

# **DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**

## **Warm-Water Interim Hatchery Facility**

Cache County, Utah; Utah County, Utah

### **INTRODUCTION**

On September 24, 2003 the Utah Reclamation Mitigation and Conservation Commission (Commission) and the Utah Division of Wildlife Resources (Division) released an Environmental Assessment (EA) evaluating the construction and operation of an interim warm-water fish hatchery for the production of stockable June sucker (*Chasmistes liorus*), a Federally endangered species. If approved for implementation, the Division would operate the Interim Facility. The EA considers two potential sites for the Interim Facility: the first site is on approximately 2.4 acres of Utah State land managed by the Division at Goshen Warm Springs in the City of Genola, Utah County, Utah (Goshen Warm Springs Alternative); and the second site is on approximately 0.1 acre of Utah State land operated as the Fisheries Experiment Station (FES) in Logan, Utah (FES Alternative).

June sucker broodstock production, egg incubation, and rearing of fish to a 2-inch size will continue to occur at existing facilities at the FES in Logan, Utah. These fish would then be transferred to the proposed Interim Facility (either at FES or at Goshen Warm Springs) for grow out. The capacity of the Interim Facility would be an annual production of approximately 36,000, 8.5-inch stockable June sucker (adequate size to reduce predation concerns), which is equivalent to approximately 10,000 pounds.

### **PURPOSE AND NEED**

The June sucker, a fish endemic to Utah Lake that spawns in the Provo River, is a species that is targeted for recovery. The U.S. Fish and Wildlife Service (USFWS) listed the species as federally endangered in 1986 with critical habitat. At that time there was an estimated wild population of less than 1,000 individuals, and the June sucker population has continued to decline. In 1999 the USFWS adopted a June Sucker Recovery Plan with a stated goal to prevent the extinction of the species and eventually remove the fish from the endangered species list.

According to the June Sucker Recovery Plan, natural recruitment of June sucker is currently insufficient to ensure the long-term survival of the species (USFWS 1999). The June Sucker Recovery Plan included hatchery production of June Sucker to augment the population while habitat limitation, nonnative species impacts, and other threats are addressed. The 1998 Fish Hatchery Production Plan developed by the Commission and the Division, as required by CUPCA, identified an immediate need for June sucker production. The 1998 Fish Hatchery Production Plan included long-term (years 2000 to 2025) production levels for June sucker. In order to offset a further decline in June sucker numbers until the permanent Production Facility could be planned and constructed, the Interim Facility is proposed for immediate construction and operation. It is estimated that the Interim Facility could be put into production approximately 1 year from start of

construction, while the Production Facility could take 5 to 8 years to be operational. Consequently, the 1998 Fish Hatchery Production Plan identified the need to develop an Interim Facility to jump-start the rearing of June sucker. Now, in 2003, the Production Facility full buildout is still 3 to 5 years away. Therefore, the Interim Facility is still needed.

## **DECISIONS TO BE MADE**

After a thorough analysis of the Alternative Actions, the decisions to be made are:

1. Whether to construct and operate an interim warm-water production facility for June sucker; and if so
2. Whether to construct the interim warm-water production facility at Goshen Warm Springs in Utah County or at the FES in Cache County, Utah.

## **THE DECISION**

After careful review of impacts to affected resources and examination of public comments, the Commission and the Division have selected the preferred alternative (FES Alternative) for implementation. Analyses of both of the action alternatives did not result in the identification of significant impacts. The FES Alternative does not pose the concern with selenium in the water supply and potential risks to reared June sucker that may occur at Goshen Warm Springs. The higher water temperature associated with the FES Alternative would optimize June sucker growth (potentially allowing grow-out to desired stocking size after one full rearing seasonBapproximately one calendar yearB compared to two rearing seasons or approximately 1.5 years for the Goshen Warm Springs Alternative) and increase rearing success. Because of the shorter rearing time associated with the FES Alternative, fish production could be as much as twice that of the Goshen Warm Springs Alternative. Additionally, the FES is an established facility with existing infrastructure, site security, and onsite expertise in raising fish. The FES Alternative was identified in the EA as the Agency Preferred Alternative. No public or agency comments or objections were received on the acceptability of the FES Alternative as the preferred alternative.

