

Chapter 6: Consultation and Public Participation

6.1 Introduction

This chapter describes the public and agency coordination efforts for the Logan Northern Canal Reconstruction EIS. The intent of this EIS is to propose a solution that would re-establish the delivery of irrigation water to the canal’s shareholders.

6.2 Chronology

Table 6-1 lists the chronology of public notifications and meetings during the EIS process. The meetings are described in detail in various sections of this chapter.

Table 6-1. Public Notifications and Meetings

| Date | Type | Purpose |
|----------------------------|---|---|
| July 28, 2010 | Press release | Announce scoping meeting |
| August 11, 2010 | Public meeting | Review options and ask for comments |
| August 11, 2010 | Agency meeting | Review options and ask for comments |
| August 25, 2010 | RDCC notice | Announce scoping period end |
| October 7, 2010 | Press release | Announce alternatives for study |
| December 15, 2010 | Agency meeting | Update agencies on alternatives |
| Ongoing | Website | Post relevant materials for public review |
| March 17, 2011 | Federal Register notice of availability | Announce availability of Draft EIS |
| March 24, 2011 | Press release | Announce release of Draft EIS |
| March 29, 2011 | Joint council meeting | Present Draft EIS to city/county councils |
| March 31, 2011 | Public meeting | Review Draft EIS |
| April 2, 2011 | RDCC notice | Announce Draft EIS comment period end |
| August 26, 2011 (estimate) | Federal Register notice of availability | Announce availability of Final EIS |

6.3 Scoping

6.3.1 Notice of Intent

A notice of intent was published in the *Federal Register* on July 22, 2010. This began the scoping period for the Logan Northern Canal Reconstruction Project. This notice alerts Federal agencies of NRCS's intent to study the canal.

6.3.2 Consultations

NEPA specifies that the lead agency should identify potential cooperating agencies early in the EIS process. Concurrent with the development of the notice of intent, NRCS identified two potential cooperating agencies for the project. In July 2010, the project team sent invitation letters to USACE and USFS requesting their participation as cooperating agencies.

Typically, agencies with a high number of resources in a project area that could be affected by certain actions of the project are contacted early in the scoping process and asked to team on the project as cooperating agencies.

In addition to USACE and USFS, NRCS also contacted representatives of the following other Federal agencies, State agencies, and local governments and agencies:

- Federal Highway Administration
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- Utah Department of Transportation
- Utah Division of State History
- Utah Division of Water Quality
- Utah Division of Water Resources
- Utah Division of Water Rights
- Utah Division of Wildlife Resources
- Cache County
- City of Hyde Park
- City of Logan
- City of North Logan
- City of Smithfield

What is a cooperating agency?

A *cooperating agency* is any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact associated with the proposed action or an alternative for legislation or another major Federal action significantly affecting the quality of the human environment.

6.3.3 Scoping Meeting

Federal and State agency and tribal representatives were invited to attend an agency scoping meeting and were invited to provide comments regarding possible concerns or considerations for the resource areas under their authority. The agency scoping meeting was held on August 11, 2010, at the NRCS offices in Salt Lake City, Utah. NRCS sent meeting invitations to Federal, State, and local agencies on July 27, 2010. The purposes of the scoping meeting were to introduce attendees to the project and to request comments from the agencies regarding the scope of the Logan Northern Canal Reconstruction EIS.

The meeting was also held to gain information from each agency on the resource(s) under their jurisdiction in the study area that could be affected by the project; identify any issues that should be analyzed in the EIS; and determine if project construction would require any permits or approvals. In addition to the NRCS team, the following agency representatives attended the meeting:

- Jennefer Parker, USFS – Logan Ranger District
- Julie Hubbard, USFS
- Jason Gipson, USACE
- John Derinzy, USACE
- Rex Harris, Utah Department of Transportation
- Daren Rasmussen, Utah Division of Water Rights – Streams
- Michael Allred, Utah Division of Water Quality – Watershed Protection Section
- Tom Cox, Utah Division of Water Resources
- Bob Fotheringham, Cache County

The following agencies submitted comments during the scoping period:

- U.S. Environmental Protection Agency
- National Park Service
- USACE
- USFS
- Cache County
- City of Logan

In summary, agency representatives submitted comments about the following subjects:

- Project schedule
- Process
- Alternatives
- Impacts to aesthetics
- Impacts to energy and utilities
- Impacts to recreation
- Impacts to water rights and access

6.4 Public Participation during Planning

Public scoping is the key component to the environmental review process. NRCS relies on public comments to help identify issues as well as to help gauge public sentiment about the proposed improvements. Because the project could affect private property owners in the study area, NRCS used a combination of methods to notify the public about the project and to gather input. For a complete description of public participation during the planning process, see Appendix A, Scoping Summary Report.

