

**LAKEPOINT WETLANDS DRAFT RESTORATION PLAN AND
ENVIRONMENTAL ACTION STATEMENT
PUBLIC REVIEW DRAFT
NOVEMBER, 2007**

EXECUTIVE SUMMARY

This Draft Restoration Plan and Environmental Action Statement (Draft RP/EAS) was prepared in compliance with the Natural Resource Damage, Assessment and Restoration (NRDAR) provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9601 *et seq.*, and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*) to address restoration of natural resources held in trust by the U. S. Fish and Wildlife Service (the Service), acting on behalf of the U.S. Department of Interior (DOI), alleged to have been injured by the release of hazardous substances (as defined by CERCLA and other regulations) associated with to industrial operations by Kennecott Utah Copper Corporation (KUCC) at the “North Zone Wetlands” on the south shore of the Great Salt Lake in Salt Lake County, Utah.

The purpose of restoration, as outlined in this Draft RP/EAS, is to make the environment and public whole for injuries to natural resources and natural resource services alleged by the Service to have occurred at the North Zone Wetlands by compensating for the losses of these resources and services by the acquisition, restoration, management, and protection into perpetuity of natural resources of a similar type and magnitude at the Lakepoint Wetlands, a property owned by KUCC, located approximately 10-15 miles west of the North Zone Wetlands.

This Draft RP/EAS was developed by the Service, acting as the Trustee for DOI Natural Resources, as part of a cooperative settlement of the DOI’s claim against KUCC for the alleged injuries to natural resources. The parties were joined as a neutral third party in this process by The Nature Conservancy (TNC), a non-profit 501(c)(3) organization whose mission is to “preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive” (TNC website, www.nature.org). The negotiated settlement of the natural resources damage claim against KUCC by DOI is set forth in a Consent Decree between KUCC and the U.S. Department of Justice (DOJ), representing the Service and DOI, lodged in the U.S. District Court for the State of Utah, to which this Draft RP/EAS is attached.

The restoration actions negotiated between the parties, and described in this Draft RP/EAS, are summarized as follows:

- KUCC will transfer title to 616 acres of property near Lakepoint, in Tooele County, Utah (the Lakepoint Property) to TNC for the purpose of management and improvement of natural resources, chiefly migratory

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shorebirds and waterfowl and their habitats. To assure that the property has sufficient water to sustain these resources, KUCC will also transfer water rights to TNC for 1 cubic foot per second of water from the Factory Springs/Factory Creek watershed, also in Tooele County, Utah. Additionally, KUCC will also provide an endowment to TNC in the amount of \$175,000 for the purposes of long-term management of the property.

- KUCC will, within the time frame cooperatively negotiated between the parties, and presented within this Draft RP/EAS, complete specified construction activities on the property that will increase natural resource values of the Lakepoint Property, and/or increase the ability to manage these resources. These activities include construction of a pipeline to supply water from Factory Creek to the Lakepoint Property, and construction/repair of water conveyance channels, culverts and other improvements for water management on the property.
- TNC will, through a Memorandum of Understanding (MOU) with the Service, manage the Lakepoint Wetlands (as it will be known following restoration construction activities) for perpetuity for the primary benefit of Trust natural resources of the Service, chiefly migratory shorebirds and waterfowl, and their habitats. The property may be used and/or managed by TNC for other species and purposes as well, as long as these are consistent with the objectives of both this Draft RP/EAS and TNC's Management Plan for the Lakepoint Wetland, included with this Draft RP/EAS as Attachment 3.

The Draft RP/EAS also fulfills the Service's and DOI's obligations under the NEPA, which is to evaluate the potential environmental impacts of the proposed actions. As detailed in Section 1.5.1 of the Draft RP/EAS, based on their analysis, the Service determined that the proposed actions are categorically exempt from the NEPA. The reasoning behind this, and documentation of the decision-making process, are detailed in Section 1.5.1 and Attachment 2 of the Draft RP/EAS.

The Draft RP/EAS also includes information on how the public can provide comments on the proposed restoration activities. This Draft RP/EAS, along with its attachments, is itself an attachment to the Consent Decree negotiated between the Service and KUCC. Public notice of the availability of the Consent Decree for a 30-day public review and comment period will be published by the Department of Justice in the Federal Register; a 30-day public comment period for this Draft Restoration Plan will run concurrently with the public comment period for the Consent Decree. The Federal Register Notice will include information about how the public can obtain copies of the Consent Decree and its attachments (including this Draft Restoration Plan) for review. Other locations where the

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Draft RP/EAS and accessory documents can be reviewed, and methods of providing comment, are presented in Section 1.6.1 of this Draft Restoration Plan.