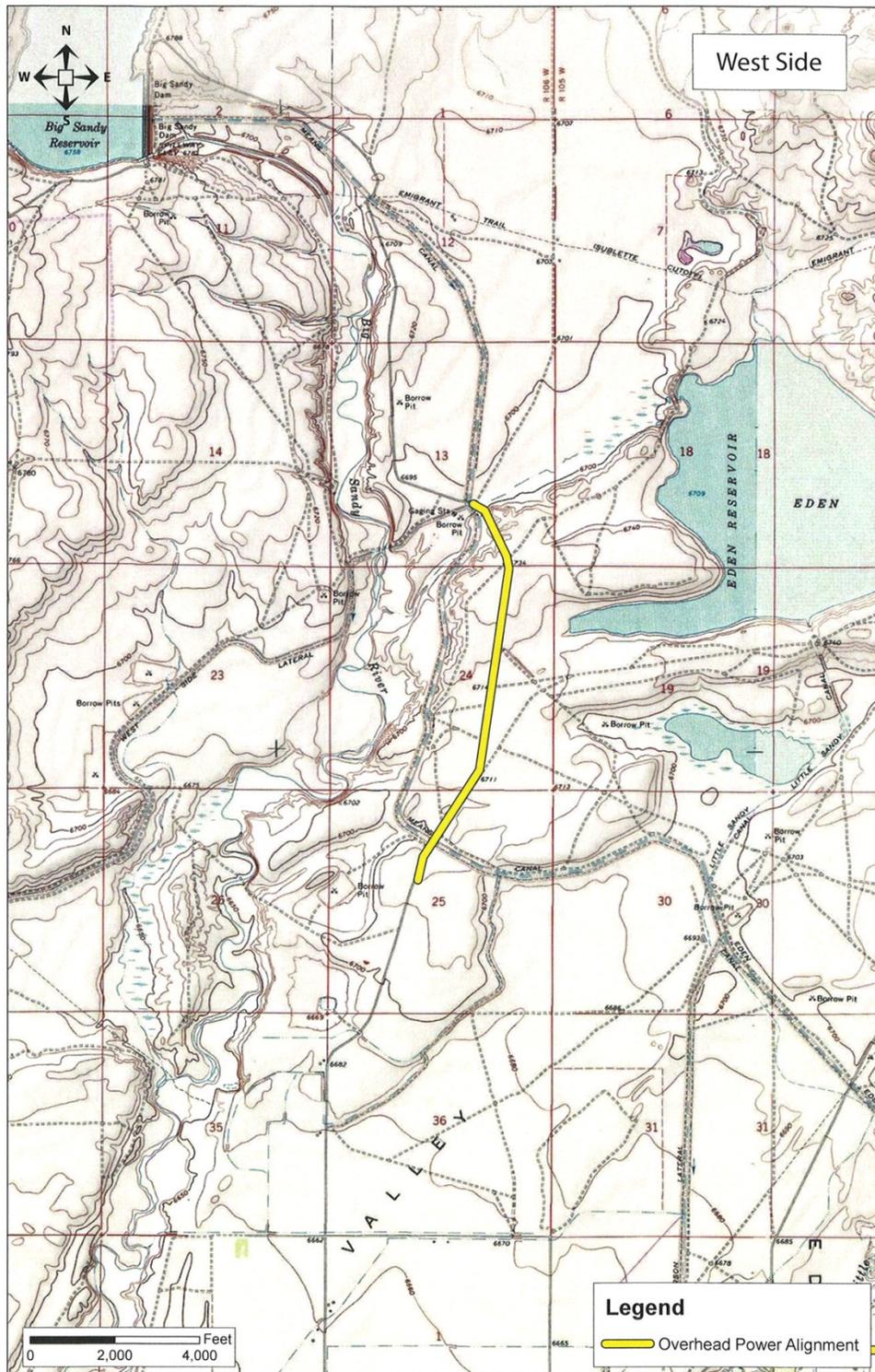
### **References and Personal Communication Cited:**

Snyder, Mark. May 3, 2012. Bureau of Land Management (BLM), Rock Springs Field Office, Wildlife Biologist. Address: 280 Hwy 191 N., Rock Springs, WY 82901. Phone # (307)352-0368. Personal communication via email; email address: [msnyder@blm.gov](mailto:msnyder@blm.gov).

Wyoming Game and Fish Department (WGFD). Website [On-line]. Accessed May 2, 2012 at [http://gf.state.wy.us/wildlife/wildlife\\_management/sagegrouse/index.asp](http://gf.state.wy.us/wildlife/wildlife_management/sagegrouse/index.asp).

