


United States Department of the Interior
Central Utah Project Completion Act Office

Central Utah Water Conservancy District

FINDING OF NO SIGNIFICANT IMPACT

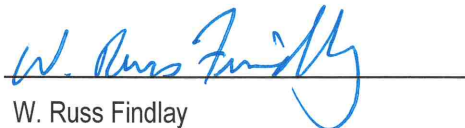
DIAMOND FORK SYSTEM ENVIRONMENTAL UPDATE PROJECT

February 2022

Recommended by: 


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Date: 2/7/2022

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Date: 8 Feb 2022



FINDING OF NO SIGNIFICANT IMPACT Diamond Fork System Environmental Update Project

In accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended, the Council on Environmental Quality's NEPA Implementing Regulations (40 Code of Federal Regulations (CFR) 1500–1508), and the U.S. Department of the Interior (Interior) regulations for implementation of NEPA (43 CFR 46), Interior, Central Utah Project Completion Act (CUPCA) Office, and the Central Utah Water Conservancy District (District) find that the Proposed Action Preferred Alternative (Preferred Alternative) (defined as Instream Flow Alternative 2, hydrogen sulfide springs collection near the Upper Diamond Fork Flow Control Structure, and an update of inspection and maintenance procedures) analyzed in the Final Environmental Assessment (EA) for this project would not significantly affect the quality of the natural or human environment. Therefore, an environmental impact statement is not required for the proposed Diamond Fork System Environmental Update Project.

PROJECT AREA

The project is located within the Bonneville Unit of the Central Utah Project and involves Sixth Water and Diamond Fork Creeks, Strawberry Reservoir, Diamond Fork Canyon, Spanish Fork River, Utah Lake, Jordanelle Reservoir, Deer Creek Reservoir, and the Provo River.

PREFERRED ALTERNATIVE

The Preferred Alternative includes the following three elements:

- Adjusting the mandated minimum instream flows downward from the existing values of 25 winter/32 summer cubic feet per second (cfs) for Sixth Water Creek and 60 winter/80 summer cfs for lower Diamond Fork Creek to year-round minimums of 22 cfs on Sixth Water Creek (except during inspection or maintenance shutdowns) as measured at the location of U.S. Geological Survey (USGS) gage #10149000, and 40 cfs on Diamond Fork Creek (except during inspection or maintenance shutdowns) as measured at USGS gage #10149400. The Diamond Fork System would be operated to meet the new lower minimum instream flows. This is described as Instream Flow Alternative 2 in the Final EA (Section 2.3.2.1.3).
- Removing hydrogen sulfide gas from the vicinity of the Upper Diamond Fork Flow Control Structure by installing spring collection–type boxes at the hydrogen sulfide springs to collect the flow into a single underground pipe and convey it approximately 0.5 mile downstream for discharge into Diamond Fork Creek.
- Conducting annual inspections, and maintenance as needed, on the Strawberry Tunnel and the valving, flow meter, and appurtenances inside the Strawberry Tunnel Turnout and conducting annual inspections and maintenance of the Sixth Water Flow Control Structure.

FINDINGS

The finding of no significant impact (FONSI) is based on the analysis presented in the Final EA and the summary of impacts in Table 1.



