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Appendix A.1. Scoping Report



United States
Department of
Agriculture



Natural Resources
Conservation Service

Scoping Report

Richfield-West Sevier Watershed

Sevier County, Utah

February 2020



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1. Introduction

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), with Sevier County as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566), the Richfield-West Sevier Watershed Flood Prevention Operations Project in Sevier County, Utah.

NRCS, as the lead federal agency, is initiating National Environmental Policy Act (NEPA) analysis in the form of a new Watershed Plan and Environmental Assessment (Plan-EA) to analyze impacts to the natural and human environment from this project. The U.S. Forest Service (USFS) Fishlake National Forest, Bureau of Land Management (BLM) Richfield Field Office, and Utah Department of Transportation (UDOT) are cooperating agencies for this project.

The Plan-EA will comply with the Council on Environmental Quality's (CEQ's) regulations at 40 CFR Parts 1500-1508, which require an evaluation of potential environmental impacts associated with federal projects and actions. The purpose of the Plan-EA is to develop a watershed project plan so that NRCS can decide whether to provide technical and financial assistance to Sevier County for implementation of the alternative selected by the county. The USFS and BLM will decide whether to authorize occupancy of public lands for implementation of the project.

1.1. Purpose and Need

Improvements are being proposed to 1) further the conservation, development, utilization, and disposal of water, 2) prevent flood damages, and 3) further the conservation and proper utilization of land. The project-specific purpose and need will be developed from scoping results and preliminary engineering; however, flood control was identified as the main purpose in the funding application.

1.2. Scoping Goals and Objectives

Scoping is the first step of and an integral part of the NEPA process. It is an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action (40 CFR Part 1501.7). The objectives of the scoping process are to:

- Engage interested parties and the general public in the early identification of concerns, potential impacts, and possible alternative actions;
- Determine the scope and the significant issues to be analyzed in depth in the Plan-EA;
- Identify potentially significant issues related to the proposed action, as well as identifying and eliminating issues that are not significant or that have been covered by prior environmental review;
- Identify the scope of issues to be addressed and integrate analyses required by other environmental laws (e.g., Endangered Species Act, National Historic Preservation Act); and
- Identify technical studies needed to adequately address potential impacts of the project.

2. Scoping Process Summary

2.1. Schedule

The following dates outline the milestones for the scoping announcement and activities that occurred in preparation for the formal scoping comment period. The scoping comment period opened on June 28, 2018, and closed on July 25, 2018.

- November 21, 2017: Email notification to the State of Utah per Executive Order 12372
- May 18, 2018: Kick-off meeting with sponsors and stakeholders
- **June 28, 2018: Opening of formal public comment period**; scoping notice and public meeting details were published to the NRCS project website, flyers were mailed to agencies and stakeholders, and notice was published in *The Richfield Reaper*
- July 5, 2018: Notice published again in *The Richfield Reaper*
- July 11, 2018: Public scoping meeting was held in the Sevier County Administration Building in Richfield, Utah
- **July 25, 2018: Close of formal public comment period**
- April 1, 2019: Scoping letters were sent to Tribal contacts

2.2. State Clearinghouse Notification

Notification to the State of Utah per Executive Order 12372 was completed in an email on November 21, 2017. The email is attached in Appendix A.

2.3. Kick-off Meeting

A kick-off meeting that included representatives from some local canal companies and the Fishlake National Forest was held on May 18, 2018, at 10 a.m. in the Sevier County Commission Chambers. The meeting included discussions of the scope of the project and potential projects, and identified additional stakeholders.

2.4. Notice

Public notice of the project and scoping meeting was distributed widely prior to a July 11 public scoping meeting. The official scoping comment period opened on June 28, 2018, and closed on July 25, 2018. The public notice was published in *The Richfield Reaper* on June 28 and July 5. The public notice was also posted to the NRCS website, and mailed to each designated entity (30 total) on the project mailing list on June 28. The notice invited all interested members of the relevant agencies and general public to participate in the July 11 public meeting, and provided details for submitting comments by email, mail, fax, or phone. The scoping notice materials are attached in Appendix A.

2.5. Mailing List

A project mailing list was compiled by the NRCS, Sevier County, Jones & DeMille Engineering, and the Fishlake National Forest to identify the entities that would receive scoping materials directly. A total of 30 entities were mailed the materials. A tribal mailing list was prepared by the NRCS, and letters were sent to 18 tribal members with 11 tribes. The tribal scoping letters are attached in Appendix A.

2.6. Public Scoping Meeting

A public scoping meeting was held on Wednesday, July 11, 2018, from 5 to 7 p.m. in the Sevier County Administration Building. The meeting began with a presentation of the PL 83-566 program and proposed watershed area, as well as an introduction to the NEPA process; presenters included staff from the NRCS and Jones & DeMille Engineering. The presentation was followed by an open house session where attendees were encouraged to provide comments directly on written or electronic maps (see Figure 1).



Figure 1. Scoping meeting attendees provide comments directly on maps (July 11, 2018).

At least 28 people attended the public meeting; 11 of these were with the NRCS, Jones & DeMille Engineering, or the Sponsor. The meeting sign-in sheet and images of the printed maps are attached as Appendix B.

2.7. Forest Service Scoping

To meet Forest Service scoping requirements, an additional 14-day scoping period was offered in 2019. The Fishlake National Forest mailed a scoping notice and opportunity to comment letter for the project on April 8, 2019, to 32 interested parties, including property owners, state and federal agencies, special interest groups, and other organizations. Each scoping letter included a description of the project area, a general explanation of the Proposed Action, and an invitation to submit written comments in accordance with the notice and comment regulations. The letter and notice are attached as Appendix C.

A legal public notice announcing the project was published on April 11, 2019, in *The Richfield Reaper*, the newspaper of record. The Proposed Action was also posted on the Fishlake National Forest's website and listed in the Fishlake National Forest Schedule of Proposed Actions (SOPA) on April 11, 2019.

3. Comments

The formal open public comment period was from June 28 to July 25, 2018. Another comment period was opened for the USFS portion from April 11 to April 25, 2019.

Comments could be submitted in person at the public meeting or by email, mail, fax, or phone, or comment card. The majority of comments were provided on the maps, and identified potential flood control or agricultural water management projects within the county. Each comment received during the scoping period was considered and summarized in the comment matrix (see Appendix D).

Two comments were received during the Forest Service scoping period; one from the Utah Public Lands Policy Coordination Office (PLPCO) and one from Rocky Mountain Power.

4. Summary of Identified Issues

The following list summarizes the comments and concerns that were expressed during the scoping process:

- Flood control/Stormwater management
- Agriculture water management
- Transportation
- Recreation and accessibility
- Hydroelectric
- Weed control
- Plan-EA boundary
- Cultural resources
- Safety

All comments submitted will be given full consideration; however, not all of the comments and concerns expressed are relevant to the analysis of the Proposed Action. Those comments that are relevant will be carried forward in the environmental analysis.

Appendix A. Scoping Notice Materials

From: [Evenstad, Norm - NRCS, Salt Lake City, UT](#)
To: stategrants@utah.gov
Cc: [Cynthia Nielson](#); [Urie, Wayne - NRCS, Castle Dale, UT](#); [Savage, K.C. - NRCS, Richfield, UT](#)
Subject: State Clearinghouse Notification: Richfield-West Sevier Watershed - per Executive Order 12372
Date: Tuesday, November 21, 2017 3:12:00 PM
Attachments: [UT_WFPO_2017_Richfield_WestSevier.pdf](#)

RE: USDA-NRCS PL566 – Watershed Operations Project – Notification per Executive Order 12372

State Clearinghouse Notification: Richfield-West Sevier Watershed, Sevier County, Utah

NRCS is required to notify the State of the attached type projects per Executive Order 12732.

Dear Mr. Matthews,

The attached project information file outlines the proposed watershed measures funded through the USDA-NRCS under authority of Public Law 83-566, the Watershed Protection and Flood Prevention Act (Watershed Program) of 1954, as amended. NRCS and the Sponsor (Sevier County Commission) will be developing a Plan-Environmental Assessment (Plan-EA) in the coming year for eventual construction of a new watershed measures within the new Richfield-West Sevier watershed in Sevier County.

USDA's Watershed Program authorizes the Secretary of Agriculture to "*cooperate with States and local agencies in planning and carrying out works of improvement for soil conservation and for other purposes.*" It provides for technical, financial, and credit assistance by the USDA to local organizations representing the people living in watersheds. It also provides for needed additional treatment and protection of federally owned lands within such watersheds.

Let me know if you have any questions.

Regards,

Norm.

Norm Evenstad

Water Resources Coordinator

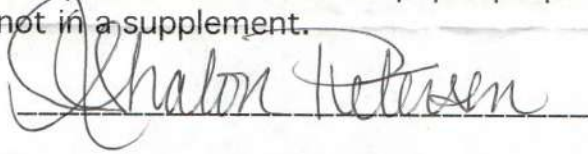
USDA-Natural Resources Conservation Service

AFFIDAVIT OF PUBLICATION

County of Sevier, State of Utah, ss.

I, SHALON PETERSEN, being first duly sworn, depose and say I am the Legal Secretary of THE RICHFIELD REAPER, a weekly paper having a bona fide circulation of more than 200 subscribers in the State of Utah, published every Thursday at Richfield, Sevier County, Utah, and that said notice was published on Utahlegals.com, a website established by the Utah Press Association through the collective efforts of Utah's newspapers, on the same day as the first newspaper publication and the notice remained on Utahlegals.com until the last day of publication.

That the notice IMPROVEMENTS WITHIN WATERSHEDS a copy of which is attached hereto, was published in said paper for 2 consecutive issues, the first publication having been made in the issue of the 28 day of JUNE 2018, and the last publication in the issue of the 5 day of JULY 2018 that the said notice was published in the regular and entire issue of every number of said paper during the period of times and publication, and that the same was published in the newspaper proper and not in a supplement.



Subscribed and sworn to before me this
5 day of JULY, 2018



Notary Public



PUBLIC NOTICE
Sevier County Watershed
Plan-EA Scoping Notice
Project Information
The United States
Department of Agriculture
(USDA) Natural Resources
Conservation Service
(NRCS), with assistance from
Sevier County as the project
sponsor, is considering
improvements within various
watersheds in Sevier County.
The proposed improvements
include the construction of
a sediment basin to prevent
flooding within the Flat
Canyon subwatershed, as
well as other improvements
within the designated area as
needed or identified. USDA-
NRCS will hold an open-
house-style public meeting
to provide information about
the proposed project and to
collect comments. At this
time, the NRCS is requesting
comments on the project to
identify issues and resource
concerns. Written comments
are due within 30 days, post-
marked by July 25, 2018.
Public Scoping
Meeting: The public is
invited to attend, discuss,
and comment during the
following public scoping
meeting:
Wednesday, July 11, 2018
5:00 PM to 7:00 PM
(Open House)
Sevier County
Administration Building -
Basement Auditorium
250 N. Main St.
Richfield, UT 84701.
How to Submit a
Comment:
Comments may be mailed
or e-mailed to the following
address or submitted during
the public scoping meeting.
Comments must be received
by July 25, 2018.
Jones & DeMille
Engineering
Attn: Jenna Jorgensen
1535 S. 100 W. Richfield,
UT 84701
jenna.j@jonesanddemille.
com
Phone: (435) 896-8266
Fax: (435) 896-8268
All comments should be
directed to Jenna Jorgensen,
Environmental Coordinator.
Published in The Richfield
Reaper June 28 and July 5,
2018. UPAXLP

Richfield-West Sevier Watershed Sevier County Utah

Scoping Notice



Project Information

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), in cooperation with Sevier County as the project sponsor, is considering improvements within the Richfield-West Sevier Watershed. Improvements are proposed at preliminary sites mostly west of the Sevier River around Richfield, Utah, as depicted in the Project Area Overview map. Improvements are being proposed to:

- 1) Prevent flood damages;
- 2) Further the conservation, development, utilizations and disposal of water; and
- 3) Further the conservation and proper utilization of land.

An evaluation of potential project alternatives and associated environmental impacts is required and will be documented in the form a Watershed Plan and Environmental Assessment (Plan-EA). NRCS and Sevier County will hold a public scoping meeting to provide information about the proposed project and to collect comments.

