FINDING OF NO SIGNIFICANT IMPACT

Lower Diamond Fork Aquatic Habitat Enhancement Project
Environmental Assessment

Utah Reclamation Mitigation & Conservation Commission

Recommended By: PAUL ABATE Digitally signed by PAUL ABATE Date: 2026.07.09 13:06:40 -06'00' _____

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Michael Mills, Executive Director
Utah Reclamation Mitigation and Conservation Commission

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Environmental Assessment

DECISION

The Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) has prepared the Final Environmental Assessment (EA) for the Lower Diamond Fork Aquatic Habitat Enhancement Project (project) in Utah County, Utah.

Upon review of the analysis presented in the EA and after careful consideration of public comment and coordination with other interested parties, the Mitigation Commission has determined that the Proposed Action Alternative, as analyzed in the EA, would not significantly affect the quality of the natural or human environment. Therefore, an environmental impact statement is not required for the project.

The proposed plan is defined as the Proposed Action Alternative — active stream restoration of approximately 1.8 river miles of lower Diamond Fork Creek through construction of in-stream rock and large woody debris structures, bank stabilization, off-channel pond creation, invasive species treatment, and revegetation with native plant species to enhance aquatic habitat, mitigate effects of the 2018 Pole Creek Fire, and improve conditions for special status species including Ute ladies'-tresses (*Spiranthes diluvialis*) and Columbia spotted frog (*Rana luteiventris*).

This determination is made 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), the Department of the Interior's regulations for implementation of NEPA, and the Mitigation Commission's regulations for implementation of NEPA (43 CFR 10010).

BACKGROUND

The mission of the Mitigation Commission is to formulate and implement policies and objectives to accomplish the mitigation and conservation projects authorized in the Central Utah Project Completion Act (CUPCA; Public Law 102-575, 106 Stat. 4600, 4625, October 30, 1992). CUPCA also authorized the Mitigation Commission to pursue watershed, riparian, and fish habitat restoration and improvement projects on Sixth Water and Diamond Fork Creeks.

The Diamond Fork watershed has historically been used as a conduit for transbasin water deliveries from the Colorado River drainage basin to the Bonneville Basin. Decades of irrigation

water transport flows greatly exceeding the natural capacity of Diamond Fork Creek caused extensive channel adjustments, ecological changes, and loss of aquatic habitat quality. With completion of the Diamond Fork System pipeline components in 2004, most water deliveries are now made via pipelines rather than through the natural stream channel.

In 2022, the Central Utah Water Conservancy District (CUWCD), the U.S. Department of the Interior CUPCA Office, and the Mitigation Commission completed an Environmental Assessment and Finding of No Significant Impact approving reduction of CUPCA-mandated minimum instream flows in Diamond Fork Creek from approximately 80 to 40 cfs. This return to a more natural flow regime has supported some geomorphic recovery; however, the lower 1.8-mile project reach continues to lack deep pool habitat, and eroding banks within the reach contribute high sediment loads to lower Diamond Fork Creek and the Spanish Fork River. The 2018 Pole Creek Fire further degraded aquatic and riparian conditions in the project area.

The project area encompasses approximately 1.8 river miles of lower Diamond Fork Creek and its floodplain, upstream from where Diamond Fork Creek is crossed by US-6/US-89, in Utah County, Utah. The project occurs on federal lands, with 1.4 river miles on Mitigation Commission lands and 0.4 miles on lands within the Spanish Fork Ranger District of the Uinta-Wasatch-Cache National Forest.

PURPOSE AND NEED

The purpose of the project is to enhance the aquatic habitat of Diamond Fork Creek and to mitigate for the effects of the 2018 Pole Creek Fire. The needs for taking action are: (1) the lack of deep pool habitat in the channel; and (2) sedimentation in the channel as an effect of the fire and ongoing bank erosion within the project reach.

THE SELECTED ACTION

The Mitigation Commission selects the Proposed Action Alternative for implementation. Under the Proposed Action Alternative, the Mitigation Commission would enhance aquatic habitat of 1.8 river miles of Diamond Fork Creek through active stream restoration, including the following actions:

In-Stream and Bank Habitat Structures: Construction of 34 cross-channel rock structures, over 700 in-stream boulders, and 150–200 large woody debris features (both in-channel and in excavated wetland ponds) to create pool habitat where these aquatic features are most lacking in the project reach.

