

**FEDERAL EMERGENCY MANAGEMENT AGENCY**  
**FINDING OF NO SIGNIFICANT IMPACT**  
**Davis Aqueduct Parallel Pipeline, Weber Basin Project**  
**Davis County, Utah**

The Weber Basin Water Conservation District (WBWCD) has requested funding from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) for activities related to the construction of a pipeline parallel to the Davis Aqueduct to mitigate seismic and geological hazards and increase the resiliency of the Weber Basin Project. Funding for the proposed project would be provided through FEMA's Building Resilient Infrastructure and Communities (BRIC) program, EMD-2021-BR-063-0004. BRIC supports states, local communities, tribes, and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards. The project is located in the cities of South Weber and Layton, Davis County, Utah, at Township 4 N, Range 1 W, Sections 1 and 2; and Township 5 N, Range 1 W, Sections 25 and 36; and Latitude 41.131908 N; Longitude -111.894208 W.

## **BACKGROUND**

The Davis Aqueduct is owned by the Bureau of Reclamation (BOR) and operated by the WBWCD. The project and related facilities would be owned, operated, and maintained by the WBWCD and would carry BOR Weber Basin Project water. The project includes constructing 2.2 miles of new 72-inch-diameter pipe between the bifurcation structure at the end of the Gateway Tunnel and the Davis North Water Treatment Plant, north and west of the existing Davis Aqueduct. In most locations, the new pipeline would be located between 0.25 and 0.33 mile from the existing Davis Aqueduct. The new pipeline would have the capacity to convey 170 cubic feet per second (cfs). The project also includes installing new valve vaults and other appurtenant structures.

The project is needed because there is no redundancy in the existing Davis Aqueduct system; it is not resilient to geologic and seismic hazards and is in poor condition due to its age; and is hydraulically deficient, not accommodating the hydraulic design capacity, and is unable to meet future demand. The proposed project would meet hydraulic demands by having a system that can convey a minimum flow of 125 cfs, which is needed to meet WBWCD's baseline demand at three critical turnouts to maintain a high level of service goals.

In November 2020, the BOR completed an Environmental Assessment (EA) (PRO-EA-20-008) for the Davis Aqueduct Reach 1 Parallel Pipeline Project (the proposed FEMA undertaking). Two alternatives were considered, the No Action Alternative and the Proposed Action Alternative. Other alignments were evaluated in a WBWCD geotechnical and geological hazard investigation in conjunction with an alignment study for the project that evaluated seven different alternatives (three distinct alignments with four variations). WBWCD selected the preferred alignment because it would provide the best hydraulic performance and would have the lowest risk from geological hazards such as landslides, liquefaction, and seismic events. The other evaluated alternatives had geological hazards that would not meet the purpose of and need for the project. The BOR adopted the process

and results of the WBWCD alignment study and no other action alternatives were considered or evaluated by the BOR for the EA.

## **PUBLIC INVOLVEMENT**

The BOR EA was made available for public review with a 30-day comment period ending August 9, 2020. A total of six comments were received during the comment period and all comments and concerns were addressed in the preparation of the final BOR EA.

A Finding of No Significant Impact (FONSI) was signed by the BOR on November 6, 2020. FEMA is adopting the BOR EA, which addresses the environmental impacts of the construction of the new pipeline parallel to the Davis Aqueduct in the Weber Basin. No significant environmental impacts were identified in the BOR EA. The BOR FONSI and EA are incorporated by reference, and in keeping with the Unified Federal Review process, will be used to support and document FEMA's compliance responsibilities under the National Environmental Policy Act (NEPA).

