

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for
Fort Field Diversion Dam Reconstruction,
Utah County, Utah

Utah Reclamation Mitigation and Conservation Commission

BACKGROUND AND PUBLIC INVOLVEMENT

The Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission), the Central Utah Water Conservancy District (District) and the U.S. Department of the Interior (Department), have jointly prepared an Environmental Assessment (EA) to determine the effects of reconstruction of the Fort Field Diversion to provide unimpaired fish passage during low flow conditions and meet diversion requirements for canal companies and legal water users. The Draft EA was prepared with public input encouraged by a scoping notice and agency coordination. It was distributed for review to several organizations and individuals and available to the general public. This public involvement process generated additional comments which are reflected in the Final EA.

DECISION

After analyzing the environmental effects, it is my decision to select the Proposed Action for implementation. This action entails the Mitigation Commission, the District and the Department cooperating to implement the reconstruction of the Fort Fields Diversion on the Provo River, Utah County, Utah. The Proposed Action provides for: reconstruction of the Fort Fields Diversion structure, consisting of a cobble bar, a concrete sluiceway, with gates, tree removal and replacement or lining of a section of pipeline.

The existing kick-leg dam and concrete sill would remain in place and be incorporated into the constructed cobble bar. Construction of the cobble bar would begin approximately 200 feet upstream of the existing sill and would angle from the north bank of the river towards the sluiceway located on the south bank. The cobble bar would consist of boulders and large cobble “keyed” into the river bed. As the cobble bar extends to the south and downstream it will increase in elevation until it reaches the existing sill and kick-leg dam at which point the top of the cobble bar will be at the same elevation as the top of the boards on the kick-leg dam. The cobble bar would then gradually decrease in elevation and recess back towards the north bank

until it reaches the existing bed of the river channel.

REASON FOR THE DECISION

Diversion structures used to divert the flows of the Provo River into water delivery systems are often barriers to upstream fish migration. The June sucker, an endangered fish species found only in Utah Lake, uses the Provo River for spawning. The Fort Field Diversion, the lowest diversion on the Provo River and the first diversion encountered by June sucker as they ascend the Provo River to spawn, often restricts their spawning to only the lowest 3.8 miles of the Provo River. The upper 1.1 miles of the 4.9 mile reach designated as critical habitat, is often inaccessible during May and June when June sucker spawn.

The Fort Field Diversion restricts access to a portion of the June sucker critical habitat, and compromises the quality of the spawning habitat in the lower 3.8 mile reach. The Fort Field Diversion often functions as a “dry dam” which diverts the entire stream flow of the Provo River, with the exception of small quantities of water that leak through the diversion structure.

Meeting the Purpose and Need

The proposed project is **needed** to provide unimpaired fish migration and to allow accurate and real-time bypass and measurement of instream flows while maintaining the ability to meet diversion requirements for canal companies and legal water users who divert water at the Fort Field Diversion structure. The EA analyzed two alternatives: the Proposed Action, and the No Action Alternative. Under the Proposed Action, reconstruction of the Fort Field diversion structure will result in fish passage and access to an additional 1.1 miles of spawning habitat within June sucker critical habitat, will allow accurate and real-time bypass and measurement of instream flows without affecting existing water rights.

Addressing the Issues The Proposed Action was selected over the No Action because it best met the needs and purposes, while addressing the following issues:

- *Fisheries*

The Proposed Action will provide upstream fish passage and make an additional 1.1 miles of the lower Provo River accessible to spawning June sucker. The Proposed Action will also allow the accurate bypass and measurement of instream flows to support a healthy riverine ecosystem. Impact to fisheries is considered beneficial.

- *Wetlands*

Less than 0.1 acres of riparian vegetation will be impacted under the Proposed Action.

- *Water Quality*

Impacts to water quality will be short term and localized to surface water quality through increased suspended sediment loading during in-stream construction.

- *Threatened, endangered and State sensitive species*

No T&E species would be adversely affected by the Proposed Action. The June sucker will be positively impacted by providing access to 1.1 miles of the lower Provo River under all flow conditions.

- *Recreational*

The impact on the Provo River Parkway trail would be of short duration and would only affect a short section of trail, less than 500'. Impacts on sport fishing would also be of short duration with numerous alternative locations readily available.