Table 1. Summary of Impacts Resulting from the Preferred Alternative

Resource or Issue	Impacts Resulting from the Preferred Alternative
Hydrology	<ul style="list-style-type: none"> • During summer months, base flows would be substantially lower in Sixth Water and Diamond Fork Creeks. Winter flows in Diamond Fork Creek would be substantially lower but would not noticeably change in Sixth Water Creek. • No noticeable change to peak flows during high runoff years in Sixth Water or Diamond Fork Creeks. • No change to the amount of water being delivered to the Spanish Fork River during irrigation season. During non-irrigation season, instream flow from Diamond Fork Creek to the Spanish Fork River would be reduced by up to 18%. • No adverse effect to the overall hydrology of Strawberry Reservoir, Provo River, Utah Lake, Jordanelle Reservoir, or Deer Creek Reservoir; no impairment to the Utah Lake/Jordanelle Reservoir exchange in Utah Lake. • With the hydrogen sulfide spring collection system, 15 to 20% of the flow of Diamond Fork Creek would be diverted by collecting spring water at multiple distinct points over a distance of approximately 1,700 feet; effects on hydrology would be gradual and only 0.5 mile of the stream would experience the full 15 to 20% reduction. • During the annual Strawberry Tunnel inspection, a reduction in flows of approximately 20 cfs would occur for 12 hours or less, which would have only a short-term effect on the hydrology of upper Sixth Water and Diamond Fork Creeks. • During Strawberry Tunnel maintenance (estimated to occur every 3 years), shutdowns would reduce the flow in upper Sixth Water Creek to tunnel make and natural gains (5 cfs on average) for up to 5 days. If supplemental flows were delivered via the Sixth Water Flow Control Structure, flows on lower Sixth Water and Diamond Fork Creeks would remain in predicted ranges. If not, during the maintenance shutdown, flows on Diamond Fork Creek would drop by approximately 20 cfs to a predicted median value of 23 cfs. • During the annual 1 to 3–week shutdown of the Sixth Water Flow Control Structure, flows may not meet the 40 cfs minimum flow in Diamond Fork Creek. • Extensive maintenance of the Sixth Water Flow Control Structure (expected to occur every 5 years) would result in its shutdown for the entire non-irrigation season. Diamond Fork Creek minimum flows could not be supplemented by releases from the Sixth Water Flow Control Structure. Supplemental flows may be made at the Strawberry Tunnel to maintain the 40 cfs minimum in Diamond Fork Creek. If supplemental flows are made at Strawberry Tunnel, flows in Sixth Water Creek would increase by approximately 7 cfs during the shutdown.
Stream morphology	<ul style="list-style-type: none"> • No stream morphology changes are expected in Sixth Water Creek or the Spanish Fork River. • On Diamond Fork Creek, a more natural ratio would be re-established between base flow and flood flow magnitudes. The loading of fines caused by year-round fine sediment transport would be reduced. • On Diamond Fork Creek, an increase in sediment mobility would be expected to increase channel dynamics and potentially lead to more diverse in-channel topography and associated aquatic habitat. • The hydrogen sulfide spring collection system flows would not substantially modify stream morphology in the immediate area of the discharge channel or downstream. • Proposed inspection and maintenance changes are not expected to alter the stream morphology of Sixth Water Creek, Diamond Fork Creek, or the Spanish Fork River.