6.4.1 Consultations and Meetings

Although the scoping period for the Logan Northern Canal Reconstruction EIS was initiated with the *Federal Register* notice on July 22, 2010, NRCS assumed that the general public would not be aware of the project without additional outreach to the neighboring communities. The following methods were used to notify the general public of the public scoping activities and public scoping meeting:

- Advertisements in the *Logan Herald Journal*
- Advertisements in the *Salt Lake Tribune* and *Deseret News*
- Announcements on the websites for Cache County, City of Logan, City of North Logan, and City of Hyde Park
- Announcements posted in local libraries
- Announcement on the NRCS website

NRCS held a public scoping meeting on August 11, 2010, at the Bridgerland Applied Technology College in Logan, Utah. The meeting was semi-formal with a 10-minute presentation given two times during the evening. In addition, informational boards, maps, and handouts were available to view. About 150 residents, business owners, community members, and local government officials attended the meeting.

Meeting attendees were encouraged but not required to sign in as they entered the meeting room. Each participant was given a comment sheet and an informational handout detailing the display materials, information about how to submit comments, and contact information for the project team. Attendees were encouraged to listen to the presentation, review displays about the project, and submit questions or comments about the materials provided and the project. Displays included the following:

- Map and description of possible options
- A statement of the preliminary purpose of and need for the project
- A definition of the EWPP
- An overview of the NEPA process
- A project schedule
- Example topics for comment
- Details on how to submit a comment

Project team members were available between the formal presentations to help answer questions and provide information. In addition to the comment forms that were distributed to attendees as they arrived, additional comment forms were available at tables around the room along with comment boxes. Attendees also had the option of giving their comments verbally to a court reporter or submitting comments by e-mail or U.S. mail. The e-mail and website addresses were listed on the comment form. Attendees submitted 16 written comment cards and nine comments through the court reporter.

6.4.2 Handling of Scoping Comments

Once the official scoping period ended on August 31, 2010, agencies and the public were welcome to submit comments on the process. NRCS considered these comments as appropriate during preparation of the Draft EIS. The next formal comment period for the project started with the release of the Draft EIS on March 17, 2011. See Section 6.5.3, Comments on the Draft EIS, for information about comments on the Draft EIS.

Table 6-2 summarizes the scoping comments received by affiliation (for a complete summary of comments received during scoping, see Appendix A, Scoping Summary Report). The information available to the public included possible options that NRCS had considered. NRCS used the information gathered during the scoping process to identify other options that were considered further during the EIS process.

Many of the comments received during scoping were specific to the options presented during scoping, which were called Option 1 (US 89), Option 2 (Lundstrom Park), Option 3 (Canyon Road), and Option 4 (3100 North). NRCS used the information gathered during scoping to further define potential project options and also used the information as appropriate as it completed the EIS. Agencies and the public continued to submit comments on the Logan Northern Canal Reconstruction project (see Section 6.5.3, Comments on the Draft EIS). The project team considered these comments as it completed the Draft EIS.

Table 6-2. Scoping Comments Received by Affiliation

| Affiliation | Number | Percent of Total |
|------------------------------|--------|------------------|
| Individual ^a | 92 | 91% |
| Federal agency | 4 | 4% |
| Local government | 3 | 3% |
| Nongovernmental organization | 2 | 2% |

^a Some individuals submitted more than one comment letter, e-mail, or comment form. Each submission is considered to be a stand-alone comment.

6.5 Draft EIS

The project team prepared a Draft EIS and held a public meeting to review the results with the public and ask for comments. NRCS also distributed a press release to local news agencies to announce the availability of the Draft EIS, and EPA published a notice of availability in the Federal Register on March 17, 2011. In addition, NRCS published a meeting announcement in the *Herald Journal*, *Salt Lake Tribune*, and *Deseret News*.

The Draft EIS is available in electronic format on the project website, www.ut.nrcs.usda.gov/programs/EWP/LNCRP. The public was able to review the document online, at local public libraries, at NRCS offices, and at the Cache County office.

