

PRO-FONSI-10-005

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

**Farson/Eden Salinity Control Project Lateral E-13
Sweetwater County, Wyoming**

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

Recommended by:



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Chief, Environmental Group

1/29/10

Date

Concur:



Kerry L. Schwartz
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1/29/10

Date

Approved by:



Bruce C. Barrett
Area Manager, Provo Area Office

1/29/10

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 Lateral E-13 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 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-13 lateral is approximately 5 miles long from its diversion point on the Eden Canal to the end of the lateral. The proposed pipeline to replace the open E-13 lateral would also be about five miles long and would have an approximate diameter of 48 inches at the beginning and would taper down toward the end of the pipe. The pipeline would follow the existing E-13 alignment, except for two places. One area where the pipeline would deviate from the existing alignment would be a new connection from the Eden Canal which would connect E-13 opposite the old Haystack outlet and would head west for approximately 5,000 feet, crossing under Eden Second east and connecting into the existing E-13 lateral ditch. The piped lateral E-13 would parallel US 191 on the west side for approximately 2,600 feet between the existing crossing under US 191 and Eden West Second North. The other alignment deviation is situated near US 191.

The proposed project would allow replacing the existing lateral 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 lateral 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 and the Wyoming Game and Fish Department, prior to project completion and final payment of funds.

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.

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 December 16, 2009, Reclamation sent the EA to interested individuals, groups, stakeholders, municipalities, organizations, and agencies, for review and comment. Two comments were received during the comment period which ended on January 22, 2010, and one late comment was received on January 27, 2010. These comments were considered in preparing the FONSI and updating the environmental commitments for the project as described below.

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(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 37-38 of the EA. The environmental analysis was focused on the resources mentioned on page 1 above. The environmental analysis indicates under the Action Alternative there would not be any adverse effects. In reviewing the EA and comments received, errors and omissions were found in the EA which are addressed in the following section.

UPDATE AND CORRECTIONS TO THE EA

The following corrections to the EA dated December 2009 are noted and should be appended to the EA for future reference. These corrections will be made to the EA itself and copies of the corrected EA, dated January 2010, will be posted to Reclamation's web site and also made available to anyone who requests a hard copy.

1. Figure 3.1. "Wetlands in the Project Area," was inadvertently omitted from some copies of the EA during printing. A copy of this figure is enclosed as part of this mailing to the interested public.
2. On page 31, Section 3.4.5. Wetland and Riparian Resources, first paragraph under 'Action Alternative,' the statement is made that 0.29 acres of wetlands would be permanently impacted under Option A and 0.23 acres of wetland would be permanently impacted under Option B. These statements are incorrect. According to information from the Army Corps of Engineers (USACE) as well as site surveys and analyses, these impacts would be temporary, not permanent. In addition, the Corps advised that stockpiling and replacement of topsoil would minimize impacts to existing or recovering wetlands.
3. On page 40, environmental commitment 10, contains the same error as item 2 above regarding impacts to wetlands. Please see below for a complete list of environmental commitments which supersedes the list in Chapter 4 of the EA.

ENVIRONMENTAL COMMITMENTS

The environmental commitments described in Chapter 4 of the EA are superseded by the list of commitments below; these must be implemented as an integral part of the proposed action.

1. **Standard Reclamation Management Practices** – Standard reclamation management practices will be applied during construction activities to minimize environmental effects and will 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 will be undertaken as necessary.
3. **State Stream Alteration Permit** – (If required) before implementing the selected alternative, the contractor will obtain a State Stream Alteration Permit from the Wyoming Department of Environmental Quality. The conditions and requirements of the Stream Alteration Permit will 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, 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 Wyoming State Historic Preservation Office 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).

The above process is listed on a “yellow card,” to be placed in the cabs of heavy equipment used during construction of the proposed project. This card will be distributed to the equipment operators and verbal direction and description of possible inadvertent discovery scenarios will be given at a preconstruction meeting by the Provo Area Office archaeologist prior to any ground-disturbing activity.

5. **Paleontological Resources** – Monitoring is required for all construction activities which impact the bedrock layer. Anyone who inadvertently discovers possible paleontological resources must stop work immediately and contact the Bureau of Reclamation, Provo Area Office archaeologist. Work will stop until the proper authorities are able to assess the discovery.
6. **Construction Activities Confined to the Surveyed Corridor** – All construction activities will be confined to the one hundred foot wide corridor that has been surveyed for cultural, paleontological, and biological resources.
7. **Roads** – Existing roads will be used whenever possible for project activities. New access roads will be necessary in two locations where there are no existing roads.
8. **Disturbed Areas** – During construction, topsoil will be saved and then redistributed after completion of construction activities. Subsequently, disturbed areas resulting from the project will be smoothed, shaped, contoured and reseeded to as near their pre-project condition as practicable. Stockpiling and replacement of topsoil will be used to minimize impacts to existing or recovering wetlands. Seeding and planting will occur at appropriate times with weed-free seed mixes of native plants and agricultural grasses, distributed where appropriate.
9. **Air Quality** – Best Management Practices (BMPs) 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 Wyoming State air quality regulations.

10. **Habitat Replacement** – A plan to replace wildlife values foregone must be proposed by the applicant and approved by Reclamation following coordination with the U. S. Fish and Wildlife Service and the Wyoming Department of Game and Fish. Total acreage of wildlife habitat predicted to be lost is approximately 9 acres of riparian habitat along the lateral prism. A proposed replacement property must be acquired and improvements to that property must equal or exceed the values of the habitat lost due to project implementation. Once replacement values are achieved, they must be maintained for the life of the project (50 years). The Habitat Replacement Plan must be approved and initiated prior to project completion and final payment of construction funds, in accordance with salinity control program procedures.

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 there are leks 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.