

FINDING OF NO SIGNIFICANT IMPACT

Final Environmental Assessment Amendment to State Parks Section 6 Grant Agreement and Associated Ivins City Detention Basin Construction Project in Washington County, Utah

The U.S. Fish and Wildlife Service (Service) has prepared this document in accordance with the procedures for compliance with the National Environmental Policy Act as it applies to the Federal Aid in Fish and Wildlife Restoration Acts (64 Stat. 430; 16 U.S.C. Sec. 777 et. seq. and 50 State 916; 16 U.S.C. Sec. 669 et. seq.).

The Utah Division of State Parks and Recreation (Division), the Service, and Ivins City Environmental Consultants (JBR Environmental, Inc) prepared an Environmental Assessment (EA) entitled *Amendment to State Parks Section 6 Grant Agreement and Associated Ivins City Detention Basin Construction Project* (Attached). In the EA, the Service analyzed the potential impact of a proposal by the Division to grant an 835-foot by 12-foot right-of-way (ROW) easement across Snow Canyon State Park property for construction of a gravel access road. The proposed ROW requires the Service to approve an amendment to the Washington County Habitat Conservation Plan Land Acquisition grant for the purchase of land for the desert tortoise under the Section 6 Endangered Species Act.

In 1999, Utah State Parks purchased 52 acres for the conservation and recovery of Mojave desert tortoise using grant funds from Section 6 of the Endangered Species Act. This parcel is within the Red Cliffs Desert Reserve (Reserve), which was established in 1996 to conserve land in perpetuity for Mojave desert tortoise. The Reserve was established to offset the development and “incidental take” of the desert tortoise allowed in Washington County under the “Habitat Conservation Plan, Washington County, Utah, 1995.”

The preferred alternative, Alternative A will allow an 835-foot by 12-foot ROW easement across Snow Canyon State Park property for construction of a gravel access road. The quarter acre ROW easement will allow access to land-locked private property for the construction of a detention dam that will address local flooding from significant rain events. Project construction will occur in two phases, to be completed over two consecutive desert tortoise “inactive windows” in 2008 and 2009. After the detention dam is completed, the access road will continue to be used for periodic maintenance and will not be open for public use.

Three additional alternatives were evaluated:

Under Alternative “B” the access road would be 650-feet long, and at least 12-feet wide with a gravel base. Unlike the access road under the Preferred Alternative, this road would require crossing and piping of three natural washes, and fill may be required to provide a flatter driving surface to support heavy equipment. Alternative B would also require more involved construction for access because the area of disturbance is more densely vegetated and spans more natural land contours than access through the existing wash under Alternative A.

Under Alternative C the access road to the site would occur within the wash, via an existing dirt road on Tuacahn property. But the Alternative C dam location would require more extensive downstream culvert modifications compared to the Preferred Alternative.

Under the “No Action” alternative, Alternative D, an easement would not be granted, dam construction would not take place and localized flooding during significant rain events would continue to occur causing potential property damage.

Public comments were submitted during initial development of the plan for the detention dam and are included in Appendix C of the EA. The EA was released for a 15-day public review period via a statewide news release and was also available on Service’s Region 6 website. The comment period ended on December 27, 2007 and no comments were received. The FONSI will be made available to the public through a statewide public news release and will be posted on the Service’s Region 6 website.

All project related activities will only occur during the desert tortoise inactive window. To ensure that tortoises in their winter burrows will not be adversely impacted, an authorized desert tortoise biologist will scope and clear all burrows in the planned access route prior to equipment access as addressed in the Utilities Development Protocol (Appendix F of the EA). To minimize the potential project impacts, the area behind the dam (the basin) will be left undisturbed. Only in flood events will the basin temporarily fill with water (less than 24 hour inundation), resulting in minimal impacts to desert tortoise habitat. The authorized desert tortoise biologist will line access routes and construction areas with silt fencing to clearly indicate where project disturbance is permitted. All project employees working within the project area will receive desert tortoise informative training from a qualified desert tortoise biologist. Once disturbance is completed, the City of Ivins will actively restore any disturbed areas according to the *Restoration/Reclamation Standards for the Red Cliffs Desert Reserve* and the guidelines in the Biological Opinion for this project (See Appendix B of the EA). The Restoration and Rehabilitation Plan must be approved by the Service’s Utah Ecological Service Office prior to the initiation of the second segment of construction (dam construction).

The Service’s Utah Ecological Services Office reviewed the listed species, Mojave desert tortoise, and its designated critical habitat and issued a Section 7 Biological Opinion on December 4, 2007. The Biological Opinion contains a determination of may affect, likely to adversely affect/no adverse modification based on adherence to Terms and Conditions of the Incidental Take Statement which will reduce the likelihood of “take” of desert tortoise.

Based on review of the EA, I have determined that the Proposed Action is not a major Federal action that would significantly affect the quality of the human environment within the meaning of Section 102 (2) (c) of the National Environmental Policy Act of 1969. Consequently an Environmental Impact Statement will not be prepared.

APPROVAL

Mike Stempel (acting)

1/4/08

Regional Director, U.S. Fish and Wildlife Service, Region 6

Date