

Finding of No Significant Impact (FONSI)

Shivwits Band of Paiutes Fee-to-Trust Hurricane, Utah

Based on review of the Final Environmental Assessment (**WRO-EA-26-001**), the proposed acquisition of 15.2 acres into Trust for the subsequent travel center and Tribal facility development will not have significant impact on the human environment requiring an Environmental Impact Statement pursuant to Section 102 (2) (c) of the National Environmental Policy Act (NEPA).

The decision is based on the following:

1. The proposed action will not jeopardize threatened or endangered species. The 15.2 are comprised of two parcels (No. H-4-1-36-2006 and H-4-1-36-220). Both parcels are within an urban setting and have been heavily used and primarily devoid of native vegetation since at least the late 1980s. The parcels currently support little-to-no wildlife habitat due to heavy use by motorized and non-motorized bikes and ATVs. Because the project area lacks the necessary habitat to support any of the species listed as potentially occurring in the project area and because of ongoing heavy, high disturbance human activity on and adjacent to the two parcels, there is no potential for any threatened, endangered, proposed, or candidate species to occur in the project area nor are there any ESA-designated critical habitats present. Therefore, there will be no impact on threatened or endangered species under the Proposed Action and/or No Action Alternative (WRO-EA-26-001, pg. 19).
2. The proposed action will have ‘no-effect’ on historic properties (National Historic Preservation Act, as amended 16 U.S.C 470) for the purpose of 36 CFR 800.9 (b). The Utah SHPO concurred with this determination (WRO-EA-26-001, pg. 20). Should undiscovered archeological remains be encountered during project ground-disturbing activities, work will stop, and the stipulations of 36 CFR 800.11 will be followed.
3. The Proposed Action consists of an administrative action (trust taking) and constructing, operating, and maintaining a travel center and Tribal facilities to include road and utility improvements. While the activities under the Proposed Action will cause ground disturbance, there are no topographical features (elevation change, excised drainages, etc.) present within the project area. Therefore, the Proposed Action will not result in impacts to topography (WRO-EA-26-001, pg.17).
4. There are no designated impaired waters within or adjacent to the project area (EPA 2025c). Pursuant to agreed-upon compliance measures in the City-Shivwits Band MOU and Section 402(p) of the Clean Water Act (CWA), a National Pollutant Discharge Elimination System Construction General Permit and associated SWPPP is required for the Proposed Action (WRO-EA-26-001, pg.18).

5. A buried gas line and a fiber optic line were found within the project area. These lines will be avoided or relocated, as necessary, during the construction phase of the Proposed Action. This is not expected to have an impact on the use of gas or fiber utilities in the area. Therefore, the Proposed Action will not impact community infrastructure (WRO-EA-26-001, pg. 20).
6. There is no soil within the project area classified as prime and unique farmland. Therefore, the Proposed Action will have no impact on agricultural activities or prime and unique farmland (WRO-EA-26-001, pg.20).
7. The Proposed Action will not conflict with any current land use plans and has been supported by the City and Washington County. The Shivwits Band has entered a memorandum of understanding MOU with the City that specifically states the Tribe will develop the property in strict compliance with all zoning requirements (WRO-EA-26-001, pg.21).
8. The Proposed Action may result in short-term impacts on public health and safety as a result of the construction activities and traffic disruptions associated with lane shifts and traffic control. A traffic-control plan will be prepared to minimize traffic and impacts on public health and safety. The Proposed Action will result in short-term, negligible impacts on public health and safety (WRO-EA-26-001, pg.22).
9. The project area is in an area zoned as that regulates development within the city limits. mixed commercial and/or highway commercial. The Shivwits Band has agreed to design and construct the proposed travel center and Tribal governance offices in compliance with those specific zoning ordinances. Therefore, the Proposed Action will be consistent with and in compliance with all construction and building ordinances related to noise and light. Impacts from lighting will be minimized through the City's requirements, such as the installation of downward-facing light fixtures with directional light shields (WRO-EA-26-001, pg.21).
10. The Shivwits Band, in their MOU with the City, has agreed to abide by these requirements and to collaborate with the City Engineer to design and site the access points in a manner that minimizes impacts to the level of service (LOS) and to implement any measures to reduce congestion that are deemed to be required (WRO-EA-26-001, pg.28).
11. The proposed action will not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment.

Clifford Serawop, Superintendent
Southern Paiute Agency
Bureau of Indian Affairs

Date