Resource or Issue	Impacts Resulting from the Preferred Alternative
Water quality	<ul style="list-style-type: none"> • No exceedances of the numeric criteria for selenium are anticipated because the Preferred Alternative includes a minimum release of 20 cfs through Strawberry Tunnel. • Although average base flows in Sixth Water Creek, Diamond Fork Creek, and the Spanish Fork River would be reduced, no impacts to water quality are expected. • During construction of the hydrogen sulfide spring collection system, there is potential for temporary impacts to water quality in Diamond Fork Creek; however, best management practices (BMPs), such as a stormwater pollution prevention plan and sediment control, would be implemented during construction to prevent any chemicals and sediments from entering the creek. • Water quality in Diamond Fork Creek between the locations of the hydrogen sulfide springs and the proposed discharge would be improved, but undissociated hydrogen sulfide concentrations downstream of the conveyance pipe discharge point would increase. Design features to promote oxidation/aeration during discharge of the spring flows would limit the potential for increases in undissociated hydrogen sulfide downstream of the conveyance pipe. • The total length of Diamond Fork Creek impacted by elevated hydrogen sulfide would likely be shorter than it is currently because the diffuse discharge of hydrogen sulfide springs over approximately 0.25 mile near the Upper Diamond Fork Flow Control Structure would be modified to a single discharge point. • No impacts to water quality downstream of the fish barrier on Diamond Fork Creek are expected to result from the hydrogen sulfide spring collection. • During the annual Strawberry Tunnel inspection, the reduction in flow would result in increased selenium concentrations that may exceed the acute numeric criteria in the short term (12 hours or less). Additional water quality parameters such as temperature and dissolved oxygen would not be anticipated to exceed numeric criteria because inspections would be planned in winter months. • During Strawberry Tunnel maintenance, concentrations of selenium would be anticipated to exceed both acute and chronic numeric criteria for up to 5 days. Impacts to other water quality parameters such as temperature and dissolved oxygen would be minimized by the timing of the shutdowns. • Neither the annual 1 to 3–week shutdown of the Sixth Water Flow Control Structure or extensive maintenance of the Sixth Water Flow Control Structure is expected to impact water quality in Sixth Water and Diamond Fork Creeks. • The District will continue to monitor water quality on the Spanish Fork River near the Spanish Fork Diversion Dam. An additional site as determined by the District and the Utah Division of Wildlife Resources (DWR) will be selected for water quality analysis below the discharge point of the power plant and will be sampled twice during the winter months for 3 years. All collected water quality data will be shared with the DWR.
Wetlands and waters of the U.S.	<ul style="list-style-type: none"> • Because the reduction in minimum instream flows would not affect high flows that drive wetland hydrology, little to no effect on wetlands is expected. • Up to 2.9 acres of new wetland area could be created through the colonization of newly exposed gravel bars. • Wetland hydrology for wetlands adjacent to the Spanish Fork River would not be affected. • Construction of the hydrogen sulfide spring collection system would permanently impact approximately 0.36 acre of wetlands and 0.06 acre of streams. This is considered a minor amount of impact to wetlands and streams. • Construction of the hydrogen sulfide spring collection system would temporarily impact approximately 0.02 acre of wetlands and 0.13 acre of streams. • Proposed inspection and maintenance changes are not expected to impact wetlands that are within the riparian areas of Sixth Water Creek, Diamond Fork Creek, or the Spanish Fork River.



