

## **FINDING OF NO SIGNIFICANT IMPACT**

Big Bend Spring Collection project  
eAMLIS Key: UT-069

### **Introduction**

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has reviewed the Environmental Assessment (EA) submitted by the Utah Division of Oil, Gas and Mining, Abandoned Mine Reclamation Program (AMRP) in support of the Big Bend Spring Collection project. Under the Preferred Alternative, OSMRE would provide Authorization to Proceed (ATP) to AMRP to expend federal Abandoned Mine Land (AML) grant funds relocating and reconstructing spring collection boxes contaminated by iron-oxidizing bacteria which stem from coal waste associated with the abandoned Helco Mine. The contaminated spring collection boxes are managed by the North Emery Water Users Special Service District (NEWUSSD) and provide culinary water to approximately 400 local users. The spring boxes are currently located in Rilda Canyon and would be rebuilt in a suitable location in nearby Huntington Canyon. The work would include access road construction, site clearing, and excavation; construction of gravel collection trenches and placement of concrete manholes; construction of a cable-supported pipeline creek crossing; and fencing. The project is expected to disturb up to 2.5 acres of surface area in Emery County, Utah which would be revegetated upon conclusion of construction activities.

### **Reason**

The problem of iron-oxidizing bacteria accumulating within NEWUSSD's spring collection system has been ranked by AMRP as a Priority B Water Supply hazard. This classification and the need for the Preferred Alternative are based on the existing threat to safe, reliable culinary water for approximately 400 users in North Emery County, Utah.

Under the Preferred Alternative, OSMRE would authorize construction in Huntington Canyon overseen by AMRP that would include access road construction, site clearing, and excavation; construction of gravel collection trenches and placement of concrete manholes; construction of a cable-supported pipeline creek crossing; and fencing. The project is expected to disturb up to 2.5 acres of surface area which would be revegetated once construction is finished. Under the No Action Alternative, NEWUSSD customers would continue to experience a diminished municipal water supply.

### **Context 40 CFR 1508.27(a)**

To determine whether the Preferred Alternative would have a significant effect on the human environment, impacts related to the Preferred Alternative were analyzed in terms of context and intensity based on the criteria at 40 CFR 1508.27(b). The Preferred Alternative project area would be in the Big Bend Spring area of Huntington Canyon which is found on the "Rilda Canyon" USGS 7.5 minute quadrangle. The Preferred Alternative project area has previously been impacted by wildfire and flooding in addition to the construction of a catchment basin and trash rack to mitigate future flooding and debris flows. The Preferred Alternative would result in up to 2.5 acres of surface disturbance on private and federal (Bureau of Land Management; BLM) property. The Preferred Alternative is project-specific and any impacts would be likely realized at the local, rather than regional, national, or global levels.

Affected interests include approximately 400 NEWUSSD customers who depend on properly functioning spring collection boxes for the municipal water needs.

### **Intensity 40 CFR 1508.27(b)**

*(1) The following resources were analyzed for beneficial and adverse impacts. A significant effect may exist even if OSMRE believes that on balance the effect will be beneficial.*

#### Historic and Cultural

No historic properties are present in the Big Bend Spring Collection project Area of Potential Effect (APE). The Utah State Historic Preservation Officer concurred with the BLM Price Field Office's (PFO) determination of No Historic Properties Affected by letter dated November 26, 2018. Tribal consultation was conducted by the PFO in April, 2013 for a separate project that occurs within the same APE as the Big Bend Spring Collection project; no response was received. There would be no impact to historic and cultural resources under the Preferred Alternative or the No Action Alternative.

#### Hydrology

Construction activities under the Preferred Alternative would temporarily loosen soils in the project area. Erosion control best management practices (BMP) including installation of silt fence around the work area perimeter and other measures laid out in the project's Stormwater Pollution Prevention Plan (SWPPP) would eliminate or minimize any impacts to the local hydrologic regime. No water quality impacts are expected under the Preferred Alternative or the No Action Alternative.

Prior to its contamination and decommissioning, the Rilda Canyon spring collection system was estimated to intercept and deliver 90 gallons per minute (gpm) of groundwater that would otherwise flow to Huntington Creek. The Big Bend system is estimated to intercept and deliver 100 gpm of groundwater likewise destined for Huntington Creek. With the Rilda Canyon system no longer collecting groundwater, under the Preferred Alternative the total groundwater contributions to Huntington Creek are expected to remain the same. Therefore, no water quantity impacts are expected under the Preferred Alternative. Under the No Action Alternative, Huntington Creek should see a net increase of approximately 90 gpm of groundwater flows, albeit at the cost of diminished service to 400 North Emery customers.