At this time, NRCS is requesting comments on the project to identify issues and resource sensitivities. Written comments can be submitted during the open comment period starting June 25, 2018 and ending on July 25, 2018. **Comments must be received by July 25, 2018.**

Additional information can be found at the NRCS project website:

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/ut/programs/planning/wpfp/>

Public Scoping Meeting

The public is invited to attend, discuss, and submit a comment during the public scoping meeting:

**July 11, 2018 - Wednesday
5:00 PM to 7:00 PM**

*Sevier County Administration Building
Basement Auditorium
250 North, Main St., Richfield UT 84701*

How to Submit a Comment

All comments should be directed to Jenna Jorgensen:

Jones & DeMille Engineering
 Address: 1535 South, 100 West
 Richfield, UT 84701
 Phone: (435) 896-8266
 Fax: (435) 896-8268
 Email: jenna.j@jonesanddemille.com

Comments may be mailed or emailed to the above address or submitted during the public scoping meeting. Comments must be received by July 25, 2018.

Project Area Overview



Utah State Office
 Natural
 Resources
 Conservation
 Service

nrcs.usda.gov/



Appendix B. Scoping Meeting Sign-in Sheet and Maps

Sevier Co. Watershed Plan Scoping Mtg

Name/Phone	Representing
Darin Robinson / 435-979-7630	Jones & DeMille Eng.
CLINT Fullmer 435-231-1922	SEVIER Valley Canal
Dustin Christensen 435-896-7445	Sevier Valley Canal
Mike Roberts 435-979-5404	Piute Inn
KON FROBBY 435-896-2268	Rocky Mountain Power
Kim Peterson 435-206-2399	Central Valley
GARY BARNEY 435-979-6267	CENTRAL VALLEY
Dave Quarnberg 979-7380	Aurora City
Tim Bastian 435-979-7253	Willow Bend & Rockyford Canal
Trent Nielsen 896-0739	Salina Creek Irrigation
Daryl Noyes 979-8977	Salina Creek And Rockyford Canal
CYNTHIA NIELSEN 896-4831	
Jocely Rutenbach 979-6513	Glenwood
MARTY ANDERSON	JOSEPH TOWN COUNCIL
Anch Rasmussen	Aurora City
Jesse Campbell	Joseph City
GARY MASON	Rockyford Canal
Cindy Ledbetter	Bureau of Land Management
Norm Evenstad	NRCS
KC Savage	NRCS
Bronson Smart	NRCS

- Legend
- Water
- Land Use
- Topography
- Other
- Scale
- North Arrow
- Index Map

- Water
- Land Use
- Topography
- Other
- Scale
- North Arrow
- Index Map

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- Scale
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- North Arrow
- Index Map

- Water
- Land Use
- Topography
- Other
- Scale
- North Arrow
- Index Map

FLAT CANYON
TO Canal
AS FLOOD CONTROL
Cynthia per Dustin (896 7445)
896 4831

Handwritten notes in blue ink, possibly describing land use or topography.

Handwritten notes in blue ink, possibly describing land use or topography.



Jones & Demille
Engineering
Flat Canyon Watershed Plan & Flood Protection
Project Overview - Public Input
Scale 1" = 1.5 Miles
1

Appendix C. Forest Service Scoping Letter and Notice



File Code: 1950
Date: April 8, 2019

Dear Concerned Citizen,

The Fishlake National Forest is evaluating a proposal from Sevier County to construct flood prevention facilities at the mouth of Flat Canyon. The project location occurs on the Fillmore Ranger District of the Fishlake National Forest. The purpose of this project is to implement the Fishlake Land and Resource Management Plan (LRMP) by proposing flood control measures, which are designed to achieve the following direction:

1. Maintain productive streams, lakes, and riparian areas and mitigate hazards on floodplains (Fishlake LRMP, page IV-4).
2. Maintain or improve current soil productivity and restore areas with watershed problems (Fishlake LRMP, page IV-5).

This project is needed because flood flows from Flat Canyon have resulted in damage to properties downstream. Flood flows that enter the Sevier Valley and Richfield canals may result in overtop or breach of the canals, threatening loss of life and property. Downstream residents are at continued risk of flooding. This "gap" between current and desired condition points to a need for management.

The purpose of the project is to attenuate flows from Flat Canyon and reduce the risk to life and property. The proposed project would be construction of a flood detention basin at the mouth of Flat Canyon and a conveyance channel to direct flows to the Sevier River. Sevier County has applied for a special use permit to construct, operate, and maintain the proposed basin and associated components. The detention basin would consist of an earthen dam approximately 80 feet high and 1,320 feet long at the top. Per NRCS design criteria, the dam would have a capacity of 1,000 acre-feet and must drain in 10 days or less when full; the proposed basin would provide flood protection for 100-year storm events per criteria from the NRCS and Utah Dam Safety. The maximum inundation area would be approximately 37 acres in the bottom of Flat Canyon.

A primary spillway would be constructed to outlet detained water at a regulated rate; a secondary spillway would be included for emergencies. The spillways would be designed to drain into an existing conveyance channel that flows under I-70. A new channel would be excavated east of I-70 to bypass the canals and convey flows directly to the Sevier River.

Fill material for the dam embankment may be acquired from the inundation area behind the dam, a clay source just south of the inundation area, and other permitted sites off of National Forest System Lands. The road through Flat Canyon would be routed around the south abutment to allow for continued access into Flat Canyon. Construction access and staging would use existing routes and disturbed areas.

The Forest Service is conducting an environmental analysis to determine whether this proposal may significantly affect the quality of the human environment and thereby require the preparation of an Environmental Impact Statement (EIS). It is anticipated that the findings associated with this analysis will be presented in an Environmental Assessment (EA), demonstrating the Fishlake National Forest's compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations.



For maps and detailed information about the project, visit:
www.fs.usda.gov/projects/fishlake/landmanagement/projects

Pursuant to 36 Code of Federal Regulations (CFR) 218, you are invited to comment on this proposal during a 14-day scoping period. The purpose of this scoping period is to provide an opportunity for the public to provide early and meaningful participation on a proposed action prior to a decision being made by the responsible officials.

Written comments must be postmarked by the U.S. Postal Service, faxed, or sent via electronic mail by 11:59 p.m. on the 14th calendar day following publication of the scoping notice for scoping on the proposed action.

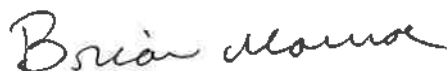
- Letters should be submitted to Brian Monroe, District Ranger, Fillmore Ranger District, 390 South Main Street, Fillmore, UT, 84631.
- Hand-delivered comments must be provided during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday), excluding holidays.
- Faxed comments should be sent to (435) 743-4113.
- Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text (.rtf), Adobe (.pdf), or Microsoft Word (.doc or .docx) format to comments-intermtn-fishlake-fillmore@fs.fed.us. Include in the subject line: Richfield-West Sevier Watershed Plan: Flat Canyon Site.

The publication date of the legal notice in *The Richfield Reaper*, anticipated April 11, 2019, is the exclusive means for calculating the 14-day scoping period. Those wishing to comment should not rely on dates or timeframe information provided by any other source. It is the responsibility of all individuals and organizations to ensure their comments are received in a timely manner. The regulations prohibit extending the length of the scoping period.

Individuals and organizations wishing to be eligible to object to this project must provide, during the 14-day scoping period, their name, address, and comments on the proposed action along with supporting reasons that the responsible official should consider in reaching a decision. A signature or other verification of identity must be provided upon request (36 CFR 218.25(3)(iv)). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required for objection eligibility. A scanned signature is one way to provide verification.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this project and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to object to the subsequent decision under 36 CFR 218.

Sincerely,



BRIAN MONROE
 District Ranger



United States
Department of
Agriculture

Forest
Service

April 2019



Scoping Notice

Richfield-West Sevier Watershed Plan: Flat Canyon Site

Fillmore Ranger District, Fishlake National Forest



For More Information Contact:

Adam Solt
Inter-Disciplinary Team Leader
Fishlake National Forest
115 East 900 North
Richfield, UT 84701

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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Introduction

The Richfield-West Sevier Watershed Plan: Flat Canyon Site Project is proposed for National Forest System (NFS) lands managed by the Fillmore Ranger District of the Fishlake National Forest. The purpose of this project is to implement the Fishlake National Forest Land and Resource Management Plan (LRMP) by proposing flood control measures, which are designed to achieve the following direction:

1. Maintain productive streams, lakes, and riparian areas and mitigate hazards on floodplains (Fishlake LRMP, page IV-4).
2. Maintain or improve current soil productivity and restore areas with watershed problems (Fishlake LRMP, page IV-5).

The Forest Service is conducting an environmental analysis to determine whether this proposal may significantly affect the quality of the human environment and thereby require the preparation of an Environmental Impact Statement (EIS). The findings associated with this analysis will be presented in an Environmental Assessment (EA), demonstrating the Fishlake National Forest's compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations.

Background/Existing Condition

The Flat Canyon watershed currently outlets as an ephemeral channel to an alluvial fan approximately 1.5 miles south of Richfield, Utah. A constructed channel conveys flood water from the alluvial fan through large box culverts under I-70. After passing under I-70, flood waters may enter the Sevier Valley and Richfield canals, which route through Richfield City. The canals do not have sufficient capacity to carry flood flows, and have resulted in flooding and damages recorded as far back as 1934 and as recently as 2018.

Location of the Proposed Project

The analysis area where management activities are proposed is the Fillmore Ranger District of the Fishlake National Forest, in Flat Canyon west of I-70. The project area lies within National Forest System lands in Sevier County, within T24S, R3E, Sections 16 and 17, Salt Lake Base Meridian. Reference the map of the project area (Figure 1).

Desired Condition

The desired condition is flood protection for 100-year storm events per criteria from the NRCS and Utah Dam Safety.

Purpose of and Need for Action

Purpose

The purpose of this project is to implement the Fishlake National Forest Land and Resource Management Plan (LRMP) by proposing flood control measures, which are designed to achieve the following direction:

1. Maintain productive streams, lakes, and riparian areas and mitigate hazards on floodplains (Fishlake LRMP, page IV-4).
2. Maintain or improve current soil productivity and restore areas with watershed problems (Fishlake LRMP, page IV-5).

Need

There is a need to control flood flows from Flat Canyon. Flood flows that enter the Sevier Valley and Richfield canals may result in overtop or breach of the canals, threatening loss of life and property. Downstream residents are at continued risk of flooding.

Relationship to the Forest Plan

This action responds to the goals and objectives outlined in the Fishlake National Forest LRMP, as amended, and helps move the project area towards desired conditions. The proposed action is a project level analysis that is not intended to re-examine the basic land use allocations made in the LRMP, nor propose broad changes in land use allocations. Instead, planning at the project level involves the development, analysis, and disclosure of potential environmental impacts associated with the implementation of specific actions designed to achieve the overall goals and objectives of the LRMP. The project area falls outside of the LRMP management areas, so only general standards and guidelines would apply.

Proposed Action

To move towards desired conditions and meet the purpose and need as described above, the Forest Service proposes the construction of a flood detention basin at the mouth of Flat Canyon, and a conveyance channel to direct flows to the Sevier River. Sevier County has applied for a special use permit to construct, operate, and maintain the proposed basin and associated components. The detention basin would consist of an earthen dam approximately 80 feet high and 1,320 feet long at the top. Per NRCS design criteria, the dam would have a capacity of 1,000 acre-feet and must drain in 10 days or less when full; the proposed basin would provide flood protection for 100-year storm events per criteria from the NRCS and Utah Dam Safety. The maximum inundation area would be approximately 37 acres in the bottom of Flat Canyon.

A primary spillway would be constructed to outlet detained water at a regulated rate; a secondary spillway would be included for emergencies. The spillways would be designed to drain into an existing conveyance channel that flows under I-70. A new channel would be excavated east of I-70 to bypass the canals and convey flows directly to the Sevier River.

Fill material for the dam embankment may be acquired from the inundation area behind the dam, a clay source just south of the inundation area, and other permitted sites off of National Forest System lands. The road through Flat Canyon would be routed around the south abutment to allow

for continued access into Flat Canyon. Construction access and staging would use existing routes and disturbed areas.

Project Design Features

Project design criteria are listed in Table 1. These criteria were developed to avoid or eliminate adverse impacts from project activities and are incorporated as an integrated part of the proposed action. Project design criteria are based upon standard practices and operating procedures that have been employed and proven effective in similar circumstances and conditions: Forest Service Manual and Handbook direction, Regional Watershed Conservation Practices (FSH 2509.22 for Region 1 and 4), LRMPs standards and guidelines, and other management requirements that apply to the proposed activities.

Table 1. Project Design Features.