Resource or Issue	Impacts Resulting from the Preferred Alternative
Wildlife (fish and aquatic resources)	<ul style="list-style-type: none"> In general, the flow regime would more closely mimic a natural flow regime for this system, would be beneficial for fish and aquatic life, and would provide flow conditions favorable to Bonneville cutthroat trout (<i>Oncorhynchus clarkii utah</i>) (BCT). Lower base flows would result in more favorable conditions for macroinvertebrates (scrapers and gatherers), as well as BCT and brown trout (<i>Salmo trutta</i>), and would result in more diverse and appropriate habitats for fish. The lower summer base flows would promote greater benthic and drift density and more favorable community composition. Flow velocities and substrates would be more tolerable and appropriate for BCT spawning and rearing. Sufficient dilution of naturally occurring selenium concentrations from Strawberry Tunnel would occur. Construction of the hydrogen sulfide spring collection system would have short-term impacts on aquatic wildlife from vibration and sedimentation. Sedimentation would be mitigated through BMPs such as dust abatement and sediment fencing. The stream reach where construction would occur is currently lacking aquatic wildlife because of high hydrogen sulfide concentrations; there would be no impact to aquatic wildlife in this reach. During the annual Strawberry Tunnel inspection, the flow reduction would reduce habitat availability to aquatic resources, and fish would be forced to seek refugia in pools and other remnant habitat. The timing of the shutdown and the short duration would minimize impacts to fish and aquatic resources in Sixth Water and Diamond Fork Creeks. During Strawberry Tunnel maintenance, there would be up to 5 days of elevated selenium concentrations in Sixth Water Creek that could exceed numeric criteria; however, based on past similar shutdowns, fish can generally find refuge habitat in pools and tolerate the elevated selenium concentrations for relatively short durations. Additional impacts to aquatic resources from potential degradation of stream temperature and dissolved oxygen would be minimized by the timing of the shutdowns for fall months when air temperatures are moderate. Neither the annual 1 to 3-week shutdown of the Sixth Water Flow Control Structure or extensive maintenance of the Sixth Water Flow Control Structure are expected to impact aquatic resources in Sixth Water and Diamond Fork Creeks. See Table 4.2-1 in the Final EA for the Joint Lead Agencies' (JLA's) commitment to coordinate with DWR for issues outside the scope of this project.
Vegetation	<ul style="list-style-type: none"> Vegetation communities would adapt to lower minimum flows, and the overall composition would not change. Channel narrowing may occur over time, which would affect vegetation immediately adjacent to each stream. New riparian areas may be exposed because of lower instream flows and would likely be colonized. Construction of the hydrogen sulfide spring collection system would permanently impact approximately 0.05 acre of streamside vegetation. This is considered a minor amount of impact to vegetation. Construction of the hydrogen sulfide spring collection system would temporarily impact approximately 0.12 acre of streamside vegetation. Areas disturbed during construction would be regraded and restored where possible, and BMPs would minimize potential impacts to vegetation. Proposed inspection and maintenance changes are not expected to impact vegetation in the riparian areas of Sixth Water Creek, Diamond Fork Creek, or the Spanish Fork River.
Threatened and endangered species	<ul style="list-style-type: none"> See Table 2.
Cultural resources	<ul style="list-style-type: none"> Instream flow modification does not have the potential to impact cultural resources. The hydrogen sulfide spring collection system would have no impacts to cultural resources. Inspection and maintenance changes would not have the potential to impact cultural resources. The Utah State Historic Preservation Office concurred with the JLA's determination of "No Historic Properties Affected."
Indian Trust Assets	<ul style="list-style-type: none"> No foreseeable impacts on Indian Trust Assets. No effects on federal reserved water rights.



Resource or Issue	Impacts Resulting from the Preferred Alternative
Recreation	<ul style="list-style-type: none"> Modified instream flows would have beneficial effects for the recreational and native trout fisheries, which would improve fishing opportunities. Improved fishery health and fish population dynamics over the long term would support more anglers, better catch rates, and better harvest rates. A winter drop of 18 of flow in the Spanish Fork River would reduce angling to some degree, although anglers should still find suitable fishing opportunities. It would not cause permanent impacts to overall fish survival in the Spanish Fork River. This decrease in winter flows would be a minor impact. During construction of the hydrogen sulfide spring collection system, Diamond Fork Road would be closed for approximately 4 months. Access to the formal recreational amenities in Diamond Fork Canyon would not be affected. Those seeking to recreate above the road closure in Diamond Fork Canyon could use Sheep Creek Road or Hobble Creek Canyon, which would temporarily increase travel time and be an inconvenience. A traffic control plan would be implemented during construction to minimize traffic issues from road closure. During construction, noise, activity, and dust could negatively impact nearby recreation users and anglers in the short term. Dust impacts would be limited with BMPs such as watering. These impacts would likely be minimized by topography and the distance of formal recreational amenities from the construction area. During the annual Strawberry Tunnel inspection, flow reductions of approximately 20 cfs would temporarily reduce habitat availability, and fish would be forced to seek refuge in pools and other remnant habitat; however, the short duration and timing of the shutdowns would minimize impacts to the recreational fishery. During Strawberry Tunnel maintenance, if supplemental instream flows are delivered at the Sixth Water Flow Control Structure, impacts to the recreational fisheries in lower Sixth Water Creek, Diamond Fork Creek, and the Spanish Fork River would be minimized. If supplemental instream flows are not delivered, flows on Diamond Fork Creek would drop by approximately 20 cfs, which could reduce the availability of some fish habitat but is not expected to negatively impact the overall health of the recreational fishery. A winter drop of 20 cfs on the Spanish Fork River would equate to an approximately 18% flow reduction and would reduce angling to some degree but would not cause permanent impacts to overall fish survival. Neither the annual 1 to 3-week shutdown of the Sixth Water Flow Control Structure or extensive maintenance of the Sixth Water Flow Control Structure are expected to negatively impact the overall health of the recreational fishery

The effects determinations for threatened, endangered, and candidate species in regard to the Preferred Alternative are summarized in Table 2.