#### Vegetation

The Preferred Alternative would clear and grub 0.2 acres of riparian vegetation and 0.5 acres of midstory and overstory vegetation located entirely within an existing BLM right-of-way (ROW). The ROW was granted to facilitate construction of the Huntington Creek Debris Basin following the Seeley wildfire of 2012. Construction of the debris basin impacted 1.1 acres of wetlands for which mitigation was performed in accordance with the required Army Corps of Engineers Clean Water Act Section 404 permit. All portions of the Preferred Alternative project area with wetland characteristics exist within the authorized Huntington Creek Debris Basin ROW for which mitigation has been previously performed. Construction activities under the Preferred Alternative would avoid these areas for practical purposes. No significant effects to wetlands are expected under the Preferred Alternative. Following construction, all disturbed areas would be

revegetated, up to 2.5 acres. Therefore, the Preferred Alternative would result in no significant effects to vegetation.

### Fish and Wildlife

A total of eight federally protected and one state protected species with the potential to occur in or near the project area were identified using data available through the US Fish and Wildlife Service and the Utah Division of Wildlife Resources Natural Heritage Program. All nine species were evaluated and eliminated from further review based on lack of critical habitat or project design elements which would preclude any impacts. To prevent potential impacts to raptors and migratory birds, construction activities would take place outside of nesting and breeding season, which is January 1 through August 31. Little to no impact to fish and wildlife resources is expected under the Preferred Alternative. Under the No Action Alternative, fish and wildlife may benefit slightly based on the approximate 90 gpm increase of groundwater flows to Huntington Creek that an unbuilt Big Bend Spring Collection project would not intercept.

### Soils

Under the Preferred Alternative, construction activities would temporarily loosen soils in the project area. The soil resource would be protected from loss by silt fence installed around the work area perimeter. Upon completion of the work, all disturbed areas would be revegetated with an appropriate seed mix. Little to no impact to the soil resource is expected under the Preferred Alternative or the No Action Alternative.

### Paleontology

The Utah AMRP consulted with the Utah Geological Survey (UGS) regarding paleontological resources by email dated July 9, 2019. No paleontological localities are on record with UGS for the Preferred Alternative project area. If fossils should be encountered during construction, the UGS would be contacted to determine appropriate next steps. No impact is expected for paleontology values under the Preferred Alternative or the No Action Alternative.

*(2) The degree to which the Preferred Alternative affects public health or safety.*

To the extent the Preferred Alternative enhances culinary water security for the approximate 400 NEWUSSD users impacted by decommissioning of the contaminated Rilda Canyon spring collection boxes, the project's effect on local public health and safety would be moderate and positive.

*(3) 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 areas.*

There are no park lands, prime farmlands, wild and scenic rivers, wilderness areas, recreation / refuge lands, or ecologically critical areas within the Preferred Alternative project area. The bulk of the spring collection system would be located outside the area in Huntington Canyon with wetland characteristics and only t-post fencing and approximately 80 feet of solid pipeline would intercept this area. Spring flow contributions to the wetland would not be negated. The project

would not include any dredge or fill activities regulated by the US Army Corps of Engineers. Any impacts to areas with wetland characteristics would be minor and temporary.

*(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The Preferred Alternative would have no effects on the human environment that would be highly controversial.

*(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Preferred Alternative would have no effects on the human environment that would be highly uncertain or involve unique or unknown risks.

*(6) The 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 decision is not precedent setting. The issues considered in the EA were developed by the interdisciplinary team within the context of past, present, and reasonably foreseeable actions. Significant cumulative impacts are not anticipated.

*(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

The Preferred Alternative would not create significant cumulative impacts when added to other past, present, or reasonably foreseeable future actions. The operation and maintenance of the Big Bend Spring Collection system would be similar in type and intensity to that of the contaminated and decommissioned spring collection system in Rilda Canyon. The Preferred Alternative would contribute about 2.5 acres of new surface disturbance to the local area.

*(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No historic properties exist within the project area. There would be no historic properties affected by the Preferred Alternative. No sites of tribal importance are known to exist within the Preferred Alternative project area.

*(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

All nine federal and state listed species were evaluated and eliminated from further review based on lack of critical habitat or project design elements which would preclude adverse impacts. To

prevent potential impacts to raptors and migratory birds, construction activities would take place outside of nesting and breeding season. The Preferred Alternative would have little to no impact on protected species.

*(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The Preferred Alternative would not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. The Preferred Alternative is consistent with applicable plans, policies, and programs.

#### **Mitigation Measures**

Under the Preferred Alternative, AMRP would ensure the following measures are implemented:

- Revegetation of all disturbed areas with an appropriate seed mix;
- Avoiding unnecessary disturbances to saturated portions of the project area;
- Limiting construction to the period between September 1 and December 31; and
- Erecting silt fence around the project area and adhering to all other measures described in the project's Stormwater Pollution Prevention Plan.

#### **Statement of Environmental Significance**

The Preferred Alternative would not have a significant impact on the human environment and an Environmental Impact Statement is not required. The Preferred Alternative is the only action alternative contemplated in the EA. Under the No Action Alternative, approximately 400 NEWUSSD users would continue to experience diminished culinary water security. The Preferred Alternative would have a moderately beneficial impact on the local human environment. OSMRE selects the Preferred Alternative for the Big Bend Spring Collection project.

Reviewed

Approved

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