Off-Channel Wetland Ponds: Excavation of 12 off-channel wetland ponds with wetland and riparian fringes to enhance wetland diversity and create aquatic habitats suited for Columbia spotted frog.

Bank Stabilization: Stabilization of three eroding bank locations using boulders, anchored large woody debris, and revegetation with native streamside vegetation. At one location (river miles 1.4–1.6), channel plugs/mounds and a new approximately 400-foot meandering channel segment would be constructed to redirect velocity away from the eroding bank.

Water Conveyance Improvement: Installation of a pipe to replace a leaky open ditch between the diversion and first pond in the existing series of constructed ponds on river left, to increase the amount of water delivered to those ponds and improve riparian and wetland habitat conditions.

Revegetation and Invasive Species Control: Revegetation of all disturbed areas with native species through 33.6 acres of seeding and mulching and nearly 45,000 native plantings. Invasive species will be treated prior to and following construction, with monitoring and adaptive management for five years post-construction.

Construction is proposed to start in July and end late November 2026, with revegetation occurring in fall 2026 and spring 2027.

ADDRESSING THE ISSUES

The finding of no significant impact (FONSI) is based on the analysis presented in Chapter 3 of the Final EA. The resources evaluated and a summary of impacts are outlined below.

The project does not violate federal, state, or local laws or requirements imposed for the protection of the environment. The Mitigation Commission has analyzed stakeholder input, alternatives, and environmental effects in detail, and finds that the project meets the purpose and need described in the EA with no significant impacts to the natural or human environment.

Water Resources and Water Quality

The project area segment of Diamond Fork Creek has generally good water quality supporting beneficial uses designated by the Utah Division of Water Quality (UDWQ) under the Clean Water Act, though eroding banks and high upstream erosion rates contribute to high turbidity and sediment loads that impair water quality and substrate conditions.

In-stream project work will have short-term adverse effects on water quality as sediments are disturbed during construction; however, these effects are temporary and limited to one construction season. Stabilization of three major eroding bank locations will reduce sediment loading over the long-term, improving water quality in lower Diamond Fork Creek and the Spanish Fork River. In-stream structures will create deeper pools with immediate improvements

in water temperature and fish habitat, and will create anchor points for beaver dams that filter sediments and further improve water quality over time. Increased consumptive water use from habitat type conversions is estimated at 0.04 acre-feet annually, which will be accounted for using the Mitigation Commission's existing water rights; no impacts to downstream water users will occur.

Aquatic Habitat and Fishery Resources

Lower Diamond Fork Creek has long, straight stretches without pools due to the legacy of altered hydrology and the effects of the Pole Creek Fire. Fish density and size are lower than what the channel could support with better habitat quality.

Construction will have short-term adverse effects on aquatic organisms and fish through increased turbidity during the construction season. Over the long term, stabilization of eroding banks and construction of in-stream structures will substantially improve aquatic habitat quality, and creation of deep pool habitat will greatly benefit trout species, improving food sources and contributing to increased fish density and size. The project will create more slow-moving pool and quiet backwater habitat that benefits southern leatherside chub, reduce sediment loading that benefits giant salmonfly populations, and create additional off-channel pond habitat that benefits Columbia spotted frog. The project is expected to have minimal short-term mortality effects on Columbia spotted frog, as occurrence data were used to avoid concentrated egg mass areas in project design.

Wetlands

Wetlands within the project area include palustrine scrub-shrub (30.25 acres), palustrine emergent (6.61 acres), and palustrine forested (0.63 acres) wetland types, along with potentially jurisdictional Waters of the U.S. including Diamond Fork Creek.

Construction will cause temporary disturbance along access routes within wetlands and to river banks where structures are anchored. Access routes will be located in uplands as much as possible to reduce temporary impacts. The project is expected to slightly raise the local water table and increase the wetted perimeter along banks, which will maintain wetland and riparian habitats and may create new wetland areas or return wetland hydrology to areas that have dried due to channel downcutting and erosion. Altered and disturbed areas will be revegetated with native species. The Mitigation Commission has determined through consultation with the U.S. Army Corps of Engineers (Corps) that the Proposed Action qualifies for Regional General Permit 16 for aquatic habitat restoration and enhancement activities, and will obtain all required permits prior to construction activities in jurisdictional areas.