Resource Area	Project Design Features
Cultural 1	The project area will be surveyed and inventoried for cultural resources prior to implementation. These resources will be assessed to determine significance and eligibility for the National Register of Historic Places (NRHP), as historic properties.
Cultural 2	If any human remains are encountered, all activity will stop. At all times human remains must be treated with the utmost dignity and respect. Human remains and associated artifacts will be left in place and not disturbed. Law enforcement and the Forest Archaeologist will be contacted. Law enforcement will notify the coroner, and if necessary, the Forest Archaeologist will consult with the State Historic Preservation Office and the appropriate tribes as stipulated by the Native American Graves Protection and Repatriation Act.
Hydrology/Soils 1	Equipment servicing and refueling areas would not be located within 300 feet from any stream channels.
Hydrology/Soils 2	A stormwater pollution prevention plan (SWPPP) would be prepared by the contractor prior to initiation of ground disturbance. The SWPPP would detail the best management practices and site-specific control measures to prevent sediment and other pollutants from discharging from the site during construction.
Hydrology/Soils 3	Topsoil would be salvaged, stockpiled, and placed on the downstream embankment after construction is complete.
Hydrology/Soils 4	Embankments would be seeded with an appropriate seed mix. Seeding would follow Forest Service policy per FSM 2070.
Hydrology/Soils 5	Other disturbed areas would be seeded with an appropriate seed mix per FSM 2070.
Noxious Weeds 1	Equipment would be washed and inspected, prior to entering National Forest System lands, to remove any soil and debris that may contribute to the spread of noxious weeds.
Recreation/Safety	Leave source material areas with slope gradients that are safe for recreationists to use following construction activities.
Wildlife 1	Project activities would cease if a threatened, endangered, proposed, or sensitive species was discovered within or adjacent to the project area that was not addressed in the analysis, until the appropriate biologist is consulted on how best to proceed.

Decision Framework

The Responsible Official for this analysis and decision is the Fillmore District Ranger, Fishlake National Forest. The Responsible Official would decide whether to proceed with this action as described above, to proceed with an alternative action, or to do nothing at this time.

Public Involvement

By soliciting public comments, the Forest Service ensures that a wide range of interests and perspectives are considered in the development and refinement of the proposed action, and that any site-specific natural resource concerns are identified. From a procedural perspective, soliciting public comment provides a means to meet the NEPA requirements for public scoping, and provides the interested public with an opportunity to comment prior to a decision by the responsible official.

Scoping

Scoping is the process of obtaining public comments about proposed federal actions to determine the range of issues to be addressed. This analysis will be posted on the Fishlake National Forest's Schedule of Proposed Actions (SOPA), and the announcement will be mailed to government entities, elected officials, and individuals known to be interested in this project. Documents are also available for review at the contact address noted below and is posted on the Fishlake National Forest website at: <http://www.fs.usda/projects/fishlake/landmanagement/projects>.

This scoping period is being provided pursuant to 36 CFR 218.25(a). Those who provide comments in accordance with the following instructions will be eligible to file an objection to the decision pursuant to 36 CFR 218.5 (a) regulations. The scoping period ends 14 days following the date of publication of the scoping notice in the *Richfield Reaper*. I anticipate the publication of the scoping notice in the *Richfield Reaper* will occur on Thursday, April 11, 2019. Comments would then be due by Thursday, April 25, 2019. The date of this publication is the exclusive means for calculating the time to submit comments on the project. Those wishing to comment on this project should not rely upon dates or timeframes provided by any other source. Only those who submit timely and specific written comments regarding the project during any public comment period established by the Responsible Official are eligible to file an objection.

Comment Process

Please submit your detailed project-specific comments within 14 days of the publication in *The Richfield Reaper*. You should not rely on dates or timeframe information provided by any other source.

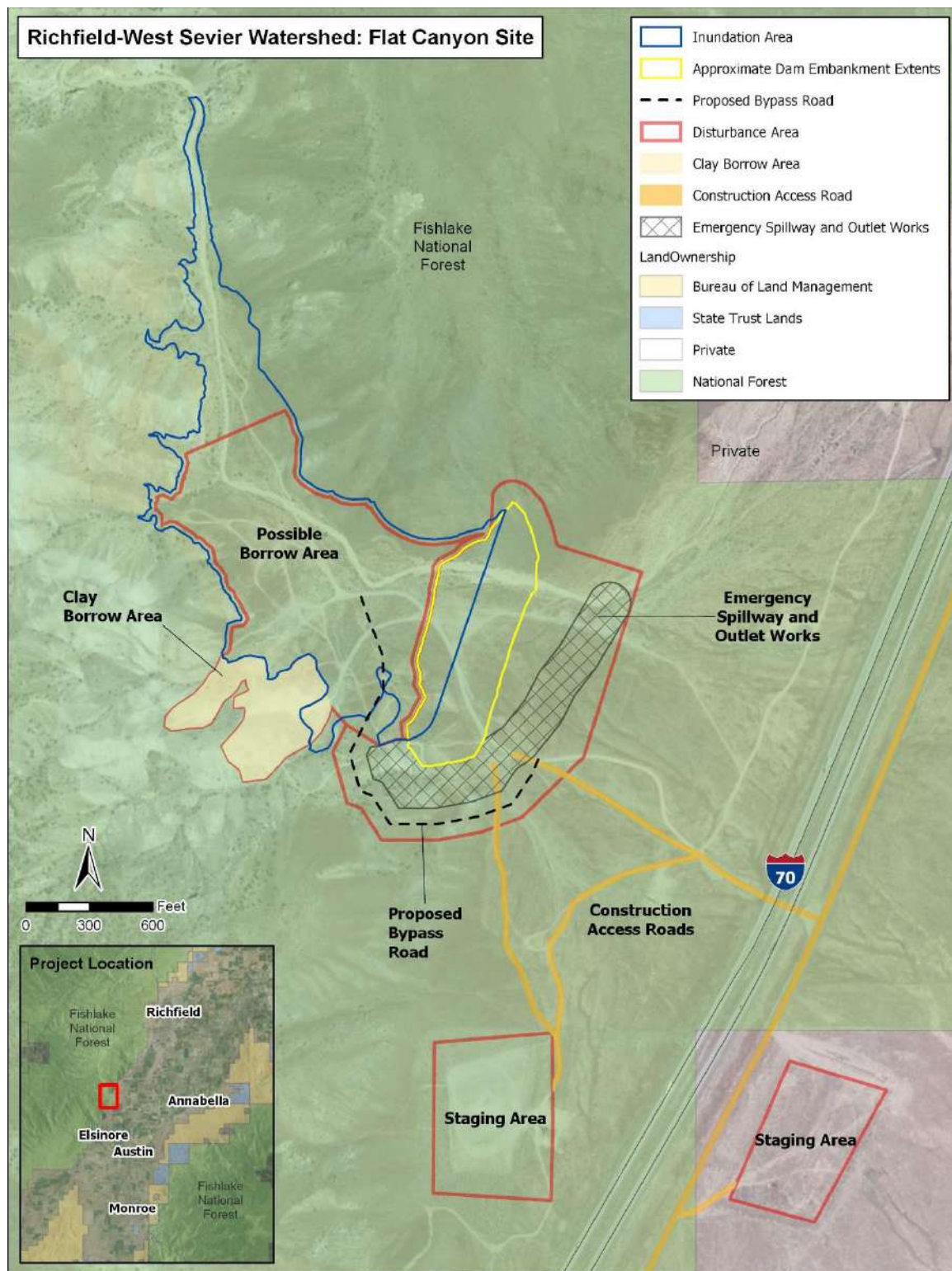
- Letters should be submitted to Brian Monroe, District Ranger, Fillmore Ranger District, 390 South Main Street, Fillmore, UT, 84631.
- Hand-delivered comments must be provided during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday), excluding holidays.
- Faxed comments should be sent to (435) 743-4113.
- Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text (.rtf), Adobe (.pdf), or Microsoft Word (.doc or .docx) format to comments-intermtn-fishlake-fillmore@fs.fed.us. Include in the subject line: Richfield-West Sevier Watershed Plan: Flat Canyon Site.

Public Record

Comments submitted, as well as the names and addresses of those who commented, are considered part of the public record and will be released, if requested, under the Freedom of Information Act. If you wish us to withhold your name and/or address, you must state that in your letter and provide the reason(s) that you believe the Freedom of Information Act would allow us to withhold that information from the record. We will honor requests to the extent allowable by law.

If you have any questions, please contact Adam Solt, Project Lead, at 435-896-1079.

Figure 1. Richfield-West Sevier Watershed Plan: Flat Canyon Site Overview Map



Appendix D. Comment Matrix

ID #	Comment	Commenter	Method	Date	Resource concern
1	Sevier Valley Canal: 100 cfs. Richfield: ~100 cfs. Agreement to handle flood water rather than pipe to river		Scoping meeting	7/11/2018	Flood Water Management
2	Cedar Ridge basin: larger volume flood than Flat Canyon. John Huntamer has data & pics. \$10M dairy damage So. Canyon floods larger flows		Scoping meeting	7/11/2018	Flood Water Management
3	Acord Lakes		Scoping meeting	7/11/2018	Flood Water Management
4	Approximate Flow from Canyon to Glenwood Irrigation Pond	Glenwood Town	Scoping meeting	7/11/2018	Agriculture Water Management
5	Asbestos Pipe (Approximate)	Glenwood Town	Scoping meeting	7/11/2018	Flood Water Management
6	Bypass sediment debris dam rehab - gates (Rocky Ford Dam)	Rocky Ford Res & Canal Co.	Scoping meeting	7/11/2018	Agriculture Water Management
7	Cedar ridge		Scoping meeting	7/11/2018	Flood Water Management
8	Cedar Ridge - debris/sediment basin Power sub-station Channel - around subdivisions/overshots		Scoping meeting	7/11/2018	Flood Water Management
9	Cedar Ridge flooding		Scoping meeting	7/11/2018	Flood Water Management
10	Cedar Ridge Irrigation Company Diversion Damage		Scoping meeting	7/11/2018	Flood Water Management
11	Chet Thompson Property Flooding		Scoping meeting	7/11/2018	Flood Water Management
12	Denmark Wash culinary spring - Erosion; Exposed pipe; One of town's primary water sources	Aurora Town	Scoping meeting	7/11/2018	Flood Water Management
13	Drainage issues - possible road replacement; drain in place but culverts can't handle all of the water	Aurora Town	Scoping meeting	7/11/2018	Flood Water Management
14	Flat Canyon Flood Protection		Scoping meeting	7/11/2018	Flood Water Management
15	Flat Canyon to canal as flood control	Cynthia per Dustin	Scoping meeting	7/11/2018	Flood Water Management
16	Flood dam already approved		Scoping meeting	7/11/2018	Flood Water Management
17	Flow control in Vermillion Canal		Scoping meeting	7/11/2018	Flood Water Management
18	Flume over Denmark Wash, Rocky Ford Canal	Rocky Ford Res & Canal Co.	Scoping meeting	7/11/2018	Agriculture Water Management
19	Forest Service Project - East Willow Creek Road	USFS	Scoping meeting	7/11/2018	Transportation
20	Forest Service Project - Preliminary Plan		Scoping meeting	7/11/2018	Unknown
21	Glenwood Irrigation System	Glenwood Town	Scoping meeting	7/11/2018	Agriculture Water Management
22	Irrigation storage reservoir	Joseph Town	Scoping meeting	7/11/2018	Agriculture Water Management
23	Joseph Town - Floods originate from upper watershed and fill pond, then flood the town. Consider routing flows directly to the Sevier River rather than directing through the town. This would also eliminate the FEMA floodplain in town.	Joseph Town	Scoping meeting	7/11/2018	Flood Water Management
24	Lind & Tank Canyon Flood Protection		Scoping meeting	7/11/2018	Flood Water Management
25	Lost Creek Irrigation Co: 1800 acres. ~50 cfs total. Pipe for canal. Diversion: lose control of inflow (improve). Canal: pipe tunnel (caving). No measurement weirs. No way to determine.	Clint Fullmer 435-231-1192	Scoping meeting	7/11/2018	Agriculture Water Management
26	Overshot Sizing And Approach Channel Concern		Scoping meeting	7/11/2018	Flood Water Management
27	Pipe canal for Salina Creek Irrigation. Include in study area		Scoping meeting	7/11/2018	Agriculture Water Management
28	Pipe Salina Creek Irrigation 30% loss		Scoping meeting	7/11/2018	Agriculture Water Management