The FES Alternative is to construct the Interim Facility at the existing fish hatchery (existing facility) in Logan, Utah, on approximately 0.1 acre of State-owned land. The FES site is a substantially smaller area than the 2.4 acres proposed for the Goshen Warm Springs Alternative, primarily because the existing parking and driveway at FES will be utilized. The FES is managed by the Division and is currently rearing June sucker for use as broodstock. The facility will be an approximately 4,200 square-foot addition to an existing building, allowing space for fish tanks as well as the equipment necessary for water recirculation and heating, and will have an annual production capacity of 36,000 stockable June sucker at 8.5 inches in length. Because of lower water temperatures than optimum in the FES water supply, water will be recirculated and heated to approximately 75 degrees Fahrenheit to improve June sucker growth. Water at this temperature could allow June sucker to be reared to the desired stocking size in one full rearing season (about one calendar year), although the design of the facility will be flexible to take advantage of any future changes in June sucker rearing protocol (i.e., to a different stocking size). The building addition will be located to avoid an area with wetland vegetation currently onsite.

Water for the Interim Facility would be supplied via a separate system from the rest of the existing FES facility. The existing facility draws water from artesian wells and discharges into Swift Slough immediately to the north. The FES Alternative will not include the withdrawal of any additional well water, but will utilize a recirculating water system. This recirculation system and improvements in the efficiency of the trout raceways at the existing facility will enable additional June sucker to be reared without additional water withdrawals. Since the facility will be a recirculating system, discharging only 5 to 10 percent of water daily, discharge from the Interim Facility (from fish production and domestic facilities in the building) will be into a septic tank/leachfield system rather than into Swift Slough. Water quality at the FES has proven sufficient for rearing several fish species, including June sucker; there are no known constituents in the water supply that raise concern for bioaccumulation or pose potential fish-rearing feasibility issues.

Two staff members will likely be hired to operate the Interim Facility and care for fish at FES.

### **Management, Mitigation, and Monitoring Requirements for the Preferred Alternative**

- § Use accepted best management practices for controlling erosion and sedimentation from stormwater runoff; address runoff from roads and parking lots.
- § Install the septic system according to Bear River Health Department protocols to ensure it functions properly according to the onsite soil and groundwater conditions.
- § Properly install and periodically maintain and pump out the installed septic system.
- § Inspect and treat fish for parasites to ensure that they are disease and prohibited-pathogen free prior to leaving the Interim Facility.
- § Maintain a State of Utah fish health certification to help prevent disease spread. Obtain certification before stocking fish in Utah Lake.
- § Control noxious and invading weeds on the site.
- § Plant appropriate vegetation that provides for erosion control and water conservation following construction.
- § Consult with the SHPO to ensure that any unknown historic, archaeological, or paleontological resources can be identified and avoided.
- § Require all contractors involved in construction activities to immediately halt any operations in the area and notify the SHPO and UGS if a possible archaeological site or vertebrate fossil is unearthed. After such notification, the Division will coordinate with SHPO and UGS to determine the appropriate procedures to protect any important find.
- § Construct the new facility building in neutral colors so it does not visually dominate the landscape.

## **REASONS FOR THE DECISION**

The Commission and the Division have selected the FES Alternative for implementation, because no significant impacts will be created, and because the FES Alternative provides the best opportunity to meet interim production needs for June sucker while maintaining cost efficiency. The action, along with identified requisite mitigation, is consistent with Commission and Division policies and other laws and regulations.

Information derived from public involvement, including that from other agencies, was considered and factored into the decision. Since the preferred alternative, as mitigated, will not cause unacceptable impacts, or create unsafe or unhealthful conditions, it is appropriate to approve the action considering governing laws and policies.