Table 2. Threatened, Endangered, and Candidate Species Determination

Species	Status	Occurrence in the Analysis Area	Determination
Canada lynx (<i>Lynx canadensis</i>)	Threatened	There is no boreal forest habitat (the Canada lynx's preferred habitat) in the analysis area. Little potential for Canada lynx to occur in the analysis area.	No effect
Western yellow-billed cuckoo (WYBC) (<i>Coccyzus americanus</i>)	Threatened	Habitat in the analysis area does not meet the criteria for suitable WYBC habitat. No potential for WYBC to occur in the analysis area.	No effect



Species	Status	Occurrence in the Analysis Area	Determination
Ute ladies'-tresses (ULT) (<i>Spiranthes diluvialis</i>)	Threatened	ULT suitable habitat and ULT individuals are typically found in two different types of riparian locations in the Diamond Fork watershed: 1) relatively wide, large relict floodplain surfaces associated with pre-Diamond Fork System hydrology (portions of these surfaces are located over 100 feet from the current active stream channel); and 2) narrower channel margin floodplain surfaces located adjacent to the current active channel.	May affect, but not likely to adversely affect
June sucker (<i>Chasmistes liorus</i>)	Threatened	Currently the only known significant spawning habitats are within the Provo River and Hobble Creek, both tributaries to Utah Lake. Adult June sucker access the lower Spanish Fork River for spawning, but upstream migration is impeded by the Huff Dam diversion located 1.6 miles upstream of Utah Lake. Spawning habitat in the lower 2.7 miles of the Spanish Fork River is of poor quality but improves upstream as river channel conditions are more favorable.	No effect

The Preferred Alternative does not violate federal, state, or local laws or requirements imposed for the protection of the environment. Interior and the District have analyzed the public comments, alternatives, and environmental effects in detail and find that the Preferred Alternative meets the purpose and need described in the EA with no significant impacts to the natural or human environment.

INDIAN TRUST ASSETS

The analysis area for proposed ground-disturbing activity that could affect Indian Trust Assets (ITAs) consists of the area of surface disturbance for the hydrogen sulfide spring collection system plus a 0.5-mile buffer. This captures the area where ground-disturbing activity could have adverse effects to ITAs. The analysis area for instream flow modifications and inspection and maintenance comprises Strawberry Reservoir, Sixth Water Creek, and Diamond Fork Creek from the Strawberry Tunnel downstream to the confluence with the Spanish Fork River. This analysis area encompasses the Diamond Fork System components that would require inspection and maintenance.

The Preferred Alternative does not include ground-disturbing activities or inspection and maintenance activities in Strawberry Reservoir, the Provo River, Jordanelle Reservoir, Deer Creek Reservoir, or Utah Lake; therefore, it would not affect ITAs associated with those waterbodies.

ITAs are legal interests in property held in trust by the United States for federally recognized Indian tribes or individuals. Assets can be real property, physical assets, or intangible property rights, such as lands, minerals, hunting and fishing rights, and water rights. Interior's policy is to recognize and fulfill its legal obligations to identify, protect, and conserve the trust resources of federally recognized Indian tribes and tribal members and to consult with tribes on a government-to-government basis whenever plans or actions affect tribal trust resources, trust assets, or tribal safety. Under this policy, the federal government is committed to carrying out its activities in a manner that avoids adverse impacts to ITAs when possible and to mitigate or compensate for such impacts when it cannot. All impacts to ITAs, even those considered insignificant, must be discussed in the trust analyses in NEPA compliance documents, and appropriate compensation or mitigation must be implemented.

