

## **Chapter 2: Description of Alternatives, including the Proposed Action**

### **2.1 Introduction**

This chapter describes the two alternatives analyzed in detail in this environmental assessment (EA), the proposed action and the no action alternative. This chapter also summarizes the predicted effects of the alternatives based on the analyses presented in Chapter 3.

#### **2.1.1 Assumptions**

The following assumptions provide the basis for analysis of potential effects under all alternatives:

- Reclamation has completed the NEPA decision-making process reviewing the proposed enclosure of the PRC, and has issued a FONSI and approval for the enclosure. It is assumed that this enclosure may take place regardless of who holds title to the canal and associated lands; that is, that enclosure can proceed under either alternative. The project applicants have stated that one reason for pursuing title transfer is to allow for tax-exempt bonding which would help to finance the enclosure project.
- It is assumed that, for the foreseeable future, the management and operational needs of the properties would remain consistent with historic needs regardless of ownership of the properties. No changes in operation are assumed.
- It is assumed that, for the foreseeable future, the hydrologic operations of the facilities would remain consistent with historic operations regardless of title transfer. Timing, size, and duration of diversions and carriage flows would remain the same for the foreseeable future.
- The ULS is a separate project that could proceed with or without title transfer.
- PRWUA could apply for Section 207 funds for the PRC enclosure project, regardless of title transfer.

### **2.2 Description of the No Action Alternative**

Under the no action alternative, the United States would continue to hold title to the three properties, Reclamation would continue to administer the three properties, and Congress would not direct Reclamation to transfer title. PRWUA would continue operating and maintaining the PRC and the Pleasant Grove Property, and the MWDSL would continue operating and maintaining the SLA. Reclamation would retain its existing withdrawals within the two National Forests for the SLA, and the Federal Government would not issue any new easements for the SLA. Reclamation would

continue to issue license agreements, easements, crossings, and special use permits, subject to 43 CFR 429.

The portion of fee title land that bisects the Highland Property, and is being considered for exchange to the USDA Forest Service for the building of the Timpanogos Interagency Center would remain in Federal ownership. This would not affect the proposed land exchange or construction of the interagency center.

### **2.3 Description of the Proposed Action**

Congress would direct Reclamation to transfer title to one or more of the following facilities to non-Federal ownership:

- The Provo Reservoir Canal, including the Murdock Diversion, Olmsted Tunnel and Siphon, American Fork Siphon, Dry Creek Siphon, I-15 Siphon, Point of the Mountain Facilities, and measuring structures on the PRC. Approximately 356 acres of land are involved in this transfer. The corridor width along the PRC varies from 50 to 200 feet, with the majority of the corridor ranging from 80 to 110 feet.
- The Salt Lake Aqueduct, including the intake structure, the aqueduct, the Alpine-Draper Tunnel, the Olmsted tunnel, and the Terminal Reservoirs. Approximately 1150 acres of land are involved in this transfer. The corridor width along the SLA varies from 50 to 800 feet.
- The Pleasant Grove Property, which includes a 3.79-acre parcel and an office complex in Pleasant Grove, UT.

Reclamation would relinquish its existing withdrawals for the SLA over certain Federal lands within the boundaries of the Uinta and Wasatch-Cache National Forests, thus returning jurisdiction over those lands to USDA Forest Service. Concurrent with relinquishment of the withdrawn lands, the Federal Government would convey to MWDSLS easements that provide for the ongoing operation, maintenance, and replacement (if needed) of the SLA within the two National Forests.

In addition to the relinquishment of the withdrawals, Reclamation would transfer title to surface area of that portion of fee title land that bisects the Highland Property to the USDA Forest Service. The Highland land being considered for exchange to the USDA Forest Service for the building of the Timpanogos Interagency Center, an interagency administrative facility and visitor's center. The SLA would be transferred to MWDSLS and an easement would be granted to allow for continuing access to, and operation and maintenance, and replacement when necessary of the SLA.

