



United States Department of the Interior



BUREAU OF RECLAMATION

Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317

IN REPLY REFER TO:

PRO-770
ENV-6.00

JUN 13 2006

To Interested Persons, Organizations, and Agencies

Subject: Finding of No Significant Impact for the Water 2025 Project, Replacement of a Portion of Oaks Park Canal by Ashley Valley Reservoir Company

Enclosed for your information is the Finding of No Significant Impact (FONSI) for the use of Water 2025 program funds for the replacement of a portion of the Oaks Park Canal by the Ashley Valley Reservoir Company, Vernal, Utah.

This project was approved for funding under the Water 2025 program subject to compliance with the National Environmental Policy Act (NEPA). Because the project required action by the United States Department of Agriculture Forest Service (USDA Forest Service), the Vernal Ranger District, Ashley National Forest prepared an Environmental Assessment (EA) and made it available for public review and comment on March 13, 2006. Page 8 of that EA referenced Reclamation's intent to adopt the EA to fulfill Reclamation's NEPA compliance requirements in accordance with the Department of the Interior's Departmental Manual, 516 DM 3.6. The enclosed FONSI is based primarily upon the findings in the USDA Forest Service's EA.

If you have any questions, please contact Ms. Beverley Heffernan at 801-379-1161.

Sincerely,

BRUCE C. BARRETT

Bruce C. Barrett
Area Manager

Enclosure

bc: 84-55000 (Theresa Taylor)
UC-720 and UC-140
PRO-700, PRO-770, and PRO-711
(w/encl to each)

WBR:BHeffernan:landra:6/7/06:x1161:770/FONSI Transmittal.doc
Identical Letters Sent To: See Attached Mailing List

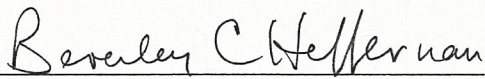
PRO-FONSI-06-002

FINDING OF NO SIGNIFICANT IMPACT

Water 2025
Replacement of a Portion of Oaks Park Canal
Ashley Valley Reservoir Company
Vernal, Utah

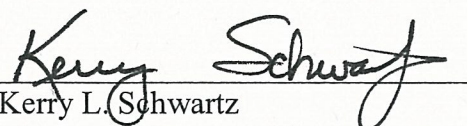
United States Department of the Interior
Bureau of Reclamation
Upper Colorado Region
Provo Area Office
Provo, Utah

Recommended by:


Beverley C. Heffernan
Chief, Environmental Group

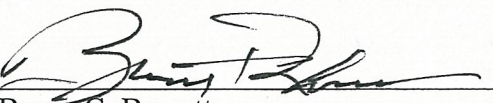
6/8/06
Date

Concur:


Kerry L. Schwartz
Manager, Water and Environmental
Resources Division

6/8/06
Date

Approved by:


Bruce C. Barrett
Area Manager, Provo Area Office

6/9/06
Date

Background

In Fiscal Year 2005, a Water 2025 Program Grant was awarded by the Bureau of Reclamation (Reclamation) to the Ashley Valley Reservoir Company of Vernal, Utah, to replace approximately 30,000 feet (5¾ miles) of the existing Oaks Park Canal with polyethylene pipe. The canal is located within the Vernal Ranger District, Ashley National Forest, approximately 10 miles west of Highway 191 at T 1S, R20E Sections 13, 24, 25, 26; T 1 S, R21E Sections 30 and 31; and T 2S, R20E Sections 1 and 12.

The proposed Water 2025 project would require modification of the Ashley Valley Reservoir Company's special use permit by the United States Department of Agriculture, Forest Service, Ashley National Forest, Vernal Ranger District (USDA Forest Service). Accordingly, the USDA Forest Service prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA). This EA was completed, and a Decision Notice (DN) and Finding of No Significant Impact (FONSI) were signed by the USDA Forest Service on May 19, 2006.

Reclamation must also fulfill its NEPA compliance responsibilities pertaining to the proposed Federal action of whether to issue funding for the Oaks Park Canal project under the Water 2025 Program. Rather than complete a separate and duplicative NEPA compliance document for this proposed action, Reclamation has determined that it is appropriate to adopt the USDA Forest Service's March 2006 EA.