29	Pipe Piute Canal	Piute Canal Co.	Scoping meeting	7/11/2018	Flood Water Management and Agriculture Water Management
30	Pipe Rocky Ford canal		Scoping meeting	7/11/2018	Agriculture Water Management
31	Possible FERC Hydropower Pump Storage		Scoping meeting	7/11/2018	Hydroelectric
32	Possible Flood Control Structures		Scoping meeting	7/11/2018	Flood Water Management
33	Possible future pond		Scoping meeting	7/11/2018	Agriculture Water Management
34	Powerline corridor along canal alignment		Scoping meeting	7/11/2018	Recreation
35	Randy Lawyer sediment disposal area. Under current contract with Sevier County. Incorporate into project feasibility. Economic analysis. No fee for disposal.		Scoping meeting	7/11/2018	Flood Water Management
36	Sevier Valley Canal Erosion (Richfield City Area #1)		Scoping meeting	7/11/2018	Flood Water Management
37	Sevier Valley Canal Erosion (Richfield City Area #2)		Scoping meeting	7/11/2018	Flood Water Management
38	Richfield Mountain Bike Trail System	Richfield City	Scoping meeting	7/11/2018	Recreation
39	Rocky Ford Reservoir spillway/flood gates.	Gary Mason 979-7799	Scoping meeting	7/11/2018	Flood Water Management
40	Salina Creek Reservoir		Scoping meeting	7/11/2018	Agriculture Water Management
41	Salina Debris Basin		Scoping meeting	7/11/2018	Flood Water Management
42	Sevier Valley Canal - pipe from above Elsinore to "through Richfield City." Public safety. Min: at least from Flat Canyon through Richfield.		Scoping meeting	7/11/2018	Agriculture Water Management
43	Sevier Valley Canal Protection #1		Scoping meeting	7/11/2018	Flood Water Management
44	Sevier Valley Canal Protection #2		Scoping meeting	7/11/2018	Flood Water Management
45	Skutumpah Reservoir		Scoping meeting	7/11/2018	Agriculture Water Management
46	Storage Reservoir for Salina Creek		Scoping meeting	7/11/2018	Agriculture Water Management
47	Supplement (existing Glenwood Watershed Plan) to include irrigation system needs	Glenwood Town	Scoping meeting	7/11/2018	Agriculture Water Management
48	Vermillion Canal Protection		Scoping meeting	7/11/2018	Flood Water Management
49	Wilkinsen Gate - failure to access or open results in overflow and damage	Chris Fullmer and Commissioner Ogden	Scoping meeting	7/11/2018	Flood Water Management
50	Willow Creek basin		Scoping meeting	7/11/2018	Flood Water Management
51	Wood Canyon (Dump Canyon) Flood Protection		Scoping meeting	7/11/2018	Flood Water Management
52	Flat Canyon Pumped Storage - see email	Matthew Shapiro	Email	7/2/2018	Hydroelectric
53	On 500 West and 200-300 North we get the runoff water from above. We need to cut several hundred feet of road down and instill some better drainage for approximately 5 blocks. This effects home on 300 west, 400 west, 500 west and 200 north.	Aurora Town	Email	7/12/2018	Flood Water Management
54	Also in the bottom of the Denmark Wash there is a spring. Previously there has been rocks, cars, barriers and cement poured to try and prevent erosions and contamination to our spring. Some of the wash has come close to effecting Hwy50.	Aurora Town	Email	7/12/2018	Flood Water Management
55	Also "White Bally Spring" another of our spring could use some water diversion and erosion protection. There needs to be a wash diverted or rerouted if possible.	Aurora Town	Email	7/12/2018	Flood Water Management

56	We do have a Willow Creek road that is entirely in Sevier County, just north of Salina. It is Forest Road (FR) 001 and heads up into National Forest North of I-70. It is an arterial road into the forest and needs gravel. I can think of at least one spot that the cross drainage could be improved. The road could use gravel on the entire length and maybe some road realignment in a place or two.	Fishlake National Forest - Steve Rodriguez	Email	7/12/2018	Transportation
57	The same could be said for forest is FR 009 Salina Creek road. [It is an arterial road into the forest and needs gravel. I can think of at least one spot that the cross drainage could be improved. The road could use gravel on the entire length and maybe some road realignment in a place or two.]	Fishlake National Forest - Steve Rodriguez	Email	7/12/2018	Transportation
58	The Richfield West Watershed project must address all noxious weeds in your project area as it is planned and implemented. The list of "noxious" weeds can be found on the Utah Department of Agriculture and Food web site at http://ag.utah.gov/divs-progs/50-plants-and-pests/hay-grain-seed/599-noxious-weed-list.html . This list includes Russian Olive and Tamarisk, with are two very weedy, woody species among others that are in the project area. Additionally Sevier County Commission has declared Russian Olive as a County Noxious, along with Curly Dock. As the project is planned and implemented Russian Olive and Tamarisk must be treated with herbicides well in advance of when they are disturbed to kill the roots. Follow-up applications of herbicides will need to be made for 1-3 years after they are disturbed to control them. Both of these species respond to disturbance by sending up vigorous shoots from roots left in the ground. Within in a few years they quickly become a worse problem than before disturbance. Therefore it is essential that you project provide of applications of herbicide to foliage the during the active growing season before disturbance. A stump cut method can also be used during the project to control Russian olive. We have learned by sad experience from previous flood preventions projects in the valley that did not address Russian Olive, Tamarisk and other noxious weeds and we now have a more serious problem than before.	South Central Utah Cooperative Weed Management Area (SCUCWMA) - Jody Gale	Email	7/13/2018	Noxious weed control
59	Watersheds on the East half of the valley including Lost Creek and Peterson Creek should be included in the plan. There are not very many identified potential projects within these watersheds, but if left out of this plan these watersheds may never be considered in any plan.	BLM Richfield Field Office	Email	8/21/2018	Plan coverage area
60	Elsinore Town desires creation of a water storage facility for pressurized irrigation.	Elsinore Town - Mayor Kevin Moore	Phone call	9/14/2018	Agriculture Water Management

61	Much of the area proposed for ground disturbance and inundation has been inspected by previous archaeological inventories, and three archaeological sites in or near this area have been formally recorded and determined not eligible for National Register of Historic Places (NRHP) nomination. It may be appropriate for the Forest Service to reconsider cultural resources in the project area that either did not require attention or were overlooked in the past. For instance, at least two roadway segments are illustrated in the NW1/4 of Section 17 of the 1897 General Land Office plat. Other roadway segments are clearly visible in Sections 16 and 17 on the 1944 Monroe, Utah Quadrangle and in aerial imagery dating to 1950. These features, which are probably part of the current Flat Canyon trail system, are old enough to be evaluated for NRHP eligibility and documented as archaeological sites following current guidelines. Consultation with interested Indian tribes regarding properties with religious and cultural significance⁹ is presumed.	Utah PLPCO	Letter	4/24/2019	Cultural Resources
62	Sevier County has identified recreation and tourism as significant economic factors, and it strongly supports the designation of ATV routes that allow riders access to communities and recreation areas. The proposed flood prevention facilities will encompass a portion of the Flat Canyon ATV trail, which is included in the Annual Rocky Mountain ATV/UTV Jamboree and provides access to other ATV trails. The scoping documents explain that access to Flat Canyon will be provided by a bypass road around the dam's southern abutment, but they do not discuss whether access will be restricted during periods of water detention. The Forest Service should explain whether access will be limited to no more than 10 days when the detention basin is full, and if saturated soils would extend periods of inaccessibility. Also, the Forest Service should clarify what effects are expected to access roads within the detention basin because of inundation and drainage. It would be ideal to have this area serve the needs of flood control and provide recreational access simultaneously.	Utah PLPCO	Letter	4/24/2019	Recreation and Access
63	The only concern they had was the location of the staging area and equipment travel under the transmission lines. "Make sure that all involved are aware of the transmission lines and the safe distance equipment needs to be from the lines." They highly recommend warning signs when approaching the lines.	Rocky Mountain Power	Phone call to Brian Monroe, District Ranger	4/30/2019	Safety

Appendix A.2. Cooperating Agency Invitation Letters and Responses



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2018

Ms. Joelle McCarthy
Field Office Manager
U.S. Bureau of Land Management
150 East 900 North
Richfield, Utah 84701

RE: Formal Request to be a Cooperating Agency in the development of an Environmental Assessment for the Richfield-West Sevier Watershed, Sevier County, Utah.

Dear Mr. Briggs:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Bureau of Land Management (BLM) become a cooperating agency in the planning and development of the Richfield- West Sevier Watershed EA. The location of the proposed project is shown in Attachment-1 as area #4 with a more detailed location shown in Attachment-2. The proposed watershed measures may involve coordination with your agency.

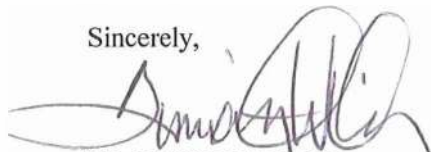
This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The EA is being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. The BLM may also have NEPA compliance responsibilities concerning these projects, preparation of the EA should also assist in fulfilling environmental review requirements for your agency or other federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal Agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate. The NRCS shall accept designation as the lead Federal agency to act on behalf of the BLM for purposes of compliance with the Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA).

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

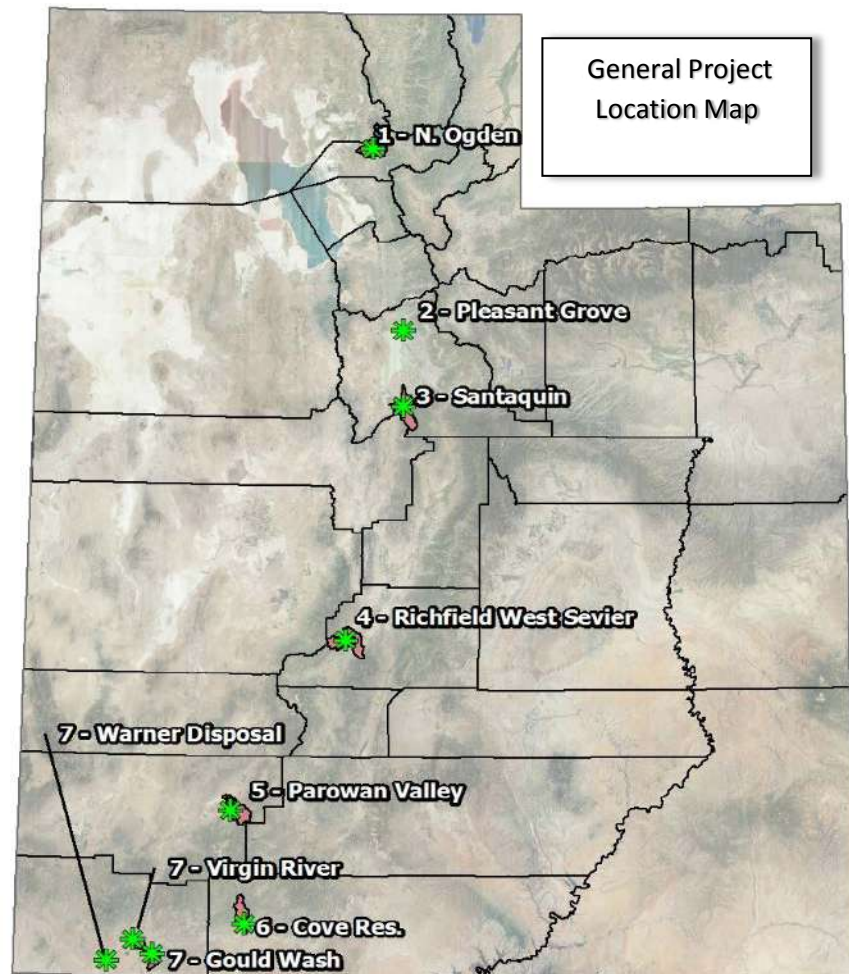


TIMOTHY WILSON
State Conservationist

cc:

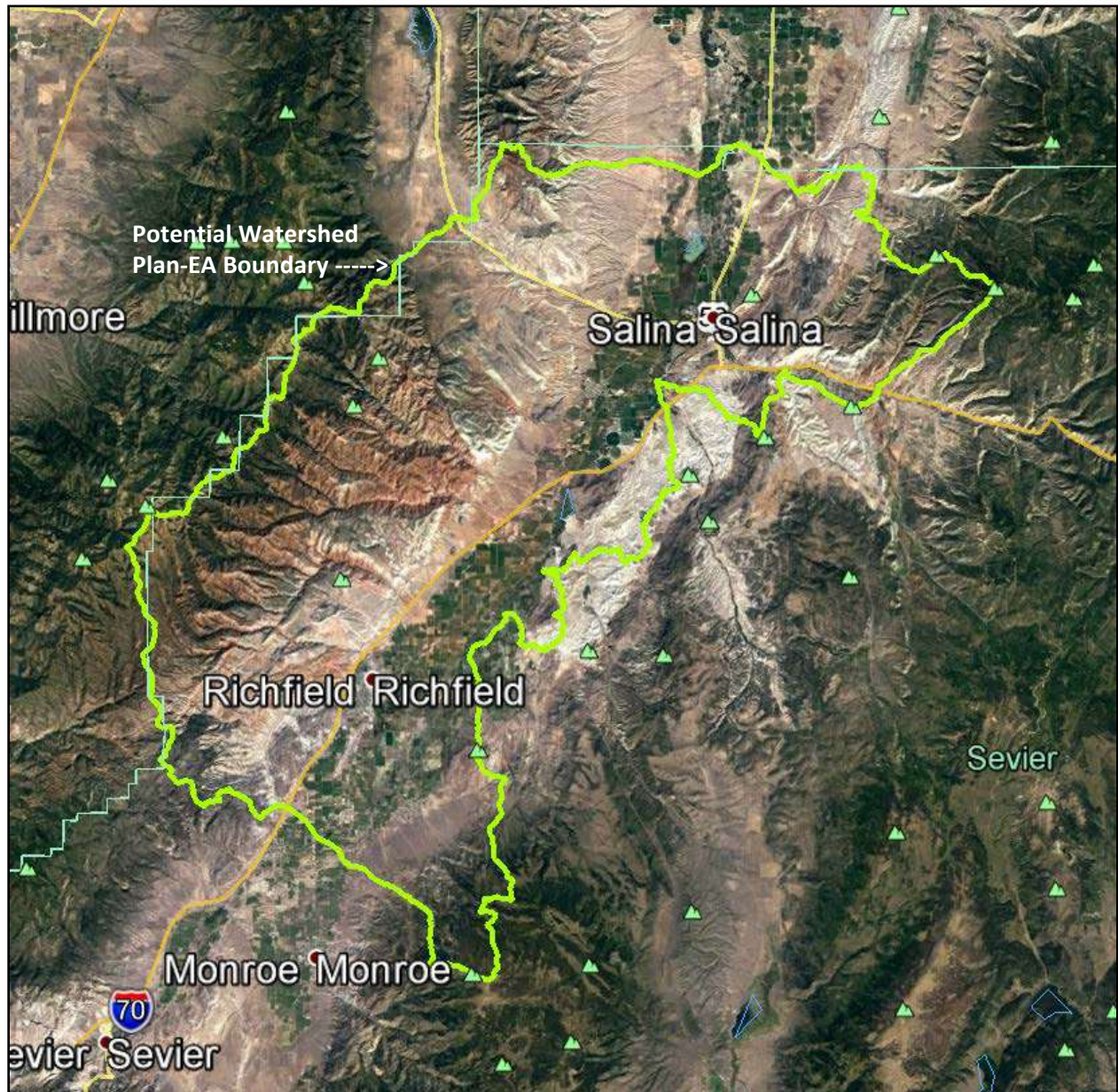
Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

UTAH-NRCS - PL566 WATERSHED PLAN-ENVIRONMENTAL ASSESSMENT WORK



PL566 Project Name	Location/Various	Summary description of proposed work
1-North Ogden Weber-Box Elder Conservation District	41.301537° -111.975893°	Relocate & expand 2550 North Detention Basin, use basin for water storage, flood control, recreation. Water provided from North Ogden canal at about 2 cfs.
2-Pleasant Grove Pleasant Grove City	40.363114° -111.774560°	Pipe 3,100 feet of the open, unlined Mill Ditch located in Pleasant Grove City with 30-inch diameter HDPE pipe.
3-Santaquin Santaquin City	39.969369° -111.770505°	Evaluate the proposed installation of approximately 5 flood control structures along the East bench of Santaquin to protect homes, infrastructure and possibly provide aquifer recharge capability.
4-Richfield W. Sevier Sevier County	38.871435° -112.004222°	New Watershed Plan- Evaluate additional flood control measures needed throughout the Richfield-West Sevier County area (Flat Canyon). Recreation, trails, canal piping, habitat development.
5-Parowan Valley Iron County	37.868987° -112.783872°	New Watershed Plan - Evaluate additional flood control measures, debris basin/s, recreation opportunities, irrigation water management, and habitat restoration/enhancement.
6-Cove Reservoir Kane County	37.280257° -112.690638°	Construction of approximately 6,000 acre-foot capacity dam/reservoir for irrigation and recreation in Cove Canyon outside of Orderville, Utah.
7-Warner Draw Group Washington County Gould Wash DB Virgin River Habitat Warner Disposal Pipe	<u>Gould</u> - 37.116769° -113.230050° <u>Virgin</u> - 37.190211° -113.348204° <u>Warner</u> - 37.070515° -113.498451°	Construction of a debris basin in Gould Wash above Hurricane, Utah - located on BLM land. Piping of Hurricane canal for more efficient off/on farm irrigation water management and analysis of water savings to enhance Virgin River habitat. Evaluate enhancement of Virgin River endangered fish species and SW willow flycatcher habitat. Partner incl. The Nature Conservancy.

Area: 238,659 acres



Note: This map is preliminary and should be used for general planning information only. The boundary for the Watershed Plan-EA analysis will be finalized in conjunction with the public scoping process.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Richfield Field Office

150 East 900 North

Richfield, UT 84701

Phone: (435) 896-1500; Fax: (435) 896-1550

<https://www.blm.gov/utah>



In Reply Refer To:
4100 (UTC020)

February 14, 2018

Timothy Wilson-State Conservationist
USDA-NRCS
Wallace F Bennett Federal Building
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100.

Dear Mr. Wilson:

The Bureau of Land Management, Richfield Field Office (BLM) is in receipt of a letter from your office regarding the Richfield-West Sevier Watershed Management Plan in Sevier County Utah. The BLM accepts your invitation to be involved as a cooperating agency. I am assigning our Assistant Field Manager, Cindy Ledbetter, to be your primary point of contact for this project. She can be reached by phone at (435) 896-1512 or email at cledbett@blm.gov.

Thank you for the invitation to be included as a cooperating agency. We desire to be involved at all stages of this project to ensure that BLM's objectives are considered.

Sincerely,

Joelle McCarthy
Field Manager
Richfield Field Office



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2018

Mr. Dave Ure
Director
Utah School and Institutional Trust Lands
Administration 675 East 500 South, Suite 500
Salt Lake City, Utah 84102

RE: Formal Request to be a Cooperating Agency in the development of Environmental Assessments (EA) for the Parowan Valley Watershed, Iron County, Utah and the Richfield-West Sevier Watershed, Sevier County, Utah.

Dear Mr. Ure:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that Utah School and Institutional Trust Lands Administration (SITLA) become a cooperating agency in the planning and development of the referenced Watersheds. The location of the two proposed project areas that your agency may have involvement are shown as areas #4 and #5 in Attachment-1 with more details in Attachments 2 and 3. Potential watershed measures proposed during the planning phase may require coordination with your agency.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to the projects. The EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. SITLA may also have NEPA compliance responsibilities concerning these projects, preparation of the EAs should also assist in fulfilling environmental review requirements for your agency and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal Agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate.

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA- NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:

Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield,
UT Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2018

Mr. Rick Torgerson
Region Four Director
Utah Department of Transportation
210 West 800 South
Richfield, Utah 84701

RE: Formal Request to be a Cooperating Agency in the development of Environmental Assessments for the Parowan Valley Watershed, Iron County, Utah and the Richfield-West Sevier Watershed, Sevier County, Utah.

Dear Mr. Torgerson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that Utah Department of Transportation-Region 4 (UDOT) become a cooperating agency in the planning and development of the referenced Watersheds. The location of the proposed projects that your agency may have interest are shown as areas #4 and #5 in Attachment-1 with more detail shown in Attachments 2 and 3. The watershed measures potentially proposed during the planning process may require coordination with your agency.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Your agency may also have NEPA compliance responsibilities concerning these projects so preparation of the EAs should also assist in fulfilling environmental review requirements for your agency and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal Agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate.

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:

Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

RECEIVED MAR 15 2018

March 8, 2018

Timothy Wilson
State Conservationist
NRCS – Utah State Office
125 South State Street
Salt Lake City, UT 84138

Dear Mr. Wilson:

SUBJECT: Formal Request to be a Cooperating Agency in the development of Environmental Assessments for the Parowan Valley Watershed, Iron County, Utah; and the Richfield-West Sevier Watershed, Sevier County, Utah.

This letter is in response to your correspondence dated February 12, 2018, regarding the NRCS's request, in accordance with 40 CFR Part 1501.6, that UDOT participate in the planning and development of the subject Environmental Assessments (EA) as a Cooperating Agency.

Because floodwater management is considered a significant factor in planning for long-term maintenance and preservation of state-managed transportation corridors in the Parowan and Richfield-West Sevier Watersheds; and because participation in the development of the EA has the potential to assist UDOT in streamlining environmental review requirements, it is in the interest of UDOT to accept your invitation to participate in the development of the EAs as a Cooperating Agency.

Thank you for your attention,

Rick Torgerson
Region 4 Director
Utah Department of Transportation
210 West 800 South
Richfield, Utah 84701

RT/BA/jg



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2018

Mr. Richard Hepworth (Aquatics Program)
Mr. Gary Bezzant (Habitat Program)

Southern Region Managers
Utah Division of Wildlife Resources
1470 North Airport Road
Cedar City, Utah 84720

RE: Formal Request to be a Cooperating Agency in the development of Environmental Assessments for the Parowan Valley Watershed, Iron County, Utah and the Richfield-West Sevier Watershed, Sevier County, Utah.

Dear Mr. Hepworth and Mr. Bezzant:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that Utah Division of Wildlife Resources (UDWiR) become a cooperating agency in the planning and development of the referenced Watersheds. The location of the proposed project areas your agency may have interest are shown in Attachment-1 as areas #4 and #5 with more detail shown in Attachments 2 and 3. The proposed watershed measures may require coordination with your agency.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. As your agency may also have NEPA compliance responsibilities concerning these projects, preparation of the EAs should also assist in fulfilling environmental review requirements for your agency and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal Agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate.

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:

Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smaii, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT



United States Department of Agriculture

Natural Resources
Conservation Service

Date: February 12, 2018

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Mr. Jason Gipson
Chief - Nevada-Utah Regulatory Branch
U.S. Army Corps of Engineers
533 West 2600 South, Suite 150
Bountiful, Utah 84010

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

RE: Formal request to be a Cooperating Agency in the development of several watershed Environmental Assessments (EA) in Utah.

Dear Mr. Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Army Corps of Engineers (ACOE) become a cooperating agency in the planning and development of several Watershed EA efforts in Utah. The names and locations of these proposed projects are listed in Attachment-1.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program (Public Law 83-566) for these projects. As your agency may also have NEPA compliance responsibilities concerning these projects, preparation of the EAs should also assist in fulfilling environmental review requirements for your agency or other federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate. The NRCS shall accept designation as the lead Federal agency to act on behalf of the ACOE for purposes of compliance with the Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act.

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smatl@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:

Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

Jenna Jorgensen

From: Pectol, Michael A CIV USARMY CESPK (US) <Michael.A.Pectol@usace.army.mil>
Sent: Monday, July 9, 2018 9:18 AM
To: Jenna Jorgensen
Cc: Gipson, Jason A CIV USARMY CESPK (US)
Subject: RE: NRCS Watershed Plan-EA contact

Hi Jenna,

I don't think we have typically accepted cooperating agency status on these types of developmental EAs in the past. My understanding is that we avoid getting too involved in the planning of projects since we usually have a very limited scope within a given project area. As always, we will become involved in projects on a case-by-case basis when Section 404 and/or Section 10 permitting is required and we are happy to accommodate a pre-application meeting for projects that are in the early stages of permitting.

You can contact me for anything concerning Sevier County or any other counties I am assigned to. Please feel free to contact me if you have further questions on the above. Thanks,

Mike Pectol
U.S. Army Corps of Engineers
(801) 295-8380, ext. 8315 Michael.A.Pectol@usace.army.mil
I will be available to answer/return phone calls and emails during our customer service hours: 9am to 3pm.
For program information or to submit a customer service survey:
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

-----Original Message-----

From: Jenna Jorgensen [mailto:jenna.j@jonesanddemille.com]
Sent: Wednesday, June 27, 2018 11:42 AM
To: Pectol, Michael A CIV USARMY CESPK (US) <Michael.A.Pectol@usace.army.mil>
Subject: [Non-DoD Source] NRCS Watershed Plan-EA contact

Hi Mike,

We've started a watershed plan-EA with Sevier County and the NRCS. Norm with NRCS sent cooperating agency letters out in February - I've attached the one that was sent to Jason. Now that we're into a specific project in Sevier County, should you or Jason be the point of contact?

