

Decision Memo

PROJECT NAME: Lower Diamond Fork Restoration

DATE: September 9, 2008

LOCATION OF PROJECT: Diamond Fork Mitigation Lands, Utah County, State of Utah

MAP: See Attached Map

DECISION: It is our decision to proceed with the Lower Diamond Fork Restoration Project as described herein. A Scoping Notice for this project was issued May 9, 2008 and four comment letters were received in response. The Scoping Notice, mailing list, and comment letters are attached.

DESCRIPTION OF PROPOSED ACTION:

The Proposed Action responds to a need to improve aquatic, riparian and wetland habitat on the Diamond Fork Creek system. It is to be located on the section of the Diamond Fork beginning at Highway 6, near the confluence with the Spanish Fork River and extending upstream for approximately 9,000 ft. This section of the creek is considered to have good opportunity for immediate active restoration. Actions also include development of riparian and wetlands habitats and placement of several features along the streambank designed to direct formation of more sinuous river patterns. The proposed features are shown on Figure 1.

Some proposed activities are located on National Forest System lands. The existing stream diversion was damaged by high flows several years ago, and needs to be rebuilt in order to allow water to be diverted from the stream and delivered to the proposed wetlands areas. About 2,000 feet of irrigation ditch may require some clearing and cleaning. Less than 2 acres would be disturbed to create wetland depressions and ponds; and less than 1 acre would be disturbed to create upland enhancements on National Forest System lands.

Proposed Action Elements: The conceptual design for the Proposed Action has a number of elements and sites:

1. *Main Channel:* the main channel of Diamond Fork Creek is responding quickly to the reduction of imported stream flow since 2004. The channel is narrowing and habitat is generally improving within the system, but one area remains extremely wide and straight and shows little sign of moving toward a better distribution of instream habitat diversity. Introduction of coarse woody debris to promote lateral movement of the channel is proposed.
2. *Southeast Meadow:* we propose creating features such as excavated depressions, several small channels and a series of small ponds that would provide wetland habitat improvements.
3. *Groundwater wetlands:* located at the downstream end of the proposed reach, the river is bounded on the north by a large wetland area suited for wetland ponds that are fed by groundwater. These wetlands will be developed by excavating shallow depressions in the historic floodplain surface.

4. *French Drain Components*: also located at the downstream end of the reach, on the southeast side of the stream, there is another opportunity for wetland creation and riparian enhancement.

5. *Ditch System*: this includes rebuilding the irrigation diversion system (located on National Forest System lands) which washed out several years ago during high flows; and rehabilitation of the existing ditch system in the project area to improve riparian vegetation and add turnouts to provide water for upland and wetland improvements.

6. *Temporary Access Routes*: approximately 2,100 ft. of temporary access routes would be constructed to access work sites as shown in Figure 1. Concentrating construction traffic to specified routes reduces soil compaction and improves revegetation success. Temporary access routes will be ripped to reduce soil compaction and reclaimed after the completion of the project. No permanent roads would be constructed.

EVALUATION OF CATEGORICAL EXCLUSIONS:

The project area is located primarily on lands owned by the United States under the administration and jurisdiction of the Bureau of Reclamation and USDA Forest Service. However, some critical activities will also take place on the adjacent Forest System Lands including construction access, staging and replacement of a historic diversion structure. The proposed actions fall within the following listed categorical exclusions:

Mitigation Commission ‘Inter-agency Initiatives’ pertaining to actions where the Commission has concurrence or co-approval with another agency and the action is a categorical exclusion for that agency.

Reclamation “Project Implementation Activities. (3) Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.” Restoration of noncontroversial native species into suitable habitats within their historic range and elimination of exotic species.

Forest Service Category 6 and 7 of the Forest Service Handbook 1909.15, chapter 30, Section 31.2. Category 6 includes wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction (Service level D, FSH 7709.56). Category 7 includes actions that modify or maintain stream or lake aquatic habitat improvement structures using native materials or normal practices. Resource conditions identified in Chapter 30, section 30.3 will be evaluated to determine whether extraordinary circumstances warrant further analysis.

The deciding officials for the Bureau of Reclamation lands are Bruce Barrett, Area Manager for

the Provo Area Office, and Michael Weland, Executive Director of the Utah Reclamation Mitigation and Conservation Commission. Douglas H. Jones, Spanish Fork District Ranger, is the deciding official for the Uinta-Wasatch-Cache National Forest.

Relevance: The proposed action fits within the listed categories for each respective agency participating in the project. The project will restore and enhance unacceptable environmental conditions as mitigation for the Diamond Fork System. The project will provide removal of non-native species and restoration of native habitats. Approximately 2,100 ft. of temporary access routes would be constructed to access work sites and to minimize disturbed areas from construction activities. Temporary access will be reclaimed after the completion of the project. No permanent roads would be constructed. Project is to be started in the fall of 2008 and may continue through 2010.

EVALUATION OF EXCEPTIONS TO CATEGORICAL EXCLUSIONS:

1. This action would have significant adverse effects on public health or safety.

No Uncertain Yes

2. This action would have an adverse effect on unique geographic characteristics such as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplain, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks.

No Uncertain Yes

3. The action will have highly controversial environmental effects.

No Uncertain Yes

Two comment letters were received that were skeptical of the beneficial environmental effects of the proposed project. The proposed approach to wetland restoration is entirely different from prior activities of the Bureau of Reclamation. Prior efforts relied upon berms and open water impoundments. The proposed project will include shallow excavated depressions and a series of wetland channels fed by an existing diversion that will be rehabilitated. Nevertheless, the project will be initiated with a smaller pilot reach to evaluate the effectiveness of the proposed methods prior to full implementation. The skepticism is also likely the result of mistrust of the government on the part of the commenter whose property was acquired by condemnation for the project. The other negative comment was from this landowners neighbor.