Adoption of Environmental Assessment

Part 516 of the Department of the Interior's Departmental Manual (DM) pertains to National Environmental Policy Act (NEPA) compliance. 516 DM 3.6 states that an EA prepared by another agency may be adopted if, upon independent evaluation by the responsible official, it is found to comply with the DM and relevant provisions of the Council on Environmental Quality (CEQ) National Environmental Policy Act implementing regulations, 40 CFR 1500-1508.

The EA, published by the USDA Forest Service for public review and comment on March 13, 2006, stated on page 8 that Reclamation might adopt the EA for its decision whether to provide Water 2025 program funding for the Ashley Valley Reservoir Company's project. Reclamation has reviewed the EA, comments received on the EA, and the USDA Forest Service's DN and FONSI and have determined that the EA fully meets the purpose and need of Reclamation's proposed action, is substantively complete, and comments received on the EA were fully considered by the USDA Forest Service in preparing their final

decision. Accordingly, Reclamation has adopted the USDA Forest Service's EA and is issuing this FONSI based upon the information in that EA.

Indian Trust Assets

Indian trust assets are legal interests in property held in trust by the United States for Federally recognized Indian tribes or individual tribal members. Examples of things that may be trust assets are lands, mineral rights, hunting, fishing, or traditional gathering rights, and water rights. The United States, including all of its bureaus and agencies has a fiduciary responsibility to protect and maintain rights reserved by or granted to Indian tribes or individual tribal members by treaties, statutes, and Executive Orders, which are sometimes further interpreted through court decisions and regulations. In addition, this trust responsibility requires Reclamation as a bureau within the Department of the Interior to take all actions reasonably necessary to protect trust assets in accordance with the Secretary of the Interior's Principles for Managing Indian Trust Assets in 303 DM 2 and Secretarial Orders 3049 and 3215. Implementation of the proposed action would have no effect on Indian trust assets. Tribal consultation for the Oaks Park Canal project was undertaken by the USDA Forest Service with the Ute tribe as described in the EA. No concerns regarding Indian trust assets were communicated by the tribe.

Finding

The Bureau of Reclamation has determined that providing a Water 2025 grant to the Ashley Valley Reservoir Company to replace a portion of the Oaks Park Canal, as described in the USDA Forest Service's March 13, 2006 EA, 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 public comments received on the EA as well as the USDA Forest Service's DN and FONSI as described above. 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 its proposed action to provide Water 2025 funding to replace a portion of the Oaks Park Canal as described in the above referenced 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.

2. The environmental effects of the proposed action are neither controversial nor do they involve unique or unknown risks.
3. The proposed action may affect, but is not likely to adversely affect, the Canada lynx, and will have no effect on other species either currently listed or proposed for listing as candidate, endangered or threatened species, and will not affect designated critical habitat for these species.
4. The proposed action does not threaten to violate a Federal, State or local law or requirements imposed for protection of the environment.

Reclamation has analyzed the environmental effects, public comments, and the alternatives in detail. Reclamation believes that its proposed action to provide Water 2025 funding best meets the purpose and need described in the EA.

Public Involvement

The USDA Forest Service sent the EA to the interested public on March 13, 2006 for review and comment. Page 8 of the EA referenced Reclamation's intent to adopt the EA for its own NEPA compliance needs. The USDA Forest Service received three comment letters of which one provided comments on the EA. The USDA Forest Service addressed those comments in documentation accompanying the May 19, 2006 DN and FONSI. Reclamation's FONSI, when signed, will be distributed to those known to have an interest in Reclamation's proposed action.

Summary of Environmental Impacts

The expected environmental impacts of the proposed action are described in Chapter 3 of the EA, and are summarized in Table 1, Comparison of Alternatives, on pages 13-15 of the EA. No potentially significant impacts were identified either for any particular resource or cumulatively.

Environmental Commitments

Reclamation has reviewed the project description, design elements and monitoring requirements contained in the USDA Forest Service's May 19, 2006 DN and FONSI. Reclamation has also reviewed the project description, design elements and mitigation measures described on pages 9-12 of the EA. Reclamation believes that so long as these designs and conditions are followed in accordance with the USDA Forest Service special use permit, no additional environmental commitments are required.