### **2.4 Alternatives Considered but Eliminated from Further Analysis**

Early in the development of this EA, Reclamation analyzed whether the Murdock Diversion, which diverts water from the Provo River into the PRC, and/or the SLA intake

structures near Deer Creek Dam should be retained in Federal ownership. There were concerns that if the facilities were in non-Federal ownership, additional water could possibly be diverted from the Provo River, and the potential changes to flows in the Provo River could affect both the sport fishery and the endangered June sucker.

Upon further review, however, Reclamation concluded that because it retains ownership of all PRP water rights, as well as ownership of Deer Creek Dam, it would not be feasible to divert additional water. Any request for additional water rights and diversions would need approval from the Utah State Engineer's Office. This would involve a public review process, and would allow Reclamation, and other entities, the chance to comment on any new water rights applications. Therefore, an alternative wherein the Federal Government retained the diversion and intake structures would not differ from the Action Alternative analyzed in this EA in potential impacts. Consequently, this alternative was not analyzed in detail in the EA.

## **2.5 Scope of this Environmental Analysis**

This EA examines the effects of the alternatives on the human environment.

The scope of this analysis will be:

- Whether Reclamation should support proposed legislation to transfer title of facilities and associated lands of the PRP to non-Federal ownership.
- Whether Reclamation should relinquish its existing withdrawals for the SLA.
- Whether the Federal Government should issue easements to the MWDSLS to allow for the continued operation and maintenance, and replacement (if needed) of the SLA after Reclamation's withdrawals are relinquished.
- Whether the Federal Government should convey to MWDSLS a permanent easement across the SLA through the Highland Parcel, and transfer jurisdiction over such lands, subject to the easement, to the USDA Forest Service.
- Whether Reclamation should sign agreements specified in the legislation to execute the title transfer.

### **2.5.1 Issues Eliminated from Further Study**

Issues determined to have no relevance to the decision or to have effects inconsequential to the decision were eliminated from further analysis. These issues are presented in Table 2.1.

<b>Table 2.1 Issues Eliminated from Further Study</b>	
<b>Element</b>	<b>Rationale</b>
Air Quality	There would be no direct or indirect effects on air quality.
Water Quality	There would be no direct effects to water quality.
Wetlands and Vegetation	No wetlands are within the project area. There would be no direct effects on wetlands or vegetation.
Terrestrial Wildlife Resources	There would be no direct effects on terrestrial wildlife or important habitat.
USDA Forest Service Management Indicator Species	Forest Service Management Indicator Species that might inhabit, or have habitat in the area include Bonneville cutthroat trout, northern goshawk, three-toed woodpecker, and American beaver.  The proposed action would have no effects on these species or their habitat.
Paleontology	There are no significant paleontological resources in the project area. There would be no direct or indirect effects.
Geology	There would be no direct or indirect effects on geologic resources.
Visual Resources	There would be no direct effects on visual resources.
Health, Safety, and Noise	There would be no direct effects to health and safety or noise.
Transportation	There would be no direct or indirect effects on transportation.

## **2.5.2 Issues Studied in Detail**

### **2.5.2.1 Water Rights/ Delivery Systems**

All current contracts for capacity, carriage, and delivery of water rights would be honored. The ULS may use PRP features for delivery and conveyance of water to the Wasatch Front. MWDSL and JWCD would use their present capacity in the PRC to delivery ULS project water. Ownership of water rights is not affected by the proposed action. These issues are further discussed in Section 3.4.

### **2.5.2.2 Threatened and Endangered Species**

The Federally listed June sucker is found in Utah Lake and the Provo River. It depends on flows from the Provo River for its survival. Reclamation and the CUPCA Office have made environmental commitments to assist in the recovery of the species, and are involved in the June Sucker Recovery Implementation Program. No environmental commitments on the Provo River would change as a result of the proposed title transfer. All environmental commitments regarding the June sucker would continue to be met after title transfer. This is further discussed in Section 3.5.

