



FINDING OF NO SIGNIFICANT IMPACT

**Newton Reservoir
Mineral Extraction
Environmental Assessment
Cache County, Utah**

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

Recommended by:

Beverly C. Heffernan
Chief, Environmental Group

5/28/09
Date

Concur:

King Syj
Chief, Water and Environmental Resources Division

5/28/09
Date

Approved by:

Bruce C. Barrett
Bruce C. Barrett
Area Manager, Provo Area Office

6/1/09
Date

FINDING

The Bureau of Reclamation (Reclamation) finds that the proposed action alternative as set forth in the Newton Reservoir Mineral Extraction 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 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, the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), and the Department of the Interior Regulations for Implementation of the National Environmental Policy Act (NEPA) of 1969, 43 CFR Part 46.

DECISION

Reclamation has decided to authorize the proposed action allowing Zeotech Corporation to extract gravel from Reclamation lands and construct an access road and staging area for gravel extraction. Zeotech Corporation will construct all proposed improvements using non-federal funds. Should roadway improvements be needed outside the project area analyzed in the EA, Zeotech Corporation would be responsible for negotiating improvements with Cache County Corporation, with all improvements completed by Cache County Corporation with an agreement for cost sharing with Zeotech Corporation.

REASONS FOR THE DECISION

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

1. The proposed action will have no adverse 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 will have no adverse effect on species either currently listed or proposed for listing as candidate, endangered, or threatened species, and no adverse effect on 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 alternatives in detail and believes that the proposed action alternative best meets the purpose and need described in the EA.

PUBLIC INVOLVEMENT

A public scoping period was conducted from October 9 to November 14, 2008, to provide the public an opportunity to give input regarding the scope of this EA. One scoping comment was received and considered in preparing the EA.

A draft EA was sent on March 24, 2009 to over 50 municipalities, organizations or agencies, and private land owners considered to have an interest in the proposed action. Two comment letters were received and considered in preparing this final EA.

SUMMARY OF ENVIRONMENTAL IMPACTS

The expected environmental impacts of the proposed action are described in Chapter 3 of the EA. The environmental analysis is focused on impacts to recreation, public safety, access and transportation, visual resources, air quality, water quality, vegetation, soils and geology, cultural resources, paleontological resources, wildlife resources, and threatened, endangered and other special status species. The environmental analysis indicates that the impacts will be temporary, short-term, and insignificant.

ENVIRONMENTAL COMMITMENTS

Reclamation and Zeotech Corporation will implement the environmental commitments listed below and in Chapter 4 of the EA to avoid or minimize effects to resources from implementation of the proposed action.

1. Additional Analysis - If the proposed action were to change significantly from that described in the EA because of additional or new information, additional environmental analysis including cultural and paleontological analyses may be necessary.
2. A General Construction Storm Water Permit from the State of Utah Division of Water Quality would be required.
3. Air Quality Monitoring - The proposed action in this EA shall be subject to Utah Air Quality Rule R307-205-7, Mining activities. The project proponent shall secure all necessary permitting related to the control and monitoring of fugitive dust and other particulate matter.
4. Public Safety, Access and Transportation - The proposed access in this EA shall not inhibit the existing prescriptive easement allowing access to the top of Little Mountain. The project proponent shall provide an access point to the existing access road through the course of construction and during operations. The site shall be controlled through a gated access point and adequate fencing shall be maintained through the course of operations to limit access to the general public to the excavation site. Furthermore, the proposed action in this EA shall be subject to all Cache County requirements for thoroughfare and access on 5800 West.
5. Disturbed Area Reclamation - All disturbed areas outside the open pit excavation shall be graded and revegetated within one year of construction to meet Bureau of Reclamation

standards. These areas include but are not limited to road cut and fill slopes, stormwater retention/detention basins, screen berms, topsoil stockpiles and any other impacted areas. All disturbed areas will be monitored by Zeotech Corporation for five years to ensure Reclamation standards are met for weed control and revegetation. Following five years of treatment and monitoring if Reclamation standards are not met, Zeotech Corporation will be required to apply additional weed treatment and revegetation treatment as needed.

6. 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 were able to assess the situation on-site. This action would promptly be followed by written confirmation to the responsible Federal agency official with respect to Federal lands. The Utah State Historic Preservation Office and interested Native American tribal representatives, in this case the Northwest Band Shoshone Tribe located in Brigham City, Utah, 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).

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 would be distributed to the equipment operators and verbal direction and description of possible inadvertent discovery scenarios would be given at a pre-construction meeting by the Provo Area Office archaeologist prior to any ground-disturbing activity.