

FINDING OF NO SIGNIFICANT IMPACT



**Victory Ranch
River Restoration Project**
Provo River Project

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

Recommended by:

Signed by Beverley C. Heffernan

5/4/04

Chief, Environmental Group

Date

Concur:

Signed by Kerry Schwartz

5/5/04

Manager, Water and Environmental Resources Division

Date

Approved by:

Signed by Bruce C. Barrett

5/5/04

Bruce C. Barrett

Date

Area Manager, Provo Area Office

FINDING

The Bureau of Reclamation (Reclamation) finds that the Proposed Action Alternative as set forth in the Environmental Assessment (EA) for the Victory Ranch River Restoration Project 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. This authorizes Horizons Unlimited, L.C. (Horizons) to rehabilitate a 5 mile section of the Provo River and associated habitat, from the bridge on State Road 32 east of the Jordanelle Reservoir to 1000 East in Francis, Utah, while protecting such environmental resources described in Chapter 3 of the EA as water quality, cultural resources, wildlife habitat, public safety and Threatened and Endangered and state sensitive species.

As stated in Section 1.3 of the EA, the purpose of the proposed Victory Ranch River Restoration Project is to reduce the headcuts caused by excessive shear stress and reduce associated sediment transport down stream to the Rock Cliffs state park; improve and protect fish and wildlife habitats, including spotted frog habitat; mitigate some of the impacts of high flow diversions to the Provo River; and reduce maintenance required for flood control and irrigation diversions. The need for the proposed action is to improve the condition and function of the 5 mile section of the Provo River that runs through the Victory Ranch property by moving the inflow of the Weber/Provo Canal approximately one mile downstream and by creating space, continuity and complexity currently lacking due primarily to past practices of diking and dredging.

REASONS FOR THE DECISION

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

1. The proposed action will have no significant adverse effect on such unique characteristics as cultural resources, wilderness areas, wetlands, and riparian areas. In the long term, the proposed action is expected to benefit riverine and riparian habitat and river function in the project area and reduce sediment transport downstream.
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 June 26, 2003. Eight scoping letters were received during the scoping period, which ended on July 25, 2003. The scoping comments were considered in preparing the draft EA, which was made available to the public and mailed to about 45 interested agencies, organizations and individuals for review and comment on November 4, 2003. Reclamation also coordinated with several state and federal resource agencies and with the Provo River Water Users Association, which has operation and maintenance responsibilities for the Provo River Project, including the project area, pursuant to a contract with Reclamation.

Reclamation received six letters commenting on the draft EA. 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 impact analyses were based on the use of the standard operating procedures described in Section 2.3.6 and Section 3.3.4.3. The environmental analysis considered potential impacts to water users, water quality, socioeconomic resources, recreation, wildlife resources, Threatened and Endangered and candidate/State Sensitive species, wetlands and vegetation, public safety, visual resources, transportation, and cultural resources. The environmental analysis indicates that the impacts will be temporary, short term, and insignificant.

ENVIRONMENTAL MITIGATION COMMITMENTS

In authorizing Horizons to undertake the Victory Ranch River Restoration Project, Reclamation notes that Horizons assumes responsibility for obtaining all of the requisite permits listed Table 1-2 of the EA prior to construction. Reclamation remains responsible for ensuring compliance with all applicable environmental laws, and will therefore monitor both the contractual and construction phases of this project to ensure that it is implemented as described in the EA. Such monitoring will ensure incorporation of mitigation requirements and best management practices in all construction contract specifications, as appropriate, and compliance with mitigation measures recommended by Reclamation or by other agencies.

As stated in the EA, project design and construction will be undertaken in a manner that minimizes impacts to wetlands, water quality, threatened and endangered species and potential habitat, and state sensitive species. In particular, the protocol for avoiding and minimizing impacts to spotted frogs, provided in Appendix B of the EA, will be followed, and Horizons will continue to consult with the Utah Division of Wildlife Resources regarding spotted frog populations and habitat within the project area.

As noted in the EA, Reclamation undertook cultural resources surveying and consultation on behalf of itself, for this project, and for the U.S. Army Corps of Engineers, for the 404 permit required for the Victory Ranch Resort project. Reclamation determined, and the Utah State Historic Preservation Office (SHPO) concurred, that these projects, individually and collectively, do not constitute an adverse effect to an historic property provided a Memorandum of Agreement is executed. Therefore a Memorandum of Agreement pursuant to 36 CFR 800 must be executed among Reclamation, the U.S. Army Corps of Engineers, Horizons, and SHPO, and filed with the Advisory Council on Historic Preservation, prior to project initiation. Mitigation for both projects will be completed as specified in the MOA.