

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for
Implementation of Fish and Wildlife Mitigation Features
Uinta Basin Replacement Project

Utah Reclamation Mitigation and Conservation Commission

BACKGROUND

The Uinta Basin Replacement Project is a feature of the Bonneville Unit of the Central Utah Project, authorized by Section 203 of the Central Utah Project Completion Act (CUPCA; Titles II through VI of P.L. 102-575, as amended). The U.S. Department of the Interior – Central Utah Project (CUP) Completion Act Office, and the Central Utah Water Conservancy District documented the environmental effects of constructing the Uinta Basin Replacement Project in a 2001 environmental assessment (EA). The Draft EA was developed with public input and the Final EA refined based upon public comment. The U.S. Department of the Interior – CUP Completion Act Office issued a Finding of No Significant Impact (FONSI) on October 19, 2001. The Lake Fork alternative was selected for implementation and will be constructed near Upalco, Utah. The project will affect resources in the upper Lake Fork and Yellowstone river drainages.

The Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) identified through its planning process that it would implement measures to mitigate for adverse impacts on fish and wildlife resources associated with the project.¹ The Mitigation Commission has responsibility under Section 301(f)(3) of CUPCA for those actions. It is also the responsibility of the Mitigation Commission to comply with Federal environmental laws for actions it undertakes including the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

DECISION

It is my decision to adopt the Uinta Basin Replacement Project Final Environmental Assessment which displayed relevant issues regarding the Uinta Basin Replacement Project, developed a reasonable array of alternatives that addressed the issues and analyzed the environmental effects of each alternative.

Additionally, based on that analysis, the Mitigation Commission commits to provide funds to

¹ See the Commission's *Mitigation and Conservation Plan*, May 2002, page 2-13.

implement the following elements of fish and wildlife mitigation or enhancement. My decision is to provide funding to implement portions of the Lake Fork Alternative as follows:

1. Modification of outlet works at Moon Lake Dam and Reservoir to allow for winter-time operation. Such operation is necessary to provide increased instream flows in Lake Fork River downstream of the Moon Lake Dam, to fulfill a project purpose and commitment.
2. Stabilization of 13 high mountain lakes in the Lake Fork and Yellowstone river headwaters (Brown Duck, Kidney, Island and Clements in the Lake Fork drainage; Blucbell, Drift, Five Point, Superior, Farmers, East Timothy, White Miller, Deer and Water Lily in the Yellowstone drainage).
3. Mitigation for all wetland/wildlife habitat impacts, including those required by the U.S. Army Corps of Engineers Section 404 Permit.

My decision is consistent with the U.S. Department of the Interior – CUP Completion Act Office’s October, 2001 FONSI.

REASON FOR THE DECISION

Modifying the outlet works on Moon Lake Dam, stabilizing the 13 high mountain lakes at elevations at or within five feet of natural elevation, and restoring, creating or replacing wetlands and wildlife habitats impacted by the construction and operation of the Lake Fork Alternative, Uinta Basin Replacement Project 1) meet the Commission’s objective of implementing the Uinta Basin Replacement Project Mitigation program element of its five-year plan; and 2) do so in the least environmentally damaging manner. Of the alternatives analyzed under the EA, the Lake Fork Alternative (which this decision implements as it pertains to fish and wildlife mitigation and enhancement) provides the least environmental damaging alternative and provides the greatest degree of mitigation and enhancement.

PUBLIC INVOLVEMENT

The Central Utah Water Conservancy District and the Department of the Interior – CUP Completion Act Office began formal scoping for this project in August, 2000, following several years of planning for other water development projects (the Upalco Unit and the Uintah Unit of the Central Utah Project) in the Uinta Basin, both of which were subsequently abandoned after Draft Environmental Impact Statements were prepared. The Uinta Basin Replacement Project authorized under CUPCA was reformulated and the Draft EA was made available on February 12, 2001. I find it particularly relevant to this Decision, that the Draft EA included plans to stabilize only four high mountain lakes, those being located in the headwaters of the Lake Fork drainage. Of 59 comment letters received on the Draft EA, 50 letters mentioned the issue of stabilizing the high mountain lakes; 46 letters expressed favor for doing the stabilization; but 43 letters further recommended that consideration be given to stabilizing additional high mountain

lakes in adjacent drainages. Previous planning processes and public documents for the Upalco Unit of the Central Utah Project identified and disclosed the environmental impacts of stabilizing the nine additional high mountain lakes as project features of several Upalco Unit alternatives. The planning for the Upalco Unit was subsequently discontinued, but widespread public support for stabilizing the other nine high mountain lakes is strong. Subsequently, the project was revised to provide for stabilization of the 13 lakes identified previously in this document.

I have reviewed the record for this project and other projects for which planning has been abandoned, and find that the environmental effects of the proposed stabilization of all 13 lakes included in the Lake Fork Alternative were adequately described and assessed.

FINDINGS REQUIRED BY OTHER LAWS

Threatened and Endangered Species The Biological Assessment/Evaluation for the Lake Fork Alternative of the Uinta Basin Replacement Project was confirmed through consultation with the U.S. Fish and Wildlife Service which determined on July 3, 2001 that the project with proposed conservation measures would not affect, or may affect but is not likely to adversely affect, threatened or endangered species or their habitats.

Cultural Resources The Utah State Historic Preservation Office, in a May 18, 2001 letter, acknowledged receipt of the Class III surveys for cultural and historic resources. Mitigation plans for eligible properties will be developed with the Utah State Historic Preservation Office, and will include avoidance or additional recordation in accordance with 36 CFR 800.

Wetland Resources Based on consultation with the Corps of Engineers, a Section 404 permit was issued for the project which identifies a required wetland mitigation plan which will be completed.

FINDING OF NO SIGNIFICANT IMPACT

Based on information contained in the adopted EA and supporting documentation, I find that this action would not significantly affect the quality of the human environment, within the meaning of Section 102(2)(C) of the National Environmental Policy Act for the following reasons:

1. The impacts of this project are not considered to be significant upon the human environment, either to society as a whole or to the affected region, interests and locality;
2. Public health and safety are minimally affected by the proposed action and ensured through mitigation measures during construction activities;
3. There are no unique characteristics such as historic or cultural resources, park land, prime farm lands, wild and scenic rivers, or ecologically critical areas that will be significantly affected following completion of approved mitigation measures, and there will be no net loss of wetlands

as a result of this action;

4. Based on public participation and specialist analysis, the effects on the quality of the human environment are not highly controversial;
5. Based on the effects analysis, there are no effects which may be highly uncertain or involve unique or unknown risks;
6. This action does not set a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration;
7. This action is not related to other actions with individually insignificant but cumulatively significant impacts;
8. Based on the Biological Assessment/Evaluation this action will not likely adversely affect endangered or threatened species or critical habitat;
9. This action does not threaten a violation of Federal, State or local law or requirements for protection of the environment.

For these reasons, preparation of an environmental impact statement is not required.

IMPLEMENTATION DATE

Implementation of this decision may occur immediately upon signing.

FURTHER INFORMATION

Please direct questions on the EA or FONSI to Richard Mingo, Planning Coordinator; Utah Reclamation Mitigation and Conservation Commission; 102 West 500 South, Suite #315; Salt Lake City, Utah 84101 (Phone 524-3146).

Recommended by:


Richard Mingo, Planning Coordinator

Date:

2/23/14

Approved by:


Michael C. Weland, Executive Director

Date:

2/23/14