WGFD. Species Accounts - Ferruginous Hawks. Pages 1 through 4. Accessed May 4<sup>th</sup>, 2012 at <http://wgfd.wyo.gov/web2011/WILDLIFE-1000413.aspx>.





level of disturbance. Distribution of disturbance may be considered and approved on a case-by-case basis. Unsuitable habitat should be identified in a seasonal and landscape context, on a case-by-case basis, outside the 0.6 mile buffer around leks. This will incentivize proponents to locate projects in unsuitable habitat to avoid creating additional disturbance acres. Acres of development in unsuitable habitat are not considered disturbance acres. The primary focus should be on protection of suitable habitats and protecting from habitat fragmentation. See Appendix 1 for a description of suitable, unsuitable habitat and disturbance.

2. **Surface Occupancy:** Within 0.6 miles of the perimeter of occupied sage-grouse leks there will be no surface occupancy (NSO). NSO, as used in these recommendations, means no surface facilities including roads shall be placed within the NSO area. Other activities may be authorized with the application of appropriate seasonal stipulations, provided the resources protected by the NSO are not adversely affected. For example, underground utilities may be permissible if installation is completed outside applicable seasonal stipulation periods and significant resource damage does not occur. Similarly, geophysical exploration may be permissible in accordance with seasonal stipulations.
3. **Seasonal Use:** Activity (production and maintenance activity exempted) will be allowed from July 1 to March 14 outside of the 0.6 mile perimeter of a lek in core areas where breeding, nesting and early brood-rearing habitat is present. In areas used solely as winter concentration areas, exploration and development activity will be allowed March 14 to December 1. Activities in unsuitable habitat may also be approved year-round (including March 15 to June 30) on a case-by-case basis (except in specific areas where credible data shows calendar deviation). Activities may be allowed during seasonal closure periods as determined on a case-by-case basis. While the bulk of winter habitat necessary to support core sage-grouse populations likely occurs inside Core Population Areas, seasonal stipulations (December 1 to March 14) should be considered in locations outside Core Population Areas where they have been identified as winter concentration areas necessary for supporting biologically significant numbers of sage-grouse nesting in Core Population Areas. All efforts should be made to minimize disturbance to mature sagebrush cover in identified winter concentration areas.
4. **Transportation:** Locate main roads used to transport production and/or waste products > 1 .9 miles from the perimeter of occupied sage-grouse leks. Locate other roads used to provide facility site access and maintenance > 0.6 miles from the perimeter of occupied sage-grouse leks. Construct roads to minimum design standards needed for production activities.
5. **Overhead Lines:** Bury lines when possible, if not; locate overhead lines at least 0.6 miles from the perimeter of occupied sage-grouse leks. New lines should be raptor proofed if not buried.
6. **Noise:** New noise levels, at the perimeter of a lek, should not exceed 10 dBA above ambient noise (existing activity included) from 6:00 p.m. to 8:00 a.m. during the initiation of breeding (March 1 – May 15). Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.
7. **Vegetation Removal:** Vegetation removal should be limited to the minimum disturbance required by the project. All topsoil stripping and vegetation removal in suitable habitat

**ATTACHMENT C**  
**Exempt (“de minimus”) Activities**

**Existing Land Uses and Landowner Activities in Greater Sage-Grouse Core Population  
Areas That Do Not Require State Agency Review for Consistency  
With Executive Order No. 2011-02**

1. Existing animal husbandry practices (including branding, docking, herding, trailing, etc).
2. Existing farming practices (excluding conversion of sagebrush/grassland to agricultural lands).
3. Existing grazing operations that utilize recognized rangeland management practices (allotment management plans, NRCS grazing plans, prescribed grazing plans, etc).
4. Construction of agricultural reservoirs and habitat improvements less than 10 surface acres and drilling of agriculture and residential water wells (including installation of tanks, water windmills and solar water pumps) more than 0.6 miles from the perimeter of the lek. Within 0.6 miles from leks no review is required if construction does not occur March 15 to June 30 and construction does not occur on the lek. All water tanks shall have escape ramps.
5. Agricultural and residential electrical distribution lines more than 0.6 miles from leks. Within 0.6 miles from leks no review is required if construction does not occur March 15 to June 30 and construction does not occur on the lek. Raptor perching deterrents shall be installed on all poles within 0.6 miles from leks.
6. Agricultural water pipelines if construction activities are more than 0.6 miles from leks. Within 0.6 miles from leks no review is required if construction does not occur March 15 to June 30 and construction is reclaimed.
7. New fencing more than 0.6 miles from leks and maintenance on existing fence. For new fencing within 0.6 miles of leks, fences with documented high potential for strikes should be marked.
8. Irrigation (excluding the conversion of sagebrush/grassland to new irrigated lands).
9. Spring development if the spring is protected with fencing and enough water remains at the site to provide mesic (wet) vegetation.
10. Herbicide use within existing road, pipeline and power line rights-of-way. Herbicides application using spot treatment. Grasshopper/Mormon cricket control following Reduced Agent-Area Treatments (RAATS) protocol.
11. Existing county road maintenance.
12. Cultural resource pedestrian surveys.
13. Emergency response.