4. The action will have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

No Uncertain Yes

This project is not located within any inventoried roadless areas.

5. This action will establish a precedent for future actions, or represent a decision in principle about future actions with potentially significant environmental effects.

No Uncertain Yes

6. This action is directly related to other actions with individually insignificant but cumulatively significant environmental effects.

No Uncertain Yes

7. This action will have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

No Uncertain Yes

The project area has been surveyed by Reclamation's archeologist. No significant cultural resources were found and a determination has been made that the project will have no effect on cultural resources. The Utah State Historic Preservation Officer has concurred with that determination.

8. This action will have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for a listed species.

There was a concern raised by the U.S. Fish and Wildlife Service over the potential impact the project could have on sensitive species including leatherside chub, spotted frogs, and Ute ladies'-tresses. Refer to U.S. Fish and Wildlife Service Letter comment No. 4 and accompanying response.

No Uncertain Yes

9. This action requires compliance with Executive Order 11986 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act. However, an action may be categorically excluded following applicable reviews if the action is found to be in conformance with the applicable law or executive order. (Check "No" if action is in conformance with the applicable law or executive order.)

A concern was raised by the U.S. Fish and Wildlife Service that the conversion of one wetland habitat type to another wetland habitat type was not, in and of itself, beneficial. A response was prepared to their comments and a field trip to the site conducted June 4, 2008. The comment and comment response are attached. The U.S. Fish and Wildlife Service is now satisfied that the wetland conversion provides a greater diversity of habitat to wildlife and is an improvement over existing conditions.

No Uncertain Yes

10. This action threatens to violate a federal, state, local, or tribal law or requirements imposed for protection of the environment.

No **X** Uncertain Yes

For projects that are categorically excluded, there is no need to repeat a detailed analysis of effects to all resources. In promulgating the categories, all agencies have concluded that the projects that fit those categories do not individually or cumulatively have a significant effect on the human environment. Thus, once the analysis establishes that this project has no extraordinary circumstances and fits into a category, the responsible official can reach the conclusion that there will be no significant effects to the environment without further analysis.

The proposed action will be of limited context and intensity and capable of producing little or no significant environmental effects (40 CFR 1508.4) individually or cumulatively on the quality of the human environment; which is within 36 CFR 220.6 (E); and there are no extraordinary circumstances related to the proposed action.

ENVIRONMENTAL COMMITMENTS (MITIGATION), EXPLANATION OR REMARKS:

The 2003 Uinta National Forest Land and Resource Management Plan standards and guidelines will be incorporated by reference and utilized in implementing the project on Forest Service lands.

In the event that any cultural and/or paleontological site, feature or artifact (historic or prehistoric) is discovered on Federal land, whether on the surface or as an inadvertent subsurface discovery, it shall immediately be reported to the Provo Area Office Archaeologist. At that time an evaluation will be made by the archaeologist to determine appropriate actions to prevent loss of significant cultural or scientific value.

In the case of an inadvertent discovery of human remains: The applicant shall immediately provide an oral notification to Reclamation's authorized official of the discovery of human remains on Reclamation land. The applicant shall forward a written report of their findings to Reclamations authorized official within 48 hours. The applicant shall leave such discoveries intact until authorized to proceed by Reclamation's authorized official. Protective and mitigative measures specified by Reclamation's authorized official shall be the responsibility of the applicant.

CONSULTATION/COORDINATION: U. S. Fish and Wildlife Service, U.S. Department of the Interior – CUPCA Office, Central Utah Water Conservancy District and the Utah Division of Wildlife Resources have been consulted regarding these actions. Recommendations by the agencies have been incorporated into the design of the project.

CONCLUSION:

<input checked="" type="checkbox"/>	This action appropriately falls under the CX process and no further NEPA compliance is required.
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	This action does not fall under the CX process and I recommend that an		
EA	EIS		Be prepared

Utah Reclamation Mitigation and Conservation Commission

Prepared By: Mark A. Holden 11/12/08
Mark A. Holden, Projects Manager Date

Recommended By: Richard Mingo 11/12/08
Richard Mingo, Planning Coordinator Date

Approved By: Michael C. Weland 11/12/08
Michael C. Weland, Executive Director Date

U.S. Bureau of Reclamation

Recommended By: Beverly C. Heffernan 11/5/08
Beverly Heffernan, Environmental Group Chief Date

Approved By: Bruce Barrett 11/6/08
Bruce Barrett, Area Manager Date

The Forest Service decision may be implemented immediately. This decision is not subject to administrative review in accordance with 36 CFR 215.12(f). The proposal is not one of the activities subject to appeal under the 215 rules as clarified on October 19, 2005 by the Federal District Court for the Eastern District of California in Earth Island Institute v. Ruthenbeck.

USDA Forest Service

Approved By: Douglas H. Jones 11/7/08
Douglas H. Jones, District Ranger Date

**Figure 1 Lower Diamond Fork Restoration Features
(revised August 15, 2008)**

Restoration Features

-  Excavated Wetland Depressions
-  French Drain Wetlands
-  Groundwater Wetlands
-  Upland Enhancements
-  Construction Staging Area
-  Diversion Location
-  Turnouts
-  Rehabilitated Ditch
-  Wetland Channel
-  French Drain Channel
-  French Drain
-  Temporary Construction Access Routes
-  Temporary Stream Crossing

Land Status

-  Mitigation Lands
-  Forest Service
-  Private