Additional security will not have to be provided, as at Goshen Warm Springs, because of existing coverage at the FES. The FES Alternative would be substantially less expensive to construct and operate than the Goshen Warm Springs Alternative, because of the existing infrastructure (parking, utilities, etc.) and proximity to the existing June sucker brood stock production at FES.

## **ALTERNATIVES CONSIDERED**

One practicable alternative to the FES Alternative was identified and considered in detail in the EA: the Goshen Warm Springs Alternative. The Goshen Warm Springs Alternative would build an Interim Facility at the site of Goshen Warm Springs in the southern part of the City of Genola, Utah County along the south-flowing canal irrigation canal that originates in the southern springs of Goshen Warm Springs. The alternative facility would be constructed on approximately 2.4 acres of land owned by the State of Utah and currently managed by the Division as part of the Goshen Springs Wildlife Management Area. This alternative would consist of a small (approximately 40 foot x 70 foot) metal building on a concrete foundation and slab. The building would house tanks for rearing and holding June sucker. Electrical service would need to be provided along with an access road into the Interim Facility. Access would be via an improved, gravel-surface, one-lane road, approaching the Interim Facility from either the north or the south, whichever would be deemed less impactful and most feasible; access from the south would require an easement across private property. Currently, access is available from both the north and the south via an unimproved road. The Goshen Warm Springs Alternative would improve one of these roads and increase the road width by 10 feet at most. A small gravel parking lot at the building site would provide parking for up to six vehicles.

Water for Goshen Warm Springs Alternative operations would be pumped from a small side spring discharge channel that is a tributary to the main south-flowing canal. The entire 2.7-cubic-foot-per-second (cfs) flow within this tributary would likely be pumped for Interim Facility operations. As this is a flow-through facility, water would be returned to the main canal approximately 400 feet downstream from the side channel via a gravity-feed return line. The facility would siphon solids from fish rearing tanks and allow the solids to decompose in a holding tank that would be pumped out periodically for disposal offsite. Liquid exiting this vault would be combined with the full flow from the Interim Facility. A portion of the diverted water would be allocated to domestic uses (i.e.,

toilet facilities) in the Interim Facility, which would be treated through the use of a septic system.

## **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The Environmentally Preferred Alternative is the FES Alternative. As described in Chapter 4 of the EA, the FES Alternative has less overall associated environmental impacts than the Goshen Warm Springs Alternative, although no significant potential impacts were identified for either alternative. Primarily, the FES Alternative would be sited on Utah State lands currently developed for aquaculture operations. The FES Alternative would require less land conversion and development, would result in no surface water quality impacts, and would result in no direct wetland impacts.

## **FINDING OF NO SIGNIFICANT IMPACT**

As defined in 40 CFR ' 1508.27, significance is determined by examining the following criteria.

### **Impacts that may be both beneficial and adverse**

Beneficial impacts to the June sucker, a Federally listed endangered species, would accrue through enhancing the opportunities to recover this species.

No effects to air quality, wilderness, floodplains, wetlands, farmlands, historic structures, archaeological resources, ethnographic resources, or paleontological resources were identified for the preferred alternative.

### **Degree of effect on public health or safety**

This project decision will have no effect on public health or safety. Implementing the decision will not create hazardous conditions affecting public health.

### **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical area**

As described in the EA, the preferred alternative is not on, nor will it adversely affect park lands, prime farmlands, wetlands, or wild and scenic rivers. No cultural resources, including archeological resources, ethnographic resources, historic structures, cultural landscapes, or museum collections, will be affected. No unique characteristics occur in the immediate project area.

### **Degree to which effects on the quality of the human environment are likely to be highly controversial**

No comments, concerns, or issues relating to the FES Alternative were presented by the general public during public scoping or during the public review and comment period held for the EA. No controversy has been raised.

### **Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks**

Construction of the Interim Warm-Water Production Facility at FES will not result in highly uncertain risks or involve unique or unknown risks. The short-term and long-term benefit to the

June sucker recovery does not involve unique or unknown risks. Management measures will minimize any risk of transmitting any disease or parasites from the facility to the stocking locale. The hygienic and prophylactic management measures have been proven effective.

**Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration**

This is an action that can be carried out independently and does not set a precedent for future actions. Nothing described in the preferred alternative commits the Commission or the Division to other actions with significant impacts.

**Whether the action is related to other actions with individually insignificant but cumulatively significant impacts**

Unavoidable impacts of the preferred alternative identified in the EA were limited to very negligible effects to 0.1 acre of long-term soil loss. The Interim Production Facility at FES incrementally adds to the continuing development within an area of Logan City zoned Commercial General. Incremental increases would occur to loss of soil resources and an additional 0.1 acre of impervious cover susceptible to run-off. No incremental changes would result in a cumulative significant impact. The EA describes cumulative impacts to each impact topic.

**Degree to which the action may adversely affect items listed or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources**

Based on a site survey, no historic properties will be affected by this project. Consultation with the SHPO ensured that the decision meets the requirement of the National Historic Preservation Act. On February 25, 2004, the SHPO concurred that the preferred alternative has no adverse effect on any historic properties.

**Degree to which the action may adversely affect an endangered or threatened species or its critical habitat**

On February 17, 2004, the U.S. Fish and Wildlife Service concurred with the Commission that the preferred alternative has no adverse effect on any federally listed threatened or endangered species.

**Whether the action threatens a violation of Federal, State or local environmental protection law**

The preferred action does not threaten violation of any Federal, State, or local environmental protection laws.

**Indian Trust Assets**

In addition to reviewing the list of significance criteria, the Commission and Division have determined that implementation of the preferred alternative will not adversely affect any known Indian Trust Asset, and will be consistent with the Department of the Interior's trust responsibilities.

**Environmental Justice**

In accordance with Executive Order 12898, there are no minority or low income populations disproportionately negatively affected by the preferred action.

## **PUBLIC INVOLVEMENT**

The Commission and Division conducted formal scoping to determine the relevant issues and the scope of analysis to be incorporated in the EA. A newsletter distributed in June 2002 notified recipients about the preparation of an Environmental Assessment (EA) and was sent to interested members of the public as well as Federal, State, and local agencies. As part of this newsletter, comments and concerns pertinent to the Goshen Warm Springs Alternative were solicited from those recipients. Another newsletter was sent in April 2003 notifying recipients of the inclusion of the Fisheries Experiment Station (FES) in Logan as a feasible alternative for inclusion in this EA.

In addition to the initial scoping process specifically regarding the Warm-water Interim Hatchery Facility at Goshen Warm Springs, further contacts, coordination, and consultation were made with the appropriate representatives of Federal, State, and local government agencies to complete a thorough analysis for this EA and to keep all parties informed of the Interim Hatchery Project and its status. Following identification of the FES Alternative, scoping letters were sent requesting Federal, State, and local agency input. Additionally, scoping letters were sent to potentially interested Native American groups requesting comments.

The EA underwent a 30-day review period, from September 24, 2003 through October 24, 2003. Notice of Availability was published on September 24 and 28, 2003, in *The Salt Lake Tribune*, the State newspaper of general circulation. The draft document was sent directly to 24 Federal, State and Tribal agencies, local governments, organizations, irrigation companies, and universities. In addition, a Notice of Availability was sent to all other pertinent and appropriate Federal, Tribal, State, and local agencies and governments as well as those individuals that have previously expressed interest in the project. The document was available for public review at the local Santaquin Public Library, Santaquin, Utah, at the Division offices in Salt Lake City, Utah, and at BIO-WEST, Inc. offices in Logan, Utah.

In response to the public review period, the Commission and Division received six letters commenting on the EA. All six letters came from current water users at Goshen Warm Springs (stock owners of the Warm Springs Irrigation and Power Company). These letters all expressed the same general comment, for unspecified reasons, that the Goshen Warm Springs Alternative would be detrimental to their water system, and that the FES Alternative was a better choice. No comment letters were received from a Federal, State, or local government agency.

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 Notice of Availability of the EA.

## **CONCLUSION**

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.

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Date