

FINDING OF NO SIGNIFICANT IMPACT

Title Transfer of Provo Reservoir Canal, Salt Lake Aqueduct, and Pleasant Grove Property

Provo River Project

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

Recommended by:

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10/7/04

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Date

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10/8/04

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10/12/04

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FINDING

The Bureau of Reclamation (Reclamation) finds that the Proposed Action Alternative as set forth in the Environmental Assessment (EA) for the Title Transfer of Provo Reservoir Canal, Salt Lake Aqueduct, and Pleasant Grove Property 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 of 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 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. Under this alternative, Reclamation supports the transfer of the Provo Reservoir Canal to the Provo River Water Users Association (PRWUA), 3.79 acres of land in Pleasant Grove, Utah to the PRWUA, and the Salt Lake Aqueduct to the Metropolitan Water District of Salt Lake and Sandy (MWDSLs). PRWUA may subsequently transfer a majority share of the Provo Reservoir Canal to a Joint Public Agency, as stated in the EA. Reclamation would relinquish its existing withdrawals for the SLA over certain Federal lands within the boundaries of the Uinta and Wasatch-Cache National Forests. Prior to this relinquishment, the Federal government would grant easements to MWDSLs to allow for continued access to the SLA. Reclamation would transfer to the USDA Forest Service jurisdiction over that portion of fee title lands that bisects the land being considered for exchange to the USDA Forest Service. As discussed in Chapter 3 of the EA, the action will have no significant impacts to water rights, threatened, endangered and sensitive species, fisheries, recreation, cultural resources, land use and land ownership, socioeconomics, environmental justice, or Indian trust assets.

As stated in Section 1.2 of the EA, the purpose of the Proposed Action is to transfer title of lands and facilities which could be efficiently owned and managed by non-Federal entities. Reclamation's policy is to support the transfer of title to local entities where and when non-Federal entities who have been operating and maintaining the project **desire to take title to project lands** and facilities. The need for the proposed action is to comply with Reclamation's policy of supporting title transfer when appropriate. As stated in Section 1.4 of the EA, Congressional authority is required in order for title transfer to occur.

Reclamation was the lead Federal agency in the preparation of the EA. The Department of Interior, Central Utah Project Completion Act Office; United States Department of Agriculture Forest Service, Uinta and Wasatch-Cache National Forests; and Department of the Interior, National Park Service participated as cooperating agencies in the completion of the EA.

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. The automatic finding of adverse effect for cultural resources pursuant to 36 C.F.R. 800.5(a)(2)(vii) has been or will be fully mitigated as described below.
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 significant effect on species either currently listed or proposed for listing as candidate, endangered or threatened species, and will have no **effect on designated critical habitat** for these species. The Bureau of Reclamation and the U.S. Fish and Wildlife Service **agree** that the proposed action may affect, but is not likely to adversely affect, threatened

and endangered or state sensitive species or critical habitat.

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

Reclamation began public involvement activities for this proposed action by initiating public scoping on September 29, 2003. Fourteen scoping comment letters were received during the scoping period, which ended on November 26, 2003. The scoping comments were considered in preparing the draft EA, which was made available to the public and mailed on May 14, 2004 to approximately 400 interested agencies, organizations and individuals for review and comment. The public comment period, which included two hearings to receive oral comments, closed on June 21, 2004. Reclamation also coordinated with state and Federal resource agencies, and with PRWUA and MWDSLS, which have operation and maintenance responsibilities for the Provo River Project and are the applicants for the title transfer which constitutes the proposed action.

Reclamation received 6 letters commenting on the draft EA. No comments were received at the two public hearings. After evaluating the public comments, Reclamation determined that revisions to the draft EA were needed. All pertinent comments are addressed in the final EA. The project file in the Provo Area Office contains the comment letters, information on how the comments were considered or addressed, and a complete description of all public involvement activities.

SUMMARY OF ENVIRONMENTAL IMPACTS

The expected environmental impacts of the Proposed Action Alternative are described in Chapter 3 of the EA. The environmental analysis considered potential impacts to water rights, threatened, endangered and sensitive species, fisheries, recreation, cultural resources, land use and land ownership, socioeconomics, environmental justice, and Indian trust assets. The environmental analysis indicates that the impacts will be temporary, short term, and insignificant. PRWUA and MWDSLS will take responsibility for issuing and maintaining 3rd party agreements for the PRC and SLA, respectively. Any existing access to recreation lands would be maintained. Title transfer facilitates PRC enclosure, but does not require or guarantee it. The proposed action will have no effect on water rights, fisheries, environmental justice, or Indian trust assets. The proposed action may affect, but is not likely to adversely affect, threatened and endangered species. In particular, indirect effects from other projects potentially influenced by title transfer may benefit the June sucker. The proposed action constitutes an automatic adverse effect for cultural resources, which has been or will be fully mitigated as described below.

ENVIRONMENTAL COMMITMENTS

1. Reclamation has consulted with the State Historic Preservation Office (SHPO) and has developed a Memorandum of Agreement (MOA) with the SHPO and MWDSLS to mitigate for the adverse effect of transferring the SLA. This MOA has been signed and mitigation will be completed according to its terms. Consultation with SHPO on transferring the PRC identified a need for additional mitigation in addition to that which was previously completed for the PRC enclosure project. The mitigation consisted of preparing an addendum report to the Cultural Resource Inventory of the PRC, Utah County, Utah (U-010EP-0773s.p) documenting the Murdock Diversion structure. The report was completed and submitted to SHPO in September 2004. A MOA for the PRC has been signed by Reclamation, SHPO, and PRWUA. Mitigation for the PRC is complete.
2. There are no other environmental commitments stemming from the analysis of the proposed action in the EA. It is noted that the analyses in the EA are based upon environmental commitments articulated in the agreements to be signed among Reclamation, PRWUA, MWDSLS, and others in conjunction with title transfer.