

**UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION,**

**AND**

**U.S. DEPARTMENT OF THE INTERIOR:  
CENTRAL UTAH PROJECT COMPLETION ACT OFFICE,  
AND,  
BUREAU OF RECLAMATION – PROVO AREA OFFICE**

**Finding of No Significant Impact**

**Bonneville Unit Wildlife and Aquatic Mitigation  
Land Transfer - September 2020**

**MARK HOLDEN** Digitally signed by MARK  
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Mark Holden  
Executive Director  
Utah Reclamation Mitigation and Conservation Commission

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Reed Murray  
Program Director  
Central Utah Project Completion Act Office

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UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION,  
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## DECISION

Upon review of the Environmental Assessment (EA) and in careful consideration of public comment and in coordination with interested partners, the Utah Reclamation Mitigation and Conservation Commission, U.S. Department of the Interior – Central Utah Project Completion Act Office, and Bureau of Reclamation – Provo Area Office acting as Joint Lead Agencies have selected the Proposed Action, Land Transfer to the State of Utah, Division of Wildlife Resources (hereafter referred to as the Selected Alternative). Under the Selected Alternative, the United States, through the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) and the U.S. Bureau of Reclamation (Reclamation) would convey ownership of approximately 16,538 acres of land and appurtenant water rights to the State of Utah, Division of Wildlife Resources (UDWR). UDWR would manage in perpetuity these lands, subject to protective restrictions to be incorporated in the conveyance deed. All acreages described in this document are approximate. The actual acreage transferred to the UDWR will depend on recorded deeds.

## BACKGROUND

The Central Utah Project (CUP) was authorized as a participating project under the Colorado River Storage Project Act (CRSPA). Reclamation was responsible for implementation of the CUP until passage of the Central Utah Project Completion Act, P.L. 102-575 (CUPCA) in 1992, which amended CRSPA. The Mitigation Commission is a federal agency established by Congress under CUPCA. The Mitigation Commission's mission is to plan, fund and coordinate the environmental mitigation and conservation Programs authorized by CUPCA. CUPCA also authorized the Secretary of the Interior through the CUPCA Office to oversee implementation of the CUPCA Program.

The Wildlife Mitigation Plan for the Bonneville Unit of the Central Utah Project (CUP) was adopted by Reclamation in its 1987 Final Supplement to the Final Environmental Statement and its Record of Decision for the Municipal and Industrial System (the '1987 FS/FES'). The Wildlife Mitigation Plan

included several requirements to address CUP-associated impacts to wildlife. The Aquatic Mitigation Plan for CUP's Strawberry Aqueduct and Collection System (SACS) was adopted by Reclamation in 1988.

Section 304 of CUPCA authorized the Mitigation Commission to carry out the mitigation requirements formerly committed to by Reclamation for the Bonneville Unit, in concert with Reclamation and other natural resource agencies. Section 301(h)(7) of CUPCA authorizes the Mitigation Commission to acquire and dispose of personal and real property and water rights, and interests therein, through donation, purchase on a willing seller basis, sale, or lease, but not through direct exercise of the power of eminent domain, in order to carry out the purposes of this Act.

The Mitigation Commission and Reclamation together have acquired lands in Duchesne and Wasatch counties since the 1980s for the purpose of fulfilling CUP wildlife and aquatic mitigation requirements. Several wildlife mitigation properties have previously been transferred to the UDWR and/or the U.S. Forest Service (for those located within the outer boundaries of a National Forest).

The Mitigation Commission and Reclamation are now proposing to transfer ownership of approximately 16,538 acres of lands acquired in the Duchesne River watershed to the State of Utah, Division of Wildlife Resources (UDWR) for ongoing stewardship for fish and wildlife purposes as per the Fish and Wildlife Coordination Act (FWCA) and CUPCA. These lands are shown in Figure 1. Transfer of other remaining Bonneville Unit mitigation lands and easements to the UDWR and/or U.S. Forest Service will be evaluated in the future separately from this Selected Alternative.

## PURPOSE AND NEED FOR THE PROJECT

Water development projects in Strawberry Valley were constructed in the early 1900s. Strawberry Reservoir was constructed as the major feature of the Strawberry Valley Reclamation Project, Utah's first Federal reclamation project. Creation and subsequent enlargement of Strawberry Reservoir and other features of SACS impacted resources by replacing a naturally flowing river system with three permanent reservoirs, inundating large segments of the Strawberry River plus affecting nine other streams. Inundation of thousands of acres of land resulted in habitat loss for numerous wildlife species.

Over the past 30 plus years of CUP development in the Duchesne and Strawberry River drainages, substantial investments in fish and wildlife mitigation and conservation plus related recreational facilities have been made, and numerous opportunities to enjoy fish and wildlife populations have been provided. Significant progress has been made toward improving or restoring fish and wildlife habitats.