Vegetation Communities

Upland habitats include areas dominated by smooth brome and native shrub and grass communities. Riparian habitats are dominated by narrowleaf cottonwood, boxelder, and willow species. Herbaceous wetland habitats include wet meadows and emergent marsh communities.

Many areas that previously contained hydrophytic vegetation have been on a drying trend, allowing smooth brome and other invasive species to expand.

Construction will temporarily impact vegetation communities. The project is expected to raise the local water table, maintaining and potentially expanding wetland and riparian habitats and reversing the drying trend. All temporarily disturbed areas will be revegetated with native species and monitored and adaptively managed for five years following construction. Habitat enhancement activities will create new canopy openings for shade-intolerant native forbs supporting native pollinator species, and will result in healthier aquatic ecosystems supporting species of greatest conservation need.

Terrestrial Wildlife

The riparian corridor of lower Diamond Fork Canyon supports large mammals including mule deer, elk, moose, black bear, and mountain lion; small mammals; and reptiles. North American wolverine (*Gulo gulo luscus*), a federally listed threatened species, lacks suitable habitat in the project area at lower elevations but could occur incidentally.

Construction will have temporary negative effects on terrestrial wildlife through noise, vibrations, equipment mobilization, and habitat disturbance. Construction will temporarily affect habitat use by big game including mule deer, elk, and moose, but will not affect migration patterns. Over the long term, the project will increase accessible open water habitat and improve overall biodiversity and habitat quality, benefiting terrestrial wildlife throughout the analysis area.

Avian Wildlife

The riparian corridor supports a diversity of migratory birds, raptors, and eagles. One golden eagle nest is present at the edge of the half-mile buffer (more than 800 meters from the construction footprint) and has been confirmed by Utah Division of Wildlife Resources to be of no concern for impacts from the project. If construction begins before August 15, nest clearance surveys will be conducted no more than one week before construction activities commence by qualified avian biologists; occupied nests will be flagged and appropriate buffer areas established and avoided until the nesting period ends.

Over the long term, the project will improve riverine habitat for fish, macroinvertebrates, and insects, improving food availability for waterbirds, foraging raptors, and migratory birds. New wetland ponds will support a variety of waterbirds and amphibians. Revegetation with native plants will support a healthy food web and improve the diversity of habitat types including enhanced wetlands and open-canopy habitats.

Threatened and Endangered Species

Ute ladies'-tresses (*Spiranthes diluvialis*), a federally threatened species, is known to occur in the project area. The project may also affect monarch butterfly (*Danaus plexippus*), proposed threatened, and Suckley's cuckoo bumble bee (*Bombus suckleyi*), proposed endangered. Mexican

spotted owl and yellow-billed cuckoo are not likely to occur due to lack of suitable habitat within a 0.5-mile radius.

The Mitigation Commission prepared a Biological Assessment and concluded that the project may affect and is likely to adversely affect Ute ladies'-tresses. Project design features including flagging of access routes, avoidance of known occurrences, and transplanting of occupied sod mats to suitable restored habitat where avoidance is not possible have been incorporated into the project. The project is expected to have long-term benefits to Ute ladies'-tresses populations by raising water stage, helping to reverse the drying trend of the active floodplain, and improving hydrology through off-channel pond creation. The Mitigation Commission will complete consultation with the U.S. Fish and Wildlife Service (USFWS) to obtain a Biological Opinion prior to initiating construction activities in Ute ladies'-tresses suitable habitat.

The project will not jeopardize the continued existence of monarch butterfly or Suckley's cuckoo bumble bee. Both species will experience only short-term adverse effects on habitat during construction; long-term benefits for habitat quality are anticipated through treatment of monocultural weeds and revegetation with native flowering plants.

Cultural Resources and Indian Trust Assets

The Area of Potential Effects (APE) was surveyed by the U.S. Bureau of Reclamation (Reclamation) prior to project construction. A homestead site was identified within the APE; the proposed off-channel pond location near the site was modified to maintain a 30-meter buffer, avoiding any potential impact. Based on Class I and III inventory data, Reclamation has determined a finding of No Historic Properties Affected for the project, with agreement from the USFS archaeologist and concurrence from the Utah State Historic Preservation Office. If work crews encounter any suspected artifacts or evidence of human remains during construction, work will stop immediately and the Mitigation Commission project manager will consult with Reclamation's cultural resources specialist prior to resuming work in the affected area.