## **MITIGATION MEASURES AND STIPULATIONS**

The WBWCD is responsible for complying with all applicable permit requirements, mitigation measures, and stipulations outlined in Section 1.4.6 (Permits) and Section 4 (Environmental Commitments) of the BOR EA, including but not limited to the following:

- A U.S. Army Corps of Engineers (USACE) permit, in compliance with Section 404 of the Clean Water Act, will be required prior to the discharge of dredged or fill material into Waters of the United States.
- A Stream Alteration Permit under Section 404 of the Clean Water Act and Utah statutory criteria of stream alteration described in the Utah Code will be required prior to impacts to perennial streams or creeks. The Stream Alteration Permit is issued by the Utah Division of Water Rights.
- The contractor will follow all general and special permit conditions included in the Clean Water Act Section 404 permit and Stream Alteration Permit. Impacts to wetlands and Waters of the U.S. will not occur outside areas included in the Section 404 permit and Stream Alteration Permit.
- A U.S. Forest Service (USFS) special use authorization is needed for the area where the project will cross National Forest System lands. The USFS is a cooperating agency through jurisdiction by law and special expertise. The USFS decision is whether or not to issue a special use permit to authorize the construction and operation of a pipeline across National Forest System lands.
- A Utah Pollutant Discharge Elimination System Permit from the Utah Division of Water Quality will be necessary for stormwater discharges from construction activities, because the project will impact greater than one acre of land. WBWCD will obtain any other applicable Clean Water Act Section 401 Water Quality certifications. WBWCD and their contractor will

take appropriate measures to ensure that construction-related sediments will not enter any streams or other water bodies during or after construction. WBWCD and their contractor will construct settlement ponds and intercepting ditches for capturing sediments and will haul the sediment and other contents collected off the site for appropriate disposal upon completion of the project.

- The Utah Division of Air Quality regulates fugitive dust from construction sites and requires compliance with rules for sites disturbing greater than 0.25 acre. Utah Administrative Code Rule R307-205-5 requires steps be taken by WBWCD and their contractor to minimize fugitive dust from construction activities. Sensitive receptors include those individuals working at the site or motorists who could be affected by changes in air quality due to emissions from the construction activity.
- All equipment will be fitted with noise reducing features (e.g., mufflers) and construction activities will be limited to daytime hours.
- If any cultural resources, either on the surface or in the subsurface, are discovered during construction, WBWCD will notify FEMA and the BOR's Provo Area Office archaeologist, and construction in the area of the inadvertent discovery will stop until a professional archaeologist can assess the resource and make recommendations for further work.
- If a person knows or has reason to know that she or he has inadvertently discovered possible human remains on federal land, she or he must immediately notify FEMA and the BOR's Provo Area Office archaeologist by telephone about the discovery. Work will stop until the proper authorities are able to assess the situation on site. This action will promptly be followed by written confirmation from WBWCD to the responsible federal agency official with respect to federal land. The Utah State Historic Preservation Officer and interested Native American tribal representatives will be promptly notified by FEMA. Consultation will begin immediately. This requirement is prescribed under the Native American Graves Protection and Repatriation Act (43 CFR Part 10) and the Archaeological Resources Protection Act of 1979 (16 USC Section 470).
- If vertebrate fossils are encountered during ground-disturbing actions, construction will be suspended until WBWCD can contact FEMA and the BOR's Provo Area Office archaeologist and a qualified paleontologist can assess the find.
- Standard Best Management Practices (BMPs) will be applied by WBWCD and their contractor during construction activities to minimize environmental effects. Such practices or construction specifications include but are not limited to erosion control (e.g., silt fencing), a traffic control plan with notice of closures, equipment maintenance, dust and water pollution abatement, and waste material disposal.
- The proposed project construction area will be located in primarily previously disturbed areas, areas adjacent to highways, and areas with industrial or institutional land uses. Some work will occur in previously undisturbed areas or areas that have not been recently disturbed. All impacts on previously disturbed sites and in areas that have not been recently disturbed will be minimized as much as possible.