- *Noise*

Under the Proposed Action, noise impacts from the heavy machinery will be temporary and will occur only during the construction period. Impacts will be mitigated by following local noise ordinances (Utah County Code Chapter 12-3) and suspending construction work from 7:00 p.m. to 7:00 a.m. daily.

- *Cultural Resources*

The Fort Field Diversion is eligible for listing to the National Register of Historic Places. The Proposed Action will result in an Adverse Action as defined by the National Historic Preservation Act. Pending consultation with the State Historic Preservation Officer (SHPO), the impact would be mitigated by photo documentation of the structure in accordance with Secretary of the Interior guidelines and the Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER) standards. It is anticipated that mitigation will also include a more programmatic element, in addition to HABS/HAER documentation of the structure, in association with the potential removal of other structures on the lower Provo River. This might include interpretive signing at one or more sites, the details of which will be formulated in consultation with SHPO and agreed upon in a Memorandum of Understanding between the Joint Lead Agencies and SHPO.

FINDING OF NO SIGNIFICANT IMPACT

Based on information contained in the EA and supporting documentation, a Finding of No Significant Impact (FONSI) is made on this action in compliance with the provisions of Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). This action would also not significantly affect the quality of the human environment, within the meaning of Section 102(2)(C) of the National Environment Policy Act, for the following reasons.

1. The environmental impacts of this action are not considered significant.
2. Public health and safety are minimally affected by this action.
3. There would be less than 0.1 acres of temporary wetland impacts resulting from the project, not a significant impact.
4. None of the identified environmental effects are considered highly controversial.
5. None of the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The action sets no precedent or decision in principle about other actions which could pose significant environmental effects.
7. This action is related to the potential future action of additional diversion structure reconstruction in the drainage. The impacts of such an action have been evaluated and are not significant.
8. The Joint Lead Agencies have consulted with SHPO in accordance with Section 106 of the National Historic Preservation Act. Cultural resource adverse impacts will be mitigated through HABS/HAER recordation and photo documentation. Additional mitigation measures will be considered at a more programmatic level if other lower Provo River diversions are removed.
9. Consultation with the U.S. Fish and Wildlife Service on the presence of threatened or endangered species (for purposes of the Endangered Species Act) indicated that this action is not likely to adversely affect threatened, endangered or candidate species. The underlying need for the project is to benefit June sucker, an Endangered Species, by reconstructing the Fort Field diversion so it is not a barrier to fish migration, particularly upstream migration to June sucker spawning areas.
10. This action is in compliance with Executive Order 11986 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), and the Fish and Wildlife Coordination Act.

11. This action would not threaten any violations of applicable laws or requirements imposed for protection of the environment.

PUBLIC INVOLVEMENT

The Commission, District and Department conducted formal scoping in February, 2006 to determine the relevant issues and the scope of analysis to be incorporated in the Draft EA. The Draft EA underwent a 30-day review period, from September 15, 2007 through October 15, 2007. The draft document was sent directly to 38 Federal, State and Tribal agencies, local governments, organizations, irrigation companies, and individuals. In response to the public review period, the Commission and Division received four letters commenting on the EA, from State of Utah, and the City of Provo. The Final EA has been modified to respond to their comments.

This Decision Notice and FONSI, will be sent to all respondents, as well as all interested parties, Federal, Tribal, State, and local agencies that received the Draft EA.

CONCLUSION

The Proposed Action is the preferred alternative. The preferred alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). The preferred alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur are negligible and can be generally eliminated with mitigation. There are no unmitigated adverse impacts on public health or safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, cumulative effects, or elements of precedence were identified that have not been mitigated. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

IMPLEMENTATION

Fort Field diversion structure reconstruction, as identified in the Proposed Action will be implemented by the Commission in cooperation with the District and Department. Implementation of the project may occur upon signing this FONSI.

FURTHER INFORMATION

Please direct questions on the EA or FONSI to Maureen Wilson, Project Coordinator; Utah Reclamation Mitigation and Conservation Commission; 230 South 500 East, #230, Salt Lake City, Utah 84101 (Phone (801) 524-3166)

Approved: Michael C. Weland
Michael C. Weland, Executive Director
Utah Reclamation Mitigation and Conservation Commission

Date: 3/11/08