Scoping letters were sent to the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Northwestern Band of the Shoshone Nation, and the Ute Indian Tribe of the Uintah & Ouray Reservation. No comments were received. The Proposed Action Alternative would have no impacts on Indian Trust Assets or federal reserved water rights.

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. This action would not significantly affect the quality of the human environment, within the meaning of Section 102(2)(C) of NEPA, for the following reasons:

- Water resources and water quality; aquatic habitat and fishery resources; wetlands; vegetation communities; terrestrial wildlife; avian wildlife; threatened and endangered

species; and cultural resources and Indian Trust Assets were all assessed for potential impacts. The project was not determined to result in adverse impacts at a level that would be considered significant. This is thoroughly documented in Chapter 3 of the EA. Other resources were considered but not brought forward for detailed analysis either because the resource does not exist in the project area or because the resource would not have the potential to be impacted.

- Public health and safety would be minimally affected by the project. Construction staging and active work areas may be temporarily posted as closed to public access; areas where construction is complete will be made accessible to the public.
- The project includes specific design features and conservation measures to avoid and minimize adverse impacts, including flagging of equipment work areas, nest clearance surveys prior to construction during the nesting season, transplanting of Ute ladies'-tresses occupied sod where avoidance is not possible, equipment cleaning requirements, and post-construction revegetation, monitoring, and adaptive management for five years.
- None of the identified environmental effects are considered highly controversial.
- None of the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- The project would set no precedent or decision in principle about other actions that could pose significant environmental effects.
- Future site or project-specific proposals in the broader Diamond Fork watershed would undergo subsequent tiered NEPA reviews as appropriate.
- Reclamation has determined a finding of No Historic Properties Affected for the project APE in accordance with Section 106 of the National Historic Preservation Act; the Utah SHPO and USFS archaeologist have concurred. No adverse impacts to cultural resources are anticipated.
- Consultation with the USFWS has been initiated regarding effects to Ute ladies'-tresses, monarch butterfly, and Suckley's cuckoo bumble bee. The Mitigation Commission will obtain a Biological Opinion from the USFWS prior to initiating construction activities in Ute ladies'-tresses suitable habitat. Mexican spotted owl and yellow-billed cuckoo are not likely to occur in the project area. North American wolverine lacks suitable habitat in the project area.
- This action does not threaten any violations of applicable laws or requirements imposed for the protection of the environment, including Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, and Executive Order 13186 (Migratory Bird Treaty Act).

AGENCY INVOLVEMENT

The Mitigation Commission conducted scoping and coordinated with federal, state, and local government agencies during preparation of the EA. Key agency partners include the U.S. Bureau of Reclamation, Central Utah Water Conservancy District, Utah Division of Wildlife Resources, U.S. Forest Service, Trout Unlimited, and the U.S. Department of the Interior CUPCA Office.

Agency coordination meetings were held on September 30, 2024; August 19, 2025; January 12, 2026; and January 15, 2026 to discuss project background, design, permitting needs, and NEPA requirements with relevant resource agencies including the USFWS and the Spanish Fork Ranger District of the Uinta-Wasatch-Cache National Forest.

Scoping letters were sent to the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Northwestern Band of the Shoshone Nation, and the Ute Indian Tribe of the Uintah & Ouray Reservation. No comments were received from any of these tribes.

CONCLUSION

The Proposed Action Alternative 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 that would rise to the level of significance. Based on the analysis presented in the EA, it has been determined that the project would not result in any significant impacts and an environmental impact statement is not required.

IMPLEMENTATION DATE

This action may be implemented at any time upon signing of this document by the Mitigation Commission, subject to the Mitigation Commission obtaining all required permits and authorizations, including a Biological Opinion from the USFWS, prior to initiating construction activities in Ute ladies'-tresses suitable habitat.

FURTHER INFORMATION

Please direct questions on the EA or FONSI to:

Utah Reclamation Mitigation and Conservation Commission Attn: Lower Diamond Fork Aquatic Habitat Enhancement Project 230 South 500 East, #230 Salt Lake City, Utah 84102