## United States Department of the Interior

BUREAU OF RECLAMATION  
Upper Colorado Region  
Provo Area Office  
302 East 1860 South  
Provo, UT 84606-7317

IN REPLY REFER TO:

PRO-776  
ENV-6.00

DEC 09 2010

To Interested Persons, Organizations, and Agencies:

Subject: Finding of No Significant Impact for the Farson/Eden Salinity Control Project, E-7, E-8, and Westside Laterals- Eden Project, Wyoming

In compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and Department of the Interior (DOI) regulations implementing NEPA, the Bureau of Reclamation, Provo Area Office (Reclamation) completed an Environmental Assessment (EA) to determine the effects of using Federal funds authorized under the Colorado River Basin Salinity Control Program, to replace the existing E-7, E-8, and Westside Laterals with a pipeline. On October 22, 2010, we sent a copy of the EA to you for your information and review.

The comment period for this EA ended on Wednesday, November 24, 2010. One comment was received during that period. Appropriate edits were made to the EA in response to this comment. A copy of the final EA will be posted to Reclamation's Upper Colorado Region web site, and also made available to anyone who requests a hard copy. After reviewing this comment, I have determined that a Finding of No Significant Impact (FONSI) is appropriate for this proposed action. A copy of the signed FONSI is enclosed for your information.

This FONSI authorizes the Eden Valley Irrigation and Drainage District (EVIDD) to use Federal funds to replace the existing unlined earthen E-7, E-8, and Westside Laterals with a pipeline. The pipeline will reduce seepage which dissolves salts in the soils and eventually carries the salts to the Upper Colorado River Basin. The project is located in Sweetwater County, Wyoming. If you have any questions, please contact Mr. Rafael Lopez, at 801-379-1185.

Sincerely,



Curtis A. Pledger  
Area Manager

Enclosure

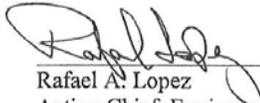
PRO-FONSI-10-009

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

**Farson/Eden Salinity Control Project E-7, E-8, and Westside Laterals-Eden Project  
Sweetwater County, Wyoming**

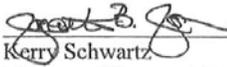
**United States Department of the Interior  
Bureau of Reclamation  
Upper Colorado Region  
Provo Area Office  
Provo, Utah**

Recommended by:

  
\_\_\_\_\_  
Rafael A. Lopez  
Acting Chief, Environmental Group

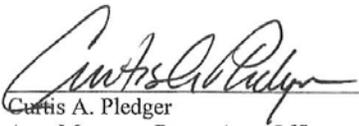
12/17/10  
Date

Concur:

  
for \_\_\_\_\_  
Kerry Schwartz  
Manager, Water and Environmental  
Resources Division

12-7-2010  
Date

Approved by:

  
\_\_\_\_\_  
Curtis A. Pledger  
Area Manager, Provo Area Office

12/8/2010  
Date

## **FINDING**

The Bureau of Reclamation, Provo Area Office (Reclamation), has determined that implementing the proposed action analyzed in the Farson/Eden Salinity Control Project E-7, E-8, and Westside Laterals Environmental Assessment (EA) would not have a significant impact on the quality of 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 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 provide funding authorized under the Colorado River Basin Salinity Control Program to implement the Action Alternative described in the EA. The E-7 lateral is approximately 21,648 feet long, from the diversion on the Eden Canal to the end of the line. The proposed piping of the E-7 lateral would stay entirely within the existing lateral. The E-7 lateral is approximately 21,648 feet long, from the diversion on the Eden Canal to the end of the line. The approximate maximum pipe diameter would be 48 inches at the start of the line, and would decrease to 12 inches at the end of the lateral. The E-8 lateral is approximately 4,752 feet long, from the diversion point off the E-7 lateral to the end of the line. The proposed piping of the E-8 lateral would include abandoning the existing E-8 alignment. The new E-8 lateral alignment would run a diversion off the E-7 lateral approximately .5 miles west of the existing E-8 diversion. The new pipeline for the E-8 lateral would have an approximate maximum diameter of 12 inches, and would continue with this diameter to the end of the lateral. The Westside Lateral is approximately 89,232 feet long, from the diversion on the Means Canal to the end of service. The approximate maximum pipe diameter would be 60 inches, and decrease along the length of the pipeline to 12 inches at the end of the lateral. There are two proposed alignments for the piping of the Westside Lateral. The first proposed alignment, Westside Lateral Option A, would stay within the existing lateral alignment for the entire length of the canal except in two locations where the alignment would deviate for an approximate total of 5,500 feet. Westside Lateral Option B would follow the existing canal alignment with the exception of two locations where the alignment would deviate for an approximate total of 7,600 feet.

