

Finding of No Significant Impact (FONSI)

Restoration Plan and Environmental Assessment Addendum for the Sharon Steel Mill, Murray, Utah

February 2019

The U.S. Fish and Wildlife Service (Service), on behalf of the U.S. Department of the Interior (DOI) and the State of Utah is proposing to implement the Sharon Steel Restoration Plan/Environmental Assessment (SSRP/EA) Addendum. The SSRP/EA Addendum presents a preferred alternative to compensate for impacts to natural resources caused by the release of hazardous substances from the Sharon Steel Mill, located in Murray City, a municipality within Salt Lake City, Utah and the Portland Cement Kiln Dust Sites, located in Salt Lake County, Utah. Natural Resource Damages (NRD) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 33 U.S.C. § 1321, and the Clean Water Act, 33 U.S.C. § 1251 were awarded to the Service, DOI and the State of Utah Natural Resource Trustee (acting as co-Trustees) as a result of a bankruptcy settlement with the responsible parties for the Sharon Steel Mill in 1991. Damages under CERCLA were awarded to DOI as a result of a bankruptcy settlement with the responsible party for the Portland Cement Kiln Dust Sites in 1993. These damages were to compensate for natural resource injuries resulting from exposure to hazardous substances including lead, cadmium, zinc and other heavy metals.

Under CERCLA, damages recovered from parties responsible for natural resource injuries are used “to restore, rehabilitate, replace, and/or acquire the equivalent of the injured resources [42.U.S.C. § 9607 (f) (1)]. Any funds used by Federal Trustees to implement restoration activities are subject to the requirements of the National Environmental Policy Act (NEPA) [42 U.S.C. § 4321]. Accordingly the Trustees (the Service and the State of Utah for Sharon Steel, the Service for Portland Cement) developed the SSRP/EA Addendum to identify restoration alternatives that partially address the resources injured and ecosystem services lost due to the release of hazardous wastes associated with the Sharon Steel Mill and Portland Cement sites, and to analyze the effects of those alternatives on the human environment.

The SSRP/EA Addendum lists and describes three restoration alternatives for the Portland Cement funds, and four alternatives for the use of the combined Sharon Steel and Portland Cement funds at the Big Bend Project. The three Portland Cement alternatives include: 1) no action (against which other alternatives were compared); 2) restoration within the Portland Cement sites (not possible because of subsequent development of these sites); and 3) contributing Portland Cement settlement funds to the City of West Jordan Natural Habitat Restoration (Big Bend) Project. The four Sharon Steel alternatives include: 1) excavation and restoration of a new meandering channel and floodplain for the Jordan River across the site; 2) restoration of a perched channel on top of the existing elevated floodplain, supplied by water from a nearby canal; 3) restoration of a small tributary stream on top of the existing floodplain,

supplied by water from a nearby canal, and 4) no action (against which other alternatives were compared).

The preferred alternatives a) propose that the funds from the Portland Cement settlement be used to restore injured natural resources at the Big Bend site, and b) propose that the combined Portland Cement and Sharon Steel funds be used to support the expanded scope of the Big Bend Restoration Project. This project calls for the restoration of hydrologic and riparian function in the reach of the Jordan River that runs adjacent to the site on its west and north boundaries by excavating a portion of the existing floodplain (elevated approximately 10-15 feet above the existing river level due to channel down-cutting and erosion) down to the level of the river to create approximately one mile of meandering channel and an approximately 600 foot wide floodplain that will support native riparian vegetation, running on a diagonal through the site. A four acre urban fishing pond with naturalized vegetation and other recreational amenities will be located on the western side of the site between the trail and the new river channel, while the eastern side of the site, between the new and existing river channels will be managed as a limited human access wildlife reserve. The site as a whole would be vegetated with native species and managed by the City of West Jordan as a nature park, with a conservation easement to be held by the Utah Reclamation, Mitigation and Conservation Commission or another entity acceptable to the Trustees, to ensure that the restored resources are protected into perpetuity. These actions will compensate for injuries to natural resources, including migratory birds and migratory bird habitat, and are outlined and described in full in the SSRP/EA Addendum.

As documented in the Evaluation of Alternatives, the preferred alternative has no anticipated adverse effects on physical, biological, or socioeconomic resources. A significant portion of the project area will be disturbed by construction, however, the beneficial impacts to migratory birds, fish and other trust natural resources outweigh this short term adverse impact. A citizen science-based long-term monitoring program will be implemented with a portion of the available funds, which will document increases in natural resource services (e.g., migratory bird habitat, water quality) over baseline levels that were measured prior to restoration.

A press release was issued announcing a public comment period from September 20, 2018 through October 20, 2018. Copies of the SSRP/EA Addendum were available for review at the U.S. Fish and Wildlife Service, Utah Ecological Services Field Office, the City of West Jordan, Utah, the University of Utah Marriott Library, and the West Jordan Branch of the Salt Lake County Library, and at the following website:
https://www.doi.gov/sites/doi.gov/files/uploads/nrdar_draft_restoration_plan_and_environmental_assessment_rpea_addendum_for_the_sharon_steel_site_september_2018.pdf

Interested members of the public were invited to review and comment on the SSRP/EA Addendum within the 30-day public comment period ending October 20, 2018. No comments were received by during the 30-day public review period.

Based on my review and evaluation of the SSRP/EA Addendum, I have determined that the implementation of the Sharon Steel RP/EA Addendum, and the expenditure of Portland Cement NRD settlement funds at the Big Bend Nature Park Restoration Project is not a major federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, preparation of an environmental impact statement is not required.



Date 3.15.19

Regional Director, DOI Authorized Official
Mountain-Prairie Region, U.S. Fish and Wildlife Service