- All excavation and vegetation removal activities must be completed in accordance with BMPs to reduce impacts to soils and water resources.
- Staging areas will be located where they will minimize new disturbance of area soils and vegetation.
- All excess excavated soil must be stockpiled outside the 100-year floodplain and outside of any wetland areas.
- Ground disturbance will be minimized to the extent possible.
- Only certified weed-free hay, straw, or mulch will be used as an erosion-control measure.
- To control the spread of any noxious weeds, the following procedures will be listed in the construction specifications. Earth-moving construction equipment will be cleaned with a high-pressure water-blasting method off-site prior to use on the project. To control the identified weed species, any existing noxious weeds will be treated with commercially available herbicides at least 10 days before starting earthwork operations. The disturbed area will be reconstructed by using native topsoil and native seeds collected from grubbing and by replacing organic matter.
- Construction vehicles and equipment will be inspected and cleaned prior to entry into the project area to ensure they are free of weed seeds.
- Newly disturbed sites will be monitored for impacts to native vegetation.
- Stockpiling of materials will be limited to those areas approved and cleared in advance.
- Mitigation required during construction through the Weber Basin Job Corps and on adjacent National Forest System lands includes:
  - Recurring dust abatement. Fugitive dust from the construction area must be abated at a frequency determined by the contractor and approved by the USFS, including dust arising from excavated materials, or material stockpile sites.
  - Construction contractor must coordinate with the Weber Basin Job Corps Center Director to provide daily access for center activities at the construction trades buildings, USFS Fire Module facility, and sports fields.
  - No construction before 7:00am or after 6:00pm is permitted at the Weber Basin Job Corps.
  - No construction equipment or vehicle traffic is allowed outside the proposed construction right-of-way or on any roads/parking areas within the Weber Basin Job Corps property without prior approval.
  - EMS/Fire will need to be able to access lower half of center 24 hours per day from main access of center. They will not be able to respond quickly if they must use dirt road south of center.
  - Vehicle access to lower half of center must be available from the main access of center 24 hours per day.
  - Pedestrian access to and from lower half must be opened 24 hours. If a pedestrian bridge needs to be built to accommodate, this needs to be discussed.
  - All center utilities and underground water distribution lines must be kept active during construction.

- All center grounds must be kept up and returned to like condition before construction.
- Access to all properties would be maintained during construction activities. Residents potentially impacted would be notified of any road closures and detours. If traffic rerouting/control becomes necessary for the project, the U.S. Department of Transportation Manual on Uniform Traffic Control Devices guidelines would need to be followed for all traffic control.
- In the unlikely event a spill or leak would occur from the construction equipment within the project area, construction activities would cease, and FEMA, the BOR and the Utah Department of Environmental Quality would be contacted regarding the appropriate procedure for handling any contaminated soils or water.
- According to Forestwide Standards and Guidelines, disruptive management activities should be avoided on deer, elk, mountain goat, and bighorn sheep winter range from November 15 through April 30. This mitigation commitment would apply only to suitable deer, elk, mountain goat, and bighorn sheep winter range on National Forest System lands in the project area. BOR proposed these commitments (Conservation Measures) to minimize or avoid the adverse effects of implementing the Proposed Action.
- Removal of vegetation in the project area has the potential to impact migratory birds and raptors. The proposed actions are subject to compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. In accordance with U.S. Fish and Wildlife (USFWS) guidelines, the applicant is responsible for obtaining and complying with any necessary permits from USFWS. To avoid impacts to migratory birds and raptors, the project area must be inspected for nesting activity prior to the removal of vegetation. Nest surveys/searches shall occur no earlier than two weeks prior to construction. If active nests are discovered, the Utah Ecological Services Field Office must be contacted. Appropriate USFWS buffer zones and/or seasonal restrictions may be required. Alternatively, work can be completed outside of the nesting season (generally between March and August) For more specific information on nesting season dates, please contact the USFWS Utah Ecological Services Field Office. Please see Utah Raptor guidelines and USFWS Utah Field Office Migratory Bird Recommendations May 2020.

## FINDINGS

Based upon the information contained in the BOR Environmental Assessment and completed in accordance with NEPA; National Historic Preservation Act (NHPA) and tribal considerations; Endangered Species Act (ESA); Executive Orders (EO) addressing Floodplains (EO 11988), Wetlands (EO 11990), and Environmental Justice (EO 12898); and FEMA's agency guidance for implementing NEPA (FEMA Directive 108-1 and Instruction 108-01-1), it is found that the Proposed Action with the prescribed mitigation measures and stipulations will have no significant adverse impact on the human environment. **As a result of this Finding of No Significant Impact**, an Environmental Impact Statement will not be prepared, and the Proposed Action with the associated mitigation measures and stipulations as described in the Final Environmental Assessment and FONSI may proceed.

**APPROVAL**

**STEVEN E  
HARDEGEN**

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**June 8, 2023**

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Steven E. Hardegen  
FEMA Region VIII  
Regional Environmental Officer

Date