The proposed project would allow replacing the existing laterals with a pipeline while protecting environmental resources described in Chapter 3 of the EA (i.e., air quality; water resources; water quality; upland vegetation; wetlands and riparian resources; fish and wildlife resources; special status species; cultural resources; paleontological resources; soil, erosion, and sedimentation; Indian trust assets; environmental justice; public health; recreation; wilderness, and wild and scenic rivers; noise; prime and unique farmland; energy requirement and conservation potential; urban quality and design of the built environment; and visual. Riparian and open water habitat along the laterals would be lost once the pipeline is placed and buried. A habitat replacement plan to replace wildlife values foregone must be prepared, and finalized by the Eden Valley Irrigation and Drainage District (EVIDD), and approved by Reclamation following coordination with the U.S. Fish and Wildlife Service (USFWS), and the Wyoming Game and Fish Department, prior to project completion and final payment of funds. The

proposed project will impact cultural resources. The Westside Lateral would be replaced with a pipeline, resulting in an adverse effect to the historic property. Mitigation measures for the adverse effect to the Westside Lateral would be 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 would have no effect on species either currently listed or proposed for listing as candidate, endangered or threatened species, and would not affect designated critical habitat for these species.
4. The proposed action does not threaten to violate Federal, State or local laws or requirements imposed for protection of the environment.
5. The proposed action would have an adverse effect to a historic property; however a Memorandum of Agreement (MOA) will be executed to mitigate the adverse effect to the Westside Lateral.

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**

On October 22, 2010, 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 November 24, 2010. Appropriate edits were made to the EA in response to this comment.

The Wyoming State Historic Preservation Office, and the U.S. Fish and Wildlife Service were contacted pursuant to applicable laws, and coordination with those agencies was completed. Tribal consultation in accordance with 36 CFR 800.2(c)(2) was also completed.

#### **SUMMARY OF ENVIRONMENTAL IMPACTS**

The expected environmental impacts of the Action Alternative are described in Chapter 3 of the EA, and summarized on pages 42-43 of the EA. The environmental analysis focused on the

resources mentioned on page 2 above. The environmental analysis indicates under the Action Alternative there would be an adverse effect to the Westside Lateral. The existing unlined lateral would be replaced with a pipeline and buried.

#### **ENVIRONMENTAL COMMITMENTS**

**The environmental commitments described in Chapter 4 of the EA must be implemented as an integral part of the proposed action.**

1. **Standard Reclamation Best Management Practices** – Standard Reclamation best management practices 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 (if required) from the Department of Natural Resources. 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 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 WYSHPO 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).

**A MOA will be executed to mitigate for the adverse effect to the Westside Lateral. Mitigation for the adverse effects to the lateral, set forth in the stipulations of the MOA, must be completed before construction activities associated with the proposed action begin.**

5. **Paleontological Resources** – Monitoring is required for all construction activities outside of the existing lateral alignments as well as those impacting the bedrock layer of the Laney Shale Member of the Green River Formation. Anyone who inadvertently discovers possible paleontological resources must stop work immediately and contact Reclamation's Provo Area Office archaeologist. Work would stop until the proper authorities are able to assess the discovery.

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. New access roads would be necessary along the new E-8 alignment.
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 the pre-project condition as practicable. Seeding and planting would occur at appropriate times with weed-free seed mixes of native plants and agricultural grasses, distributed where appropriate.
9. **Air Quality** – Best management practices would be implemented to control fugitive dust during construction. The contractor would 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 would be covered or watered to prevent the generation of fugitive dust. Construction machinery and operation/maintenance vehicles would be routinely maintained to ensure that engines remain tuned and emission-control equipment is properly functioning as required by law. Additionally, the contractor would comply with all Wyoming State air quality regulations.
10. **Habitat Replacement** – A plan to replace wildlife values foregone will be prepared by the applicant and approved by Reclamation following coordination with the USFWS and Wyoming Department of Game and Fish. Total acreage of wildlife habitat predicted to be lost is 39.96 acres of riparian habitat along the lateral prism, plus 23 acres of a nearby artificial wetland from the E-8 lateral.
11. **Sage Grouse Monitoring** - Prior to initiating construction activities, and as the project proceeds, the applicant will ensure that surveys and monitoring will be conducted to ensure that Greater Sage Grouse leks do not exist within the construction area. If leks are present in the area, the applicant and contractor shall notify 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.