In *Winters v. United States*, the Supreme Court held that the establishment of an Indian reservation implicitly reserved the amount of water necessary to fulfill the purposes of the reservation (207 U.S. 564 (1908)) (*Winters Doctrine*). Federal reserved water rights are quantified based on what is needed to



accomplish the reservation's purposes both for present and future needs, and Indian tribes with reserved water rights under the Winters Doctrine enjoy a priority date no later than the date of their reservation's establishment.

Water rights associated with the Uintah and Ouray Reservation for the Ute Indian Tribe and its members have been addressed in part in two federal court decrees and a 1965 deferral agreement between the Ute Indian Tribe, the United States, and the District (1965 deferral agreement). At the request of the Ute Indian Tribe and the State of Utah, Congress enacted the Ute Indian Rights Settlement in 1992, Title V of CUPCA, to *approve and ratify The Revised Ute Indian Compact of 1990, subject to re-ratification by the State of Utah and the Ute Indian Tribe, which would quantify the Ute Indian Tribe's water rights and allow increased beneficial use of waters.* Title V CUPCA also provided economic benefits to the Ute Indian Tribe in lieu of the storage projects envisioned in the 1965 deferral agreement. The Ute Indian Tribe's Winters Doctrine-reserved water rights have priority dates no later than 1861 and 1882, corresponding to two executive orders dated October 3, 1861, and January 5, 1882, establishing the Uintah Valley Reservation and the Uncompahgre Reservation, respectively.

Interior sent letters to all Indian tribes with a potential interest in the Diamond Fork System Environmental Update Project requesting information regarding ITAs within the analysis areas during the scoping process. Responses were received from the Hopi Tribe, Northern Arapaho Tribe, and the Navajo Nation. The Hopi Tribe requested copies of the EA and cultural resources identified (see Section 3.11 in the Final EA for additional information on cultural resources). The Ute Indian Tribe responded via a letter commenting on the Draft EA. The JLA's response is found in Table 4.2-1 in the Final EA and a copy of the letter is in Appendix B of the Final EA.

A cultural resources inventory was only needed for the Proposed Action hydrogen sulfide springs element; the other two Proposed Action elements do not require ground-disturbing actions, and no cultural resources inventory was conducted for them. The analysis area for proposed ground-disturbing activity that could affect cultural resources consists of the area of surface disturbance for the hydrogen sulfide spring collection system plus a 0.5-mile buffer. No eligible cultural resources were identified within this analysis area.

The implementation of the Preferred Alternative would have no foreseeable impacts on ITAs.

The Preferred Alternative would have no effect on federal reserved water rights.

DECISION

Interior and the District have decided to implement the Preferred Alternative as described in the Final EA.

ENVIRONMENTAL COMMITMENTS

Implementation of the Preferred Alternative would comply with all federal, state, and local regulations. Prior to ground disturbance for construction of the hydrogen sulfide spring collection system, the contractor would be required to obtain a Utah Pollution Discharge Elimination System Permit and develop a stormwater pollution prevention plan. In addition, a Clean Water Act Section 404 permit would be obtained prior to construction. Because the proposed instream flows would no longer be considered a legislatively required release from the yield of Strawberry Reservoir, an agreement among



the Joint Lead Agencies (JLAs), U.S. Fish and Wildlife Service, and the Utah Division of Wildlife Resources (DWR) would be executed prior to changes to address the instream flows being released by the District.