Jenna Jorgensen

Environmental Coordinator

Jones and DeMille Engineering

(435) 893-5203



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: March 7, 2018

Mel Bolling
Forest Supervisor
Fishlake National Forest
115 East 900 North
Richfield, Utah 84701

RE: Formal request to be a Cooperating Agency in the development of the Richfield-West Sevier Watershed Environmental Assessment (EA), Sevier County, Utah for proposed flood prevention measures.

Dear Mr. Bolling,

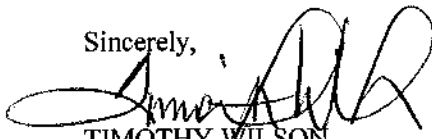
In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Forest Service (USFS) become a cooperating agency in the planning and development of the Richfield-West Sevier Watershed EA. The location of the proposed project area is summarized in Attachment-1 as area #4. Attachment-2 shows a more detailed proposed watershed study area.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The EA is being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or an MOU. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate.

Please send a letter confirming your decision by April 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,



TIMOTHY WILSON
State Conservationist

cc:

Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Brian Miller, District Conservationist, NRCS, Manti, Utah
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT



United States Department of Agriculture

Natural Resources
Conservation Service

Date: February 12, 2018

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Mr. Larry Crist
Utah Field Office-Supervisor
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119

RE: Formal Request to be a Cooperating Agency in the development of several Environmental Assessments (EA) in Utah.

Dear Mr. Crist:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Fish and Wildlife Service (USFWS) become a cooperating agency in the planning and development of several EA efforts in Utah. The names and locations of these proposed project areas are shown and summarized in Attachment 1.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to these projects. The EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. As your agency may also have NEPA compliance responsibilities concerning these projects, preparation of the EAs should also assist in fulfilling environmental review requirements for your agency or other federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate. The NRCS shall accept designation as the lead Federal agency to act on behalf of the USFWS for purposes of compliance with the Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act.

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:

Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT



United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

July 28, 2020

Mr. Steven E. Hardegen
Environmental Officer, Region VIII
Federal Emergency Management Agency
Denver Federal Center, Bldg. 710A
Denver, CO 80225-0267

RE: Formal request to be a Cooperating Agency in the development of the Richfield West-Sevier Watershed Plan-Environmental Assessment (Plan-EA) for proposed flood prevention measures in Sevier County, Utah.

Dear Mr. Hardegen:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the Federal Emergency Management Agency become a cooperating agency in the planning and development of the Richfield West-Sevier Plan-EA. The proposed project areas are located on 1) privately-owned lands; 2) U.S. Forest Service lands, 3) Bureau of Land Management lands; and 4) Utah Department of Transportation lands in Sevier County, Utah. The location of the proposed watershed boundary and flood prevention measures are identified in the enclosed scoping notice.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EA is being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,

NORM EVENSTAD

Asst. State Conservationist—Partnerships and Water Resources

Enclosure

cc: Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Brian Miller, District Conservationist, NRCS, Richfield, UT
Derek Hamilton, Water Resources Coordinator NRCS, Salt Lake City, UT



August 15, 2024

George Weekley
Field Supervisor, Utah Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, UT 84119

RE: Richfield-West Sevier Watershed Plan-Environmental Assessment (Plan-EA)
Section 12 Notification--Public Law 83-566

Dear George Weekley:

The Natural Resources Conservation Service (NRCS) is currently preparing the Richfield-West Sevier Watershed Plan-EA for flood protection measures in Sevier County, Utah. In accordance with Section 12 of the Watershed Protection and Flood Prevention Act, Public Law 83-566 (U.S.C. Section 1008), this letter serves to notify the U.S. Fish and Wildlife Service (USFWS) that NRCS invites the USFWS to submit survey reports or investigations regarding wildlife resources that will be considered in development of the Richfield-West Sevier Watershed Plan-EA. Additionally, the NRCS welcomes USFWS participation in the preparation of the Plan-EA in accordance with Section 12 of Public Law 83-566.

Thank you for your assistance. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801-524-4560.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife". The signature is written in a cursive, flowing style.

Emily Fife
State Conservationist

cc:

Anders Fillerup, Assistant State Conservationist—Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

Appendix A.3. Tribal Scoping Letters and Responses



United States Department of Agriculture

April 1, 2019

Natural Resources
Conservation Service

Utah State Office

125 South State Street
Room 4010
Salt Lake City, UT 84138

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Reference: Richfield-West Sevier Watershed Plan-EA

Dear :

The United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS), in coordination with Sevier County as the project sponsor, is proposing the Richfield-West Sevier Watershed Project in Sevier County, Utah, under authorities of the Regional Conservation Partnership Program (RCPP) and the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566).

Improvements are being proposed within the new Richfield-West Sevier Watershed to: 1) further the conservation, development, utilization, and disposal of water, 2) prevent flood damages, and 3) further the conservation and proper utilization of land.

In cooperation with Sevier County, USDA-NRCS is in the very early planning stages of preparing an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to consider and analyze potential impacts from the action. For the purposes of compliance with NEPA and Section 106 of the National Historic Preservation Act (NHPA), USDA-NRCS is the designated lead agency. The Bureau of Land Management and the United States Forest Service are cooperating agencies. Pursuant to Section 106 of the NHPA, Executive Order 13007, the American Indian Religious Freedom Act, we write to you at this time regarding the project, and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other Tribes with whom we should consult on this project.

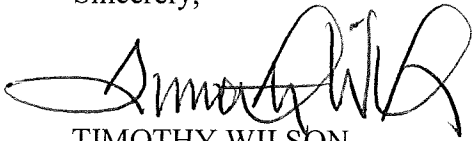
We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting or initiate government-to-government consultation regarding this project. Please respond to our request within 30 days of receipt of this letter.

April 1, 2019

Page 2

If you have any questions, comments, or concerns please contact Tara S. Hoffmann, State Cultural Resources Specialist at 801-524-4556, or email at tara.hoffmann@ut.usda.gov. We look forward to receiving your comments and discussing this project further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Wilson', with a large, stylized initial 'T'.

TIMOTHY WILSON
State Conservationist

Enclosure: Project map

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Jenna Jorgensen, Environmental Coordinator, Jones & DeMille Engineering, Richfield, UT
Chuck Hutcheson, Heritage Program Manager, Fishlake National Forest, Richfield, UT
Tylia Varilek, Archaeologist, Bureau of Land Management, Richfield, UT



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

April 4, 2019

Timothy Wilson/State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Dear Mr. Wilson,

Subject: *Richfield-West Sevier Watershed Plan-EA*

The Paiute Indian Tribe of Utah is in receipt of your letter dated April 1, 2018 and has reviewed the material and do not have any objections. Currently, we are not aware of any cultural resource sites, practices, or locations of importance in the Tribe's traditional, religious or culture.

As you are aware the tribes support the identification and avoidance of prehistoric archaeological sites and traditional cultural properties.

The Paiute Tribe sincerely appreciates your accomplishments and consideration you and your staff have made to consult with the Tribes.

Sincerely,

Dorena Martineau

Dorena Martineau/Cultural Resource
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721
435-586-1112 ext. 107



Timothy L. Nuvangyaoma
Chairman

Clark W. Tenakhongva
Vice Chairman

April 12, 2019

Timothy Wilson, State Conservationist
Attention: Tara S. Hoffman, Cultural Resource Specialist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Re: Richfield-West Sevier Watershed Plan

Dear Mr. Wilson,

Thank you for your correspondence dated April 1, 2019, regarding the National Resources Conservation Service (NRCS) and Sevier County proposing the Richfield-West Sevier Watershed Project in Sevier County.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the NRCS's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office requests consultation on any proposal in Utah that has the potential to effect prehistoric cultural resources. We understand an environmental analysis will be prepared, and therefore we look forward to being provided with copies of the cultural resources report and draft environmental assessment for review and comment. If prehistoric cultural resources are identified that will be adversely affected by the proposed project, we will request continuing consultation including being provided with a copy of any proposed treatment plans for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you for your consideration.

Respectfully,

Stewart B. Koyiyumptewa, Program Manager
Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office

Appendix A.4. NHPA Section 106 Consultation Documents (Non-tribal)

From: [Varilek, Tylia](#)
To: [Hutcheson, Charles - FS](#)
Cc: [Hoffmann, Tara - NRCS, Salt Lake City, UT](#); [Joelle McCarthy](#); [Jolley, Brandon](#)
Subject: Re: [EXTERNAL] RE: Sevier County Watershed Plan- Tribal Scoping
Date: Monday, March 25, 2019 4:09:19 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Hi Tara,

NRCS taking the lead on Sec. 106 also works for us.

Thanks!

Tylia

On Mon, Mar 25, 2019 at 11:14 AM Hutcheson, Charles - FS <charleshutcheson@fs.fed.us> wrote:

Tara,

NRCS taking the 106 lead works. Attached is the Fishlake Tribal Consultation list. Can you let me know when the Tribal Letters go out? Thank you, and thank you for taking the lead.



Chuck Hutcheson

Heritage Program Manager

Forest Service

Fishlake National Forest

C: 435-201-9538

p: 435-896-1076

f: 435-896-9347

charles.hutcheson@usda.gov

115 E. 900 N.

Richfield, UT 84701

www.fs.fed.us



Caring for the land and serving people

From: Hoffmann, Tara - NRCS, Salt Lake City, UT
Sent: Monday, March 25, 2019 10:29 AM
To: Varilek, Tylia <tvarilek@blm.gov>; Hutcheson, Charles - FS
<charleshutcheson@fs.fed.us>
Subject: Sevier County Watershed Plan- Tribal Scoping

Hi Tylia and Chuck,

The NRCS coordinating with Sevier County to make improvements within the Richfield-West Sevier Watershed (see attached overview map). We are in the very early planning stages of preparing the EA and I am working on sending out Tribal scoping materials. Tylia, I already have the list of Tribes for the BLM. Chuck- do you have a Tribal contact list that I can cross-reference?

We have confirmation that the BLM and I believe USFS will be cooperating agencies for NEPA, and given that this is an NRCS-funded project, we can take the lead on 106, if that works for you both.

Cheers,

Tara

Tara S. Hoffmann, MA

State Cultural Resources Specialist

USDA Natural Resources Conservation Service

125 South State Street, Room 4010
Salt Lake City, UT 84138-1100

Office: 801.524.4556

Mobile: 720.591.8051

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--

Tylia Varilek, MA
Archaeologist
Bureau of Land Management
Richfield Field Office, Utah
435.896.1570 (office)
435.253.1355 (mobile)



January 23, 2020

Dr. Christopher Merritt, PhD
State Historic Preservation Officer
Utah Division of State History
300 Rio Grande Avenue
Salt Lake City, Utah 84101-1182

Reference: Cultural Resource Survey of NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah (UDSH Project No. U19MQ0243)

Dear Dr. Merritt:

Included in this submission are a cultural resources report titled *Cultural Resource Survey of NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Sevier County, as the Project Sponsor, to construct improvements within the Richfield-West Sevier Watershed in the vicinity of Richfield, Utah. Improvements are being proposed to prevent flood damages, further the conservation, development, utilizations and disposal of water, and further the conservation and proper utilization of land. Specific project components consist of constructing a debris basin in Flat Canyon, improvement of a southern flood channel from the Sevier Valley Canal to the Sevier River, constructing a debris basin in Tank Canyon, two water and sediment control basins in series at the mouth of Wood Canyon and channel improvements downstream, improvement of a northern flood channel to the Sevier River, and installing a flood control gate on the Sevier Valley Canal.

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Jones and DeMille Engineering, on behalf of the NRCS, in cooperation with Sevier County, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), and the Utah Department of Transportation.

The Area of Potential Effects (APE) for the project encompasses a total of 821.2 acres, which includes 14 separate parcels. The parcels occur on public lands administered by the USFS Fishlake National Forest (113.6 acres), BLM (556.7 acres), and the Utah School and Institutional Trust Lands Administration (SITLA) (3.2 acres). An additional 147.7 acres of the project area occurs on private land. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and USFS will serve as cooperating agencies.

A pedestrian cultural resource inventory of the undertaking was completed by Montgomery Archaeological Consultants (MOAC) between June and August 2019. The inventory resulted in the location of six previously recorded sites (42SV2343, 42SV2500, 42SV2502, 42SV3046, 42SV3389, and 42SV3522), the update or redocumentation of seven previously recorded sites (42SV693, 42SV1375, 42SV1821, 42SV1824, 42SV2087, 42SV3862, and 42SV3863) and the documentation of 22 newly identified sites (42SV3896-42SV3917). Of the 13 previously documented sites, nine have been determined as eligible for listing on the National Register of Historic Places (NRHP) based on Criterion A, Criterion D, or Criteria

C and D and three previously recorded sites have been determined ineligible for listing on the NRHP. Of the 22 newly documented sites, the NRCS has determined that 6 are eligible for the NRHP and 17 are ineligible. Table 1 summarizes the sites identified, type, and eligibility.