6.5.1 List of Agencies, Organizations and Persons to Whom Copies of the Draft EIS Were Sent

NRCS distributed copies of the Draft EIS to cooperating agencies, local agencies, and public libraries. Other interested parties received notices of availability, which included a link to an electronic version of the Draft EIS on the project website. See Chapter 8, Distribution, for the list of agencies, organizations, and persons to whom a notice of availability or a copy of the Draft EIS was sent.

6.5.2 Public Meeting for the Draft EIS

NRCS held a public open house for the Draft EIS on March 31, 2011, at Bridgerland Applied Technology College West Campus, 1000 West 1400 North, Logan, Utah. NRCS invited people to attend any time between 5:30 PM and 7:30 PM. People who attended the meeting were able to provide written comments or oral comments to a court reporter. Additionally, NRCS gave a presentation about the Draft EIS at a joint council meeting (a meeting of the Cache County Council and councils of the Cities of Logan, North Logan, Hyde Park, and Smithfield) on March 29, 2011, at 7 PM in the Cache County Council Chambers.



6.5.3 Comments on the Draft EIS

NRCS encouraged comments on the Draft EIS through e-mail and U.S. mail as well as at the public meeting. The official comment period ran from March 17, 2011, to May 2, 2011. NRCS received a total of 58 individual comment letters, e-mails, comment forms, or oral comments (which were recorded at the open house by a court reporter). Table 6-3 summarizes the number of scoping comments received by affiliation.

Table 6-3. Draft EIS Comments Received by Affiliation

| Affiliation | Number | Percent of Total |
|-------------------------|--------|------------------|
| Individual | 51 | 88% |
| Federal or State agency | 4 | 7% |
| Local government | 3 | 5% |

Many of the comments were specific to the options presented during scoping. Other comments focused on the alternatives studied in the Draft EIS and conclusions about the alternatives, potential effects on the environment, and potential effects on hydropower generation. The following list summarizes the general categories of comments that NRCS received on the Draft EIS. See Chapter 12, Comments on the Draft EIS, for copies of the comments received.

- Alternatives: comments regarding options not studied in detail, general support for specific alternatives, and general opposition to specific alternatives
- Preference to leave affected canals open for reasons related to recreation, quality of life, and wildlife
- Concern regarding vegetation removal along affected canals and how that might affect quality of life and habitat along the canals
- Concern regarding loss of recreational use of canal easements
- Concern regarding safety of canal system (safe conveyance of water and emergency response planning), especially in areas that are historically unstable
- Comments about the potential effects of changed Logan River flows on hydropower generation by the City of Logan and on the river ecosystem
- Comments about the value of hydropower generation
- Concerns and questions regarding the removal of structures from 14 properties that are in an area of historic landslide activity
- Comments regarding project costs and project funding
- Comments about canal system management and concern about statements by and planning of canal companies
- Concern about continued service to shareholders along the LN Canal upstream of about 400 North
- Comments about the alternatives' technical details such as pipe sizes, queues, and materials

- Disagreement with conclusions presented in the Draft EIS
- Comments regarding acquisition of easements to complete construction
- Comments about community disruption
- Comments about changes related to secondary benefits such as stormwater conveyance and seepage
- Comments about stabilizing the landslide area along the Logan Bluff

NRCS used the information gathered from comments on the Draft EIS to make changes to this Final EIS as appropriate. See Section S.1.2, Changes from the Draft EIS, for a list of changes that NRCS made for this Final EIS. All of the comments received and responses to those comments are contained in Chapter 12, Comments on the Draft EIS.

6.6 Final EIS

NRCS notified the public and interested agencies of the availability of this Final EIS using the project website, the Federal Register, the State of Utah's Resource Development Coordinating Committee, and local newspapers. The notice of availability includes information about where interested parties can view the Final EIS.

See Chapter 8, Distribution, for the list of agencies, organizations, and persons to whom a notice of availability or a copy of the Final EIS was sent.

6.7 Record of Decision (ROD)

NRCS will consider comments on this Final EIS as it completes a ROD for the project. NRCS will not respond to comments on the Final EIS. The ROD will identify the selected alternative, specify reasons why NRCS chose the selected alternative, disclose what NRCS expects will be the project-related impacts of the selected alternative, and list any mitigation commitments associated with the selected alternative. The earliest date when NRCS can file the ROD is 30 days after the release of the Final EIS.

If the selected alternative would require other Federal actions such as Federal permits or authorizations, then the permitting or authorizing agencies can use the Final EIS to compile their decision documents as appropriate.