Distribution of Instream Flow Water

The Diamond Fork Creek non-irrigation season flow water (accounted from October 16 through April 15) is comprised of natural system gains and instream flow deliveries from Strawberry Reservoir through the Strawberry Tunnel and the Sixth Water Flow Control Structure. The water delivered from Strawberry Reservoir flows down Diamond Fork Creek to the Spanish Fork River and on to Utah Lake where it is credited as Utah Lake/Jordanelle Reservoir exchange (further discussed in Section 3.4.2.6 in the Final EA). The Preferred Alternative would result in a smaller volume of water being delivered to the Diamond Fork drainage from Strawberry Reservoir during the non-irrigation season in comparison to CUPCA-mandated flows (No Action Alternative). The JLAs propose to redistribute the volume difference between the higher winter CUPCA-mandated flow rate in Diamond Fork Creek (60 cfs) and the lower Preferred Alternative instream flows for instream flow and environmental uses in the Provo River. The modeled flow rate for the Preferred Alternative measured at the Diamond Fork Creek USGS gage and the anticipated difference from the CUPCA-mandated flows are shown in Table 3.

Table 3. Modeled Flow Rate Ranges (25th–75th percentiles) for the Preferred Alternative Instream Flows and Difference from CUPCA Mandated Flows

Instream Flow Alternative	Anticipated Non-irrigation Season Flow Rate (cfs) at Diamond Fork USGS Gage	Anticipated Difference between CUPCA Mandated Flows (60 cfs) and Instream Flow Alternatives (cfs)
Preferred Alternative	41–46	14–19

The District would generally account for the redistributed water as follows:

- The volume difference between CUPCA-mandated flows and the Preferred Alternative would be calculated on an average daily basis, as measured by the District at the Diamond Fork Creek USGS gage.
- The volume difference would accrue in an account between October 16 and April 15. There may be days when the non-irrigation season flow rate in Diamond Fork Creek would be greater than the CUPCA-mandated 60 cfs. In this case, no additional water would accrue in the account.
- The volume difference for redistribution to the Provo River would be available from either Central Utah Project storage in Jordanelle, Deer Creek, or Strawberry Reservoirs, as determined by the District.
- The redistributed instream flow water accrued under this account must be used prior to October 15 of the year during which the water accrued (i.e., from October 16 through April 15 of that operational year).

Anticipated Instream Flow Volumes and Delivery

Based on preliminary calculations, as determined by the accounting described above, the JLAs anticipate approximately 5,300 to 6,500 acre-feet annually of redistributed instream flow water for use in the Provo River. The volume of water available for redistribution to the Provo River depends upon the hydrology of the previous year that occurs naturally in the Diamond Fork watershed. The redistributed



instream flow water would be in addition to other permanent and temporary water supplies acquired for the federally listed, threatened June sucker and instream flow purposes on the Provo River (further discussed in Section 3.4.2.4 in the Final EA). In the spring of each year, the District would inform the June Sucker Recovery Implementation Program (JSRIP) of the redistributed instream flow volume of water accrued in Strawberry Reservoir for that year and the facility(ies) from which the water would be delivered to the lower Provo River. The JSRIP would factor that amount into its decision regarding that year's recommended flow regime.

At the discretion of the District, the delivery of the redistributed instream flow water from Strawberry Reservoir to the Provo River could occur through several paths. First, the United States has a dedicated space of 35 cfs capacity in the Spanish Fork Provo Reservoir Canal Pipeline, which would be delivered through the Olmsted Hydroelectric Power Plant, located at the mouth of Provo Canyon, and discharged to its tail race, which flows directly into the Provo River. In addition, the United States, in consultation with the District, could use available space in the Spanish Fork Provo Reservoir Canal Pipeline above its dedicated 35 cfs capacity. Second, at the District's discretion, deliveries of all or a portion of the accrued redistributed instream flow volume to the Provo River could be made from either Jordanelle or Deer Creek Reservoirs instead of using the Spanish Fork Provo Reservoir Canal Pipeline. This delivery of water would be from

- Deer Creek Reservoir, down the length of the Provo River to Utah Lake, or from
- Deer Creek Reservoir to the Olmsted Diversion, where it would be diverted into the Olmsted Pipeline and then be released to the Provo River at the Olmsted Hydroelectric Power Plant tail race.