The purpose of the proposed land transfer is to fulfill CUP mitigation requirements described in the 1987 and 1988 mitigation plans and CUPCA. The need is to transfer the identified lands acquired for CUP Bonneville Unit aquatic and wildlife mitigation and conservation from federal ownership to the UDWR. The transfer would also satisfy the need to determine long-term management and ownership of these Mitigation Commission-administered properties.

## SELECTED ALTERNATIVE

Under the Selected Alternative (Proposed Action), the United States would convey ownership of approximately 16,538 acres of land, easements, and appurtenant water rights to the State of Utah, UDWR. The transfer of the Federal property to the UDWR would fulfill CUP mitigation requirements described in the 1987 and 1988 mitigation plans and the 1992 General Plan for Use of Project Lands and

Waters for Wildlife Conservation and Management, for the Bonneville Unit of the CUP. The Selected Alternative would meet the need to transfer lands acquired for CUP Bonneville Unit aquatic and wildlife mitigation and conservation from federal ownership to the UDWR. The transfer would also satisfy the need to affirmatively designate ownership and management of specified Mitigation Commission-administered property. Section 301(k) of CUPCA provides "...upon the termination of the Commission ..." for the transfer of "... title to any real and personal properties then held by the Commission ... to the appropriate division within the Department of Natural Resources ..." (emphasis added). Section 301(k) does not prohibit or restrict the Mitigation Commission from transferring title prior to its termination and Section 301(h)(7) specifically authorizes the Commission to acquire and dispose of real and personal property. This would be a positive step toward fulfilling the requirements of both CUPCA and the FWCA, as well as Reclamation's Record of Decision for the M&I System.

## REASON FOR THE DECISION

The Joint Lead Agencies have selected the Proposed Action for implementation because it best addresses the need to transfer the 16,538 acres of federally owned properties consistent with the purposes for which they were acquired, as committed by the FWCA, the Bonneville Unit mitigation plans, and prior Records of Decision for the Bonneville Unit. The UDWR has provided management assistance of the properties since they were acquired by the Mitigation Commission and Reclamation. The UDWR owns property adjacent to many of these parcels and have developed management plans for them. Long term management and ownership of these federally owned properties would be best achieved by the UDWR.

## ADDRESSING THE ISSUES

The proposed action is primarily an administrative action with no anticipated impacts on the environment resulting from the transfer of properties to the State of Utah, UDWR. The environmental effects, public comments and the proposed action were analyzed and found to have no significant impacts to the natural or human environment as summarized below.

### Summary of Impacts

In accordance with NEPA regulations codified in 40 CFR §1502.14, the impacts related to the transfer of Bonneville Unit mitigation parcels were evaluated and disclosed in Chapter 3 of the EA. The resources evaluated and summary of impacts are outlined below.

#### *Wildlife and Plants, Including Endangered Species Act and State Listed Sensitive Species*

The UDWR would continue to manage the Mitigation Commission and Reclamation properties on a permanent basis as they have been and as required by the corresponding agreement and deed restrictions requiring continued management of the lands for the purposes for which they were acquired. Because management goals, objectives, and actions would remain the same, there are no effects on any special status fish or wildlife species (threatened, endangered, and sensitive), migratory birds, or their habitat.

Because management goals, objectives and actions remain the same, there are no effects on any special status plant species (i.e., threatened, endangered, or State sensitive).