### **2.5.2.3 Fisheries**

Sections of the Provo River have been listed by the Utah Division of Wildlife Resources as a Blue Ribbon Trout Fishery. Protection of this fishery and habitat would not change after title transfer. No environmental commitments on the Provo River would change as a result of the proposed title transfer. This is further discussed in Section 3.6.

### **2.5.2.4 Recreation**

Recreationists currently cross over lands owned in fee title by the Federal Government and administered by Reclamation to access recreational opportunities on USDA Forest Service lands adjacent to the SLA. Crossing access would be maintained after title transfer.

If title transfer were to proceed, any new recreational opportunities or developments would be coordinated through the new owners. Reclamation would not be involved in these discussions. This is further discussed in Section 3.7.

### **2.5.2.5 Cultural Resources**

Cultural resource laws require that historic properties be identified, and impacts of Federal actions to these properties be considered. The SLA and PRC are both eligible for listing in the National Register of Historic Places. Transfer of these facilities would automatically be considered an adverse effect, under 36 CFR 800.5 (a) (2) (vii), and would require mitigation. Non-Federal owners would not be required to complete mitigation for any future impacts. This is further discussed in Section 3.8.

### **2.5.2.6 Land Use and Land Ownership**

Federal ownership of the real property associated with these facilities is currently a mixture of fee title, permanent easements, licenses, and Federal reserved rights-of-way. To the extent possible, transfer of land rights associated with these facilities would consist of transferring land rights the same as or equivalent to that currently held by the United States. However, sections held by the United States as Federal reserved rights-of-way would be transferred as permanent easements since the United States cannot transfer its Federal reservation. A number of non-Federal entities currently hold

crossings, special use permits, easements, etc., along both the PRC and SLA. The PRWUA and MWDSLs would assume all rights and responsibilities for renewing and managing these agreements. All trespass issues would be handled by the new owner. These issues are further discussed in Section 3.9.

#### **2.5.2.7 Socioeconomics**

If the proposed action were implemented, PRWUA and MWDSLs would be required to pay to the United States, at the time of transfer the net present value of the remaining repayment obligations attributable to construction of the transferred facilities, and the net present value of all anticipated future revenue streams associated with the facilities to be transferred. These costs would be shared by their users.

These issues are further discussed in Section 3.10.

#### **2.5.2.8 Environmental Justice**

The proposed action would not disproportionately affect minority or low income populations. This is further discussed in Section 3.11.

#### **2.5.2.9 Indian Trust Assets**

There are no Indian Trust Assets or reserved treaty rights that would be affected by the proposed action.

#### **2.5.3 Summary of Impacts**

Table 2.2 summarizes the effects upon each resource if the no action or the proposed action alternative were implemented.

<b>Table 2.2 Summary of Impacts</b>		
<b>Resource</b>	<b>No Action Alternative</b>	<b>Proposed Action</b>
Water Rights and Delivery Systems	No effect on water rights or delivery systems.	No effect on water rights or delivery systems.
Threatened and Endangered Species	Not likely to adversely affect June sucker, no effect to other listed or candidate species.	Not likely to adversely affect June sucker, no effect to other listed or candidate species.
Fisheries	No effect.	No effect.
Recreation	No effect to access to Forest lands.	All existing access over Reclamation fee-owned land to USDA National Forest lands would be preserved.
Cultural Resources	No effect.	Automatic adverse effect for transfer of SLA and PRC. An MOA with SHPO would be signed to mitigate for the adverse effect. No effect to Pleasant Grove Property.
Land Use/Ownership	No effect.	Land rights would be transferred to MWDSLS and PRWUA as they currently exist. MWDSLS and PRWUA would be required to honor existing rights of use, and would be responsible for issuing new rights of use.  Exceptions would be those lands currently withdrawn by Reclamation that are held by the United States Government at the Highland Property.
Socioeconomics	No direct effect. Indirectly, PRC enclosure financing costs would be greater.	No direct effect. Indirectly, tax-exempt bonding would be available for PRC enclosure, greatly reducing financing costs for enclosure.
Environmental Justice	No effect.	No effect.
Indian Trust Assets	No effect.	No effect.

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