The non-irrigation season instream flow waters in Sixth Water and Diamond Fork Creeks are credited in Utah Lake as part of the Utah Lake/Jordanelle Reservoir exchange discussed in Section 3.4.2.6 of the Final EA; however, redistributed instream flow water released from Jordanelle or Deer Creek Reservoirs to the Provo River instead of Strawberry Reservoir would not be counted as part of the Utah Lake/Jordanelle Reservoir exchange.

Other environmental commitments identified in the EA include:

Air Quality

- Implementation of dust control measures (e.g., watering, use of dust palliatives) during construction of the hydrogen sulfide spring collection system to avoid and minimize particulate emissions.

Hydrology, Water Quality, and Wetlands

- Implementation of a stormwater pollution prevention plan that would include applicable sediment and erosion control best management practices such as minimizing the disturbed area, preserving topsoil, controlling stormwater runoff with berms, the use of silt fencing or fiber rolls, good housekeeping practices during construction, and revegetation.
- If the District determines that the Sixth Water Flow Control Structure shutdown should be for the entire non-irrigation season for major maintenance work, the JLAs will coordinate with stakeholders to determine their preference for increased flows from the Strawberry Tunnel over the non-irrigation season or maintaining flows at the lower flow rate.



- The District will continue to monitor water quality on the Spanish Fork River near the Spanish Fork Diversion Dam. An additional site as determined by the District and DWR will be selected for water quality analysis below the discharge point of the power plant and will be sampled twice during the winter months for 3 years. All collected water quality data will be shared with DWR.

Vegetation and Wildlife

- Vegetation that does not need to be removed as part of the construction of the hydrogen sulfide spring collection system will be protected.
- Compliance with the District's Integrated Pest Management Program, which requires ongoing monitoring for invasive species and noxious weeds and treatment on lands administered by the District. In addition, the construction contractor would implement best management practices to limit the introduction or spread of invasive species from equipment, vehicles, and fill (e.g., use of weed-free fill, cleaning of vehicles and equipment).
- See Table 4.2-1 of the Final EA for the JLA's commitment to coordinate with DWR for issues outside the scope of this project.

Recreation, Transportation, and Human Health and Safety

- Implementation of a traffic control plan by the construction contractor to protect public health and safety and minimize traffic issues during construction of the hydrogen sulfide spring collection system.
- Limitation of noise and vibration to the extent possible during construction of the hydrogen sulfide spring collection system and during maintenance activities. Construction equipment would be properly muffled according to industry standards and would be in good working condition. Electric air compressors and similar power tools would be used rather than diesel equipment where feasible. Construction equipment, including motor vehicles, would be turned off when not in use for more than 5 minutes. Construction materials would be handled and transported in a manner that does not create any unnecessary noise or vibration.
- Open cut excavations would be signed, flagged, or fenced to protect public health and safety.

REVIEW OF PUBLIC COMMENTS AND REVISIONS TO THE DRAFT ENVIRONMENTAL ASSESSMENT

To announce the review and comment period for the Draft EA, nearby property owners, interested parties, agencies, and organizations were notified and a legal notice was placed in local and statewide papers. Interior sent letters to Native American Tribes. The JLAs held a meeting with project stakeholders on Wednesday, September 29, 2021, to review the Preferred Alternative, findings discussed in the Draft EA, and to solicit their input.



The Draft EA was available for review beginning September 13, 2021, and comments were due by November 5, 2021. Three comment letters were received during the public comment period. A copy of the comments received can be found in Appendix B of the Final EA and a copy of the comment responses can be found in Section 4.2 of the Final EA.

Based upon the findings in the Final EA, the JLAs conclude that the Preferred Alternative would have no effect on tribal interests that have not been analyzed in previous environmental studies.

The comments received were carefully considered and reviewed together with the information contained in the Draft EA in determining whether to issue a FONSI. The Final EA and FONSI are available on the internet at www.doi.gov/cupcao, www.mitigationcommission.gov, and www.cuwcd.com/diamondfork.htm. Copies of the Final EA and FONSI are available on request by contacting:

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