Table 1. Archaeological Sites Associated with NRCS' Sevier Valley Watershed Project.

Smithsonian Site No.	Affiliation	Site Type	Eligibility	Land Status
42SV665 (Not Relocated)	Fremont	Artifact Scatter	N/A	Forest Service
42SV693	Fremont	Rock Shelter/Rock Art	Eligible, C&D	BLM
42SV1375	Fremont	Rock Art	Eligible, C&D	Private
42SV1485 (Misplotted in PA, outside APE).	Unknown Prehistoric	Habitation	Eligible, D	Forest Service
42SV1821	Historic	Domestic Artifact Scatter (Dump)	Eligible, D	BLM/Private
42SV1824	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV2087 (Not Relocated)	Historic	Dugout & Corral	Not Eligible	Private
42SV2343	Historic	Vermillion Canal	Eligible, A, C, D	Private
42SV2344	Historic	Sevier Valley Canal	Eligible, A	BLM/SITLA/Private
42SV2500	Historic	Richfield Canal	Eligible, A, C	Private
42SV2502	Historic	Historical Railroad	Eligible, A, C, D	Private
42SV3046	Historic	Historic Trash Dump with Prehistoric Component	Eligible, D	BLM
42SV3389	Historic	Historic Campsite, Prehistoric Isolate	Not Eligible	Forest Service
42SV3522	Historic	Historic Artifact Scatter	Not Eligible	Private
42SV3862	Historic	Powerline	Not Eligible	Private
42SV3863	Historic	CCC Road	Eligible, A	SITLA/Private
42SV3896	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3897	Historic	Gravel Pit	Not Eligible	BLM
42SV3898	Historic	Telephone Line	Not Eligible	BLM
42SV3899	Historic	Lime Kilns	Eligible, A-D	BLM
42SV3900	Historic	Lime Kiln	Eligible, A-D	BLM
42SV3901	Historic	Domestic Artifact Scatter	Not Eligible	BLM
42SV3902	Fremont	Habitation	Eligible, D	BLM
42SV3903	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3904	Multicomponent	Artifact Scatter/Temp Camp	Not Eligible	BLM
42SV3905	Multicomponent	Artifact Scatter/Gravel Pit	Not Eligible	BLM
42SV3906	Multicomponent	Artifact Scatter	Not Eligible	BLM
42SV3907	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3908	Unknown Prehistoric	Rock Ring	Eligible, D	BLM
42SV3909	Historic	Artifact Scatter	Not Eligible	BLM
42SV3910	Historic	Dugout	Eligible, D	Private
42SV3911	Unknown Prehistoric	Depression & Rock Wall	Eligible, D	BLM
42SV3912	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3913	Unknown Prehistoric	Artifact Scatter	Not Eligible	Forest Service
42SV3914	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3915	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3916	Historic	Domestic Artifact Scatter	Not Eligible	Private
42SV3917	Historic	Telegraph/Telephone Line	Not Eligible	SITLA/Private

Five sites (42SV1821 (historic Richfield Dump), 42SV2344 (Sevier Valley/Piute Canal), 42SV2500 (Richfield Canal), 42SV2502 (Marysvale Branch of Denver & Rio Grande Railroad Grade), and 42SV3863 (historic CCC road)) may potentially be impacted by the proposed undertaking (shown in bold in Table 1). Work at Site 42SV1821 involves cleaning debris and stabilizing the sides of the existing flood channel. If all work is limited to the footprint of previous disturbances, there will likely be no adverse effect. However, spot monitoring of the construction is recommended. Work at site 42SV2344 involves armoring part of the canal and installing a flood control gate, amongst other additions to the canal. These measures constitute an adverse effect. Comparable work is proposed along Site 42SV2500, which will also result in an adverse effect.

The railroad bed of Site 42SV3863 that passes through the project area has been destroyed, and the project proponent plans to install a storm water pipe within or adjacent to the former alignment. Given the destruction of the grade, this is not considered an adverse effect. Work along Site 42SV3863 involves construction of a water retention dam and retaining wall, but the depth of suitable rock on the hillslope immediately below the site is unknown, thus adverse effects to the CCC road will be unknown until construction begins.

Based on the inventory results and that two sites will be, and possibly three other sites could be, impacted by the proposed undertaking, the NRCS has determined that the undertaking will result in an ***adverse effect to historic properties***, pursuant to Section 106 of the National Historic Preservation Act. To minimize and mitigate the adverse effects, a treatment plan will be developed, in consultation with the Utah SHPO and other consulting parties, and executed in a Memorandum of Agreement. MOAC has already been in conversation with the Utah SHPO to develop preliminary mitigation measures. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Hollis Jenks, Project Manager, U.S. Army Corps of Engineers, Bountiful, Utah
Jenna Jorgensen, Jones and DeMille Engineering, Richfield, Utah
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Jill Remington Love
Executive Director
Department of
Heritage & Arts



Christopher Merritt
State Historic Preservation Officer

Kevin Fayles
Interim Director

February 4, 2020

Emily Fife
State Conservationist
Natural Resources Conservation Service - USDA
Wallace F. Bennett Federal Building
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

RE: Cultural Resource Survey of NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah

For future correspondence, please reference Case No. 20-0270

Dear Ms. Fife,

The Utah State Historic Preservation Office received your request for our comment on the above-referenced undertaking on January 24, 2020.

We concur with your determinations of eligibility and effect for this undertaking. We look forward to future consultation regarding the development of a Memorandum of Agreement in response to your Adverse Effect determination for this undertaking.

This letter serves as our comment on the determinations you have made within the consultation process specified in §36CFR800.4. If you have questions, please contact me at 801-245-7246 or by email at sagardy@utah.gov.

Sincerely,

Savanna Agardy
Compliance Archaeologist



**Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format**

Send to: e106@achp.gov

Please review the instructions at www.achp.gov/e106-email-form prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

I. Basic information

1. Purpose of notification. Indicate whether this documentation is to:

- ☒ Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- ☐ Invite the ACHP to participate in a Section 106 consultation
- ☐ Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- ☐ Supply additional documentation for a case already entered into the ACHP record system
- ☐ File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- ☐ Other, please describe
[Click here to enter text.](#)

2. ACHP Project Number (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): [Click here to enter text.](#)

3. Name of federal agency (If multiple agencies, list them all and indicate whether one is the lead agency):

Natural Resources Conservation Service (NRCS) is the lead agency. The United States Forest Service (USFS), Fishlake National Forest, and Bureau of Land Management (BLM), Richfield Field Office are cooperating agencies.

4. Name of undertaking/project (Include project/permit/application number if applicable):

NRCSs Sevier Valley Watershed Project Near Richfield, Sevier County, UT

5. Location of undertaking (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

Near Richfield in Sevier County, Utah. Located on private lands and public lands administered by the USFS Fishlake National Forest, BLM, the Utah School and Institutional Trust Lands Administration (SITLA), Utah Department of Transportation, and Utah Division of Wildlife Resources.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 ☐ Washington, DC 20001-2637

Phone: 202-517-0200 ☐ Fax: 202-517-6381 ☐ achp@achp.gov ☐ www.achp.gov

6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:

Tara Hoffmann, MA
 State Watershed Cultural Resources Specialist
 Salt Lake City, Utah
Tara.hoffmann@usda.gov
 385-258-1266

II. Information on the Undertaking*

7. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Sevier County, as the Project Sponsor, to construct improvements within the Richfield-West Sevier Watershed in the vicinity of Richfield, Utah. Improvements are being proposed to prevent flood damages, further the conservation, development, utilizations and disposal of water, and further the conservation and proper utilization of land. Specific project components consist of constructing a debris basin in Flat Canyon, improvement of a southern flood channel from the Sevier Valley Canal to the Sevier River, constructing a debris basin in Tank Canyon, two water and sediment control basins in series at the mouth of Wood Canyon and channel improvements downstream, improvement of a northern flood channel to the Sevier River, and installing a flood control gate on the Sevier Valley Canal.

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Jones and DeMille Engineering, on behalf of the NRCS, in cooperation with Sevier County, the BLM, USFS, and the Utah Department of Transportation.

8. Describe the Area of Potential Effects (APE):

The Area of Potential Effects as initially established in 2019, encompasses a total of 821.2 acres, which includes 14 separate parcels. The parcels occur on public lands administered by the USFS Fishlake National Forest (113.6 acres), BLM (556.7 acres), and SITLA (3.2 acres). An additional 147.7 acres of the project area occurs on private land. The APE contains all proposed project features, staging areas, rip rap source, and access roads.

The APE was expanded in 2023 to include a southern flood channel. This APE encompasses a total of 296.2 acres on lands managed by the Utah Division of Wildlife Resources (DWR) (81.4 acres), the Utah Department of Transportation (UDOT) (0.8 acres), and on private lands (236.6 acres).

9. Describe steps taken to identify historic properties:

Montgomery Archaeological Consultants (Montgomery) applied intensive-level archaeological survey methods accepted by the Utah State Historic Preservation Officer (SHPO) and the BLM and USFS to identify historic properties that could be affected by the undertaking. The survey was completed between June and August 2019 under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U19MQ0243. The APE was surveyed by the archaeologists walking parallel transects spaced no more than 15 m (49 ft) apart. Ground visibility was fair to good. Continued on next page.

An addendum cultural resources survey was completed by MOAC in August and September of 2023 for the south flood channel APE (U23MQ0740).

Please refer to the attached cultural resource reports for additional information.

10. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

See attached cultural resources reports for detailed historic property information. Summary is below.

MOAC's 2019 inventory (U19MQ0243) resulted in the location of six previously recorded sites (42SV2343, 42SV2500, 42SV2502, 42SV3046, 42SV3389, and 42SV3522), the update or redocumentation of seven previously recorded sites (42SV693, 42SV1375, 42SV1821, 42SV1824, 42SV2087, 42SV3862, and 42SV3863) and the documentation of 22 newly identified sites (42SV3896-42SV3917). Of the 13 previously documented sites, nine have been determined as eligible for listing on the NRHP based on Criterion A, Criterion D, or Criteria C and D and three previously recorded sites have been determined ineligible for listing on the NRHP. Of the 22 newly documented sites, the NRCS has determined that 6 are eligible for the NRHP and 17 are ineligible. Table 1 summarizes the sites identified, type, and eligibility.

Table 1. Archaeological Sites Associated with NRCS' Sevier Valley Watershed Project.

Smithsonian Site No.	Affiliation	Site Type	Eligibility	Land Status
42SV665 (Not Relocated)	Fremont	Artifact Scatter	N/A	Forest Service
42SV693	Fremont	Rock Shelter/Rock Art	Eligible, C&D	BLM
42SV1375	Fremont	Rock Art	Eligible, C&D	Private
42SV1485 (Misplotted in PA, outside APE).	Unknown Prehistoric	Habitation	Eligible, D	Forest Service
42SV1821	Historic	Domestic Artifact Scatter (Dump)	Eligible, D	BLM/Private
42SV1824	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV2087 (Not Relocated)	Historic	Dugout & Corral	Not Eligible	Private
42SV2343	Historic	Vermillion Canal	Eligible, A, C, D	Private
42SV2344	Historic	Sevier Valley Canal	Eligible, A	BLM/SITLA/Private
42SV2500	Historic	Richfield Canal	Eligible, A, C	Private
42SV2502	Historic	Historical Railroad	Eligible, A, C, D	Private
42SV3046	Historic	Historic Trash Dump with Prehistoric Component	Eligible, D	BLM
42SV3389	Historic	Historic Campsite, Prehistoric Isolate	Not Eligible	Forest Service
42SV3522	Historic	Historic Artifact Scatter	Not Eligible	Private
42SV3862	Historic	Powerline	Not Eligible	Private
42SV3863	Historic	CCC Road	Eligible, A	SITLA/Private
42SV3896	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3897	Historic	Gravel Pit	Not Eligible	BLM
42SV3898	Historic	Telephone Line	Not Eligible	BLM
42SV3899	Historic	Lime Kilns	Eligible, A-D	BLM
42SV3900	Historic	Lime Kiln	Eligible, A-D	BLM
42SV3901	Historic	Domestic Artifact Scatter	Not Eligible	BLM
42SV3902	Fremont	Habitation	Eligible, D	BLM
42SV3903	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3904	Multicomponent	Artifact Scatter/Temp Camp	Not Eligible	BLM
42SV3905	Multicomponent	Artifact Scatter/Gravel Pit	Not Eligible	BLM
42SV3906	Multicomponent	Artifact Scatter	Not Eligible	BLM
42SV3907	Unknown	Artifact Scatter	Not Eligible	BLM

Smithsonian Site No.	Affiliation	Site Type	Eligibility	Land Status
	Prehistoric			
42SV3908	Unknown Prehistoric	Rock Ring	Eligible, D	BLM
42SV3909	Historic	Artifact Scatter	Not Eligible	BLM
42SV3910	Historic	Dugout	Eligible, D	Private
42SV3911	Unknown Prehistoric	Depression & Rock Wall	Eligible, D	BLM
42SV3912	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3913	Unknown Prehistoric	Artifact Scatter	Not Eligible	Forest Service
42SV3914	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3915	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3916	Historic	Domestic Artifact Scatter	Not Eligible	Private
42SV3917	Historic	Telegraph/Telephone Line	Not Eligible	SITLA/Private

MOAC's 2023 inventory (U23MQ0740) resulted in the identification of four previously recorded archaeological sites (42SV2344 (Sevier Valley/Piute Canal), 42SV2500 (Richfield Canal), 42SV2502 (Denver & Rio Grande Western Railroad – Marysville Branch), and 42SV2600 (Elsinore Canal)), the documentation of four newly identified archaeological sites (42SV4533-42SV4536). Site 42SV4533 is an historic corral, Site 42SV4534 is an historic agricultural complex, Site 42SV4535 is a historic agricultural complex, and Site 42SV4536 is an historic flood channel. Of the identified sites, the NRCS has determined that Sites 42SV2344, 42SV2500, 42SV2502, 42SV2600 are eligible for the NRHP.