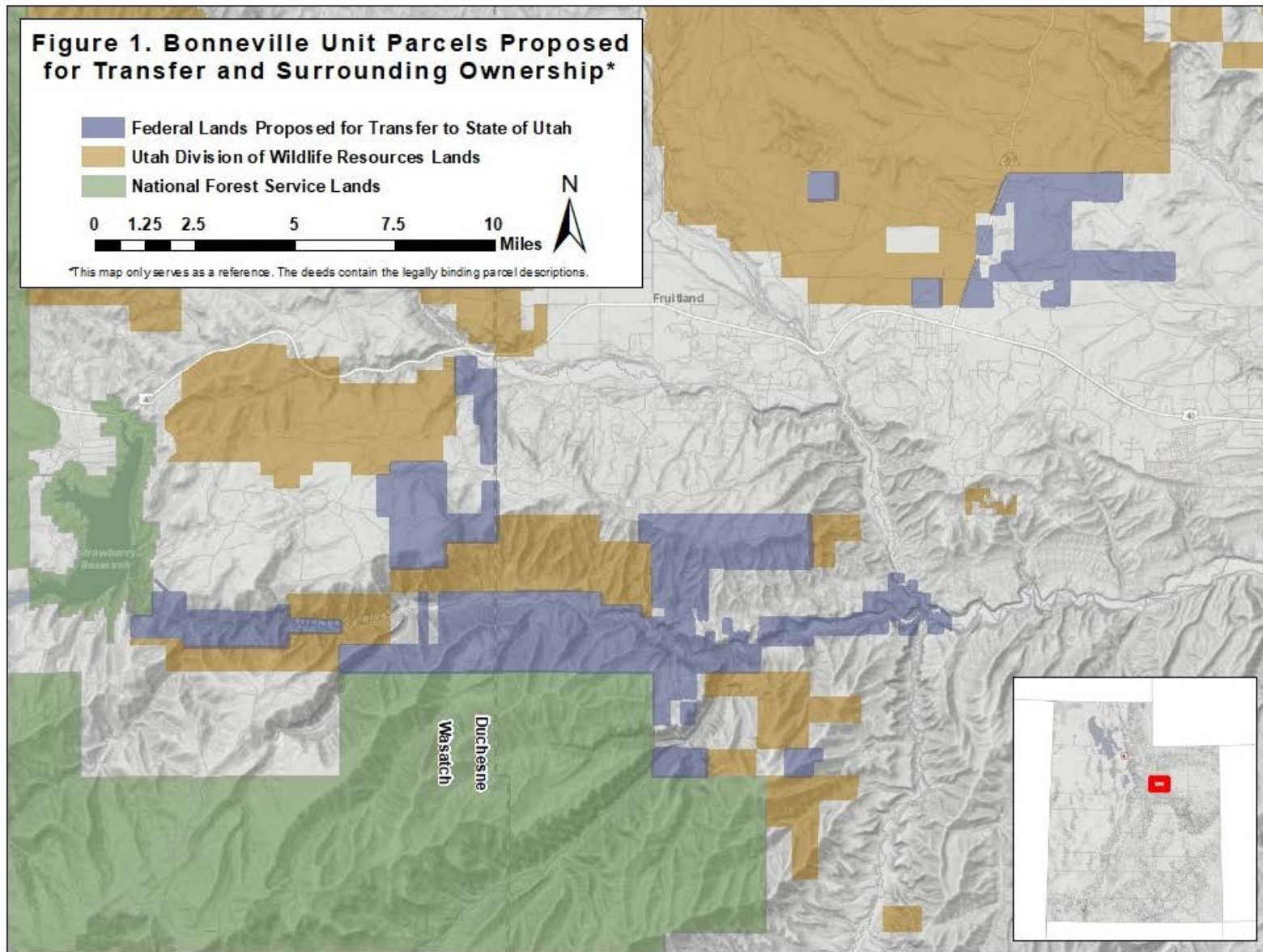


Figure 1. Bonneville Unit proposed transfer parcels and surrounding ownership.

### *Water Resources*

All appurtenant water rights would be transferred with the properties and managed according to the corresponding agreement and deed restrictions that require continued land management for the purposes for which they were acquired. Because management goals, objectives, and actions would remain the same, there would be no effect on nor changes to water resources in the proposed transfer parcels, including water quality, water rights, or Waters of the U.S., including wetlands.

### *Land Uses*

The UDWR would continue to manage the transferred properties in the same way in which they have been under interim management agreement. Because management goals, objectives, and actions would remain the same, there would be no effect on nor changes to the properties due to land use, including livestock grazing, timber harvest and mineral estates.

### *Cultural Resources*

The proposed action would result in No Historic Properties Affected as language would be included in the deeds transferring property out of Federal ownership that would ensure preservation of cultural and historical resources. In addition, future actions would be subject to Utah statutes that ensure long-term preservation of qualifying properties' historical significance. The Mitigation Commission sent a consultation letter to the Utah State Historic Preservation Office (SHPO) at the Utah Division of State History on June 22, 2020 and the SHPO concurred with the agencies' determination of effect in a letter dated June 23, 2020.

### *Indian Trust Assets*

There are known Indian Trust Assets (ITAs) in the project area vicinity consisting of real property, however no ITA concerns were identified by potentially affected tribes during the tribal consultation process, and no impacts are anticipated to the lands. The action is essentially administrative and no change in management is anticipated. Because there are no impacts to ITAs within the project vicinity, implementation of the Proposed Action would have no effect on ITAs.

### *Socioeconomic Impacts*

Counties receive Payments in Lieu of Taxes (PILT) from the United States to help offset the loss of property tax revenues. When federally owned lands are transferred out of federal ownership, they are no longer subject to PILT. Under the Proposed Action, the amount of Federal land subject to PILT would be reduced in Duchesne and Wasatch counties by approximately 11,097 acres and 5,441 acres, respectively. Because Duchesne County's PILT amounts are already being limited under existing conditions, the reduction in lands subject to PILT would not decrease the PILT amount to Duchesne County under the Proposed Action. Wasatch County's PILT amount would not be limited by its population size, therefore the reduction in Federal lands subject to PILT would reduce the county's PILT amount by \$15,354 annually.

The State of Utah appropriates funds from the Mineral Lease Account at \$0.52 per acre of land owned by the UDWR that are not under an in lieu of taxes contract to each county in which those lands are located (Utah Code 59-21-2 §2(j)(i)(A)). Therefore, the transfer of federal lands to the UDWR would increase annual payments to Duchesne and Wasatch counties from the Mineral Lease account by \$5,770 and \$2,829, respectively. The net change in payments to Duchesne and Wasatch counties would be a 0.3

percent (\$5,770) increase for Duchesne County and a 1.0 percent (\$12,525) reduction for Wasatch County.

#### *Cumulative Effects*

The proposed action is essentially an administrative action with no anticipated impacts on the environment resulting from the transfer of properties from the Mitigation Commission and Reclamation to the UDWR. Since no impacts are anticipated as a result of the proposed action, no cumulative effects would occur. The net change in PILT and mineral lease payments in the affected counties would not noticeably affect county budgets on a cumulative basis.

## 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), 11990 (Protection of Wetlands) and 13186 (Protection of Migratory Birds). 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. Wetlands are not expected to be impacted from the project.
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 not related to any potential future action in the area.
8. The Joint Lead Agencies have consulted with SHPO in accordance with Section 106 of the National Historic Preservation Act. No adverse impacts to cultural resources are anticipated.
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 will have no effect on these species.
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

A public scoping notice was issued September 27, 2019. A public scoping meeting was held in Heber City on October 17, 2019. The scoping period extended from October 1 through November 1, 2019. The draft EA was distributed electronically to agencies, organizations, and individuals on the Mitigation Commission mailing list. The draft EA was also posted on the Mitigation Commission website at [www.mitigationcommission.gov](http://www.mitigationcommission.gov). Paper copies of the document could also be obtained from the Mitigation Commission. Public notices were posted in one statewide newspaper and two local newspapers. The Public Draft EA comment period extended from June 2 to July 2, 2020. Comments were received from The Hopi Tribe, the U.S. Forest Service, the Navajo Nation and Duchesne County. All comments are summarized in the table below.

Summary of Comments received and response	
Hopi Tribe: Requested copies of the EA and cultural resource identification and mitigation efforts	Copies of the EA were sent by email and hard copy, including the analysis of no effect on cultural resources by deed restriction and state statute.
Duchesne County: General support for the project and text edits.	The Mitigation Commission appreciates the support and the suggested edits were incorporated in the text.
<p>U.S. Forest Service: The Purpose and Need does not present why there is a need to transfer lands to the State of Utah. Cite the language from the 1987 and 1988 mitigation plans to support the requirement.</p> <p>Explain why the mitigation requirements are not met until lands are transferred to the state of Utah, UDWR. Cite the ACT (CUPCA) in regard to the land transfer.</p> <p>None of the properties are located within the boundary of the Forest Service.</p>	<p>The text was revised to clarify this requirement as stated in the 1987 and 1988 mitigation plans.</p> <p>The transfer of land to UDWR would be made under CUPCA as well as the Fish and Wildlife Coordination Act (FWCA). The text was revised to address the requirements of these two Acts.</p> <p>The Mitigation Commission agrees with your boundary assessment.</p>
Navajo Nation: No Navajo Traditional Cultural Properties were determined to be within the project area.	The Mitigation Commission recognizes and appreciates the determination of the Navajo Nation Heritage and Historic Preservation Department.

## CONCLUSION

The Proposed Action best meets the purpose and need for the project and will not have a significant effect on the human environment. There are no unmitigated adverse impacts, 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 area. Based on the analysis presented in the EA, it has been determined that the Proposed Action would not result in any significant impacts and an EIS is not required for this project.

## IMPLEMENTATION DATE

This action may be implemented at any time upon the signing of this document by the Joint Lead Agencies.

## FURTHER INFORMATION

Please direct questions on the EA or FONSI to Mark Holden, Executive Director; Utah Reclamation Mitigation and Conservation Commission; 230 South 500 East, #230, Salt Lake City, Utah 84101 (Phone (801) 524-3146).

## DECISION

The Mitigation Commission, Reclamation, and CUPCA Office have decided to implement the Proposed Action – to transfer federally-acquired Bonneville Unit wildlife and fisheries mitigation parcels to the State of Utah, Division of Wildlife Resources with deed restrictions to ensure that they continue to be managed for the purposes for which they were acquired.