11. Describe the undertaking's effects on historic properties:

For U19MQ0243, five sites (42SV1821 (historic Richfield Dump), 42SV2344 (Sevier Valley/Piute Canal), 42SV2500 (Richfield Canal), 42SV2502 (Marysville Branch of Denver & Rio Grande Railroad Grade), and 42SV3863 (historic CCC road)) may potentially be impacted by the proposed undertaking (shown in bold in Table 1). Work at Site 42SV1821 involves cleaning debris and stabilizing the sides of the existing flood channel. If all work is limited to the footprint of previous disturbances, there will likely be no adverse effect. However, spot monitoring of the construction is recommended. Work at site 42SV2344 involves armoring part of the canal and installing a flood control gate, amongst other additions to the canal. These measures constitute an adverse effect. Comparable work is proposed along Site 42SV2500, which will also result in an adverse effect.

The railroad bed of Site 42SV3863 that passes through the project area has been destroyed, and the project proponent plans to install a storm water pipe within or adjacent to the former alignment. Given the destruction of the grade, this is not considered an adverse effect. Work along Site 42SV3863 involves construction of a water retention dam and retaining wall, but the depth of suitable rock on the hillslope immediately below the site is unknown, thus adverse effects to the CCC road will be unknown until construction begins. Table 2 describes proposed project components at each historic property and effects determinations made through consultation.

Table 2. Summary of Effects to Historic Properties

Smithsonian Site No./Land owner	Project Component	Effects Determination
(42SV1821 (historic Richfield Dump)/BLM/Private	Cleaning debris and stabilizing sides of existing flood channel through site	Archaeological monitor will be present during construction within site boundary. No Adverse Effect
42SV2344 (Sevier Valley/Piute Canal)/BLM/SITLA/Private	Armoring part of the canal and installing a flood control gate, etc.	Adverse Effect
42SV2500 (Richfield Canal)/Private	Install riprap at confluence of canal and lateral; cleaning 2,000 ft; install emergency	Adverse Effect

Smithsonian Site No./Land owner	Project Component	Effects Determination
	overflow/pipe inlet	
42SV2502 (Marysvale Branch of Denver & Rio Grande Railroad Grade)/Private	Install storm water pipe within/adjacent to former railroad alignment	Railroad bed in project area is destroyed. No Adverse Effect
42SV3863 (historic CCC road))/SITLA/Private	Construct water retention dam at an existing historic retaining wall.	Existing CCC retaining wall will be disturbed by new construction. Adverse Effect

For U23MQ0740, four of the cultural resources were recommended by MOAC as eligible for inclusion in the National Register (42SV2344, 42SV2500, 42SV2502, 42SV2600); all four sites are linear. Of these four sites, the documented segments of two (42SV2502 and 42SV2600) sites within the APE are recommended as non-contributing elements to the eligibilities of the sites. Documented segments of 42SV2344 and 42SV2500 within the APE are considered contributing to their respective site eligibilities. At 42SV2344, the Sevier Canal, proposed work includes reconstructing the overshot structure for the flood channel (Feature A). Feature A has been previously modified which impacted its historic fabric and character. Therefore, further modification to the feature will not be an adverse impact to site 42SV2344. At 42SV2500, the Richfield Canal, the proponent plans to install conduit pipe under the canal. The pipe will be bored, or an open cut may be used to install the pipe.

12. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

Based on the project component effects to the five aforementioned sites in Table 2, which would result in direct damage to those aspects of integrity that contribute to each site's NRHP eligibility, the NRCS has determined that the proposed project would result in *Adverse Effects to Historic Properties* per 36 CFR 800.5(d)(2).

The NRCS is currently in consultation with the Utah SHPO, the project Sponsor and other consulting parties in drafting mitigation strategies and developing a Memorandum of Agreement (MOA).

The NRCS has determined that the south flood channel portion of the project (U23MQ0740) will result in no adverse effects to historic properties.

13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

See attached SHPO, BLM, USFS, and Tribal consultation letters, documenting all tribal consultation to date. Consultation responses have been received from the Paiute Indian tribe of Utah and the Hopi Tribe. Both do not object to the proposed project. Consultation for U23MQ0740 is forthcoming.

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

Concurrent with the National Environmental Policy Act scoping period, and as part of Section 106 of

the NHPA, Executive Order 13007, 13175, and the AIRFA, the NRCS reached out to the Ute Tribe, the Paiute Indian Tribe of Utah, the Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, the Moapa Band of Paiute Indians of the Moapa River Indian Reservation, the Navajo Nation, the Ute Mountain Ute Tribe, the San Juan Southern Paiute Tribe of Arizona, The Pueblo of Zuni, the Hopi Tribe, The Kanosh Band of Paiute Indians, and the Koosharem Band of Paiute Indians. The tribal scoping letters were submitted on April 1, 2019. The Hopi Tribe and the Paiute Indian Tribe of Utah responded to the scoping letter on April 12, 2019, and April 4, 2019 respectively. Both tribes do not have any concerns regarding the project.

The NRCS submitted cultural resources report U19MQ0548 to the Utah SHPO and the aforementioned tribes on January 23, 2020. The Utah SHPO concurred with the determination of project effects and site eligibility in a letter dated February 4, 2020. The Paiute Tribe of Utah responded in a letter dated February 7, 2020 concurring with determinations of eligibility and effort. No other tribal responses were received.

To resolve the adverse effects to the three historic properties within the APE, the NRCS is currently drafting an MOA and is in active consultation with the Utah SHPO, the BLM, and SITLA. Draft mitigation stipulations proposed include interpretive signage and a desktop review of the Sevier Valley/Piute and Richfield canals.

15. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

This is the general project information website. We are currently not in a public comment period. The draft-EA will be available for public comment in summer 2024.

[Richfield-West Sevier Watershed Project](#)

16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link:

No.

The following are attached to this form (check all that apply):

- ☒ Section 106 consultation correspondence
- ☐ Maps, photographs, drawings, and/or plans
- ☐ Additional historic property information
- ☐ Consulting party list with known contact information
- ☒ Other: Cultural Resources Reports with maps



April 9, 2024

Tara S. Hoffmann
State Cultural Resources Specialist
Natural Resources Conservation Service
125 South State Street, room 4010
Salt Lake City, UT 84138

Ref: *Sevier Valley Watershed Project*
Richfield, Sevier County, UT
ACHP Project Number: 20733

Dear Ms. Hoffmann:

On March 25, 2024, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Utah SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Maxwell Sickler at (202) 517-0220 or by e-mail at msickler@achp.gov and reference the ACHP Project Number above.

Sincerely,

Maxwell Sickler

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

Assistant Historic Preservation Specialist
Office of Federal Agency Programs



April 30, 2024

Dr. Christopher Merritt, PhD
State Historic Preservation Officer
Department of Cultural and Community Engagement
3760 Highland Drive
Millcreek, Utah 84106

Reference: Cultural Resource Survey of the NRCS' South Flood Channel Project: An Addendum Report to the NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah (UDSH Project No. U23MQ0740)

Dear Dr. Merritt:

Included in this submission are a cultural resources report titled *Cultural Resource Survey of the NRCS' South Flood Channel Project: An Addendum Report to the NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to Sevier County, as the Project Sponsor, to construct improvements within the Richfield-West Sevier Watershed in the vicinity of Richfield, Utah. Improvements are being proposed to prevent flood damages, further the conservation, development, utilization and disposal of water, and further the conservation and proper utilization of land. Specific project components consist of constructing a debris basin in Flat Canyon, improvement of a southern flood channel from the Sevier Valley Canal to the Sevier River, constructing a debris basin in Tank Canyon, two water and sediment control basins in series at the mouth of Wood Canyon and channel improvements downstream, improvement of a northern flood channel to the Sevier River, and installing a flood control gate on the Sevier Valley Canal.

The NRCS previously consulted with your office in February of 2020 (Case No. 20-0270) with a determination of adverse effect to historic properties for the overall project, per 36 CFR § 800.5(d)(2). This current consultation addresses a supplemental cultural resources inventory encompassing the proposed southern flood channel corridor. The NRCS is serving as the lead Federal agency for the purposes of Section 106 consultation, which will also cover the Utah Division of Wildlife Resources' (UDWR) and Utah Department of Transportation's (UDOT) responsibilities under Utah Code Annotated Section 9-8-404

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Jones and DeMille Engineering, on behalf of the NRCS, in cooperation with Sevier County, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), UDOT, and the UDWR.

Per 36 CFR § 800.16(d), the Area of Potential Effects (APE) for the south flood channel includes 318.8 acres, and occurs on lands managed by the UDWR (81.4 acres), UDOT (0.8 acres), and on private lands (236.6 acres). The APE includes the reconstruction of a canal overshot, construction of a rock chute and stilling basin, upgrading an existing open flood channel, constructing a splitter structure, and installing approximately 5,600 linear feet of an earthen channel leading to the Sevier River.

To identify historic properties within the APE (per 36 CFR § 800.4), a pedestrian inventory of the APE was conducted by Montgomery Archaeological Consultants. The inventory was conducted on September 3 and September 28-30, 2023. Of the 318.8 acres, 296.2 acres were surveyed at a Class III (intensive) level, and 22.6 acres were surveyed at a Class II (reconnaissance) level due to private property access restrictions.

The inventory resulted in the identification and update of four previously recorded archaeological sites (42SV2344, 42SV2500, 42SV2502, and 42SV2600), the documentation of four newly identified archaeological sites (42SV4533-42SV4536). Table 1 summarizes the sites and features identified, site eligibility and contributing/non-contributing elements, proposed project impacts, NRCS' determination of eligibility and effect.

Table 3. Management Summary Table.

Site No.	Site/Feature Type	NRHP Status	Proposed Project Impacts	Determination of Effect
42SV2344	Sevier Valley/ Piute Canal – canal segment	Eligible (A) Contributing	The canal channel will not be impacted by the project.	No effect
	Feature A – modern aqueduct deck/historic bridge abutments	Non-contributing	This is an existing overshoot structure that will be reconstructed	No adverse effect
	Feature B – metal headgate set in concrete wall	Non-contributing	Outside APE and will not be impacted	No effect
42SV2500	Richfield Canal – canal segment	Eligible (A & C) Contributing to Criterion A	The canal is within the flood pipeline corridor and will be crossed at one location by the proposed flood pipeline. This will consist of a conduit pipeline that will be bored, or an open cut may be used to install the pipe. If an open cut is used, the canal will be restored to pre-construction condition	No adverse effect
	Feature A – metal headgate set in cobble wall with associated concrete weir	Contributing to Criterion A	Outside APE and will not be impacted	No effect
	Feature B – historic weir/road crossing mostly replaced by modern structure	Non-contributing	Outside APE and will not be impacted	No effect
	Feature C – metal headgate set in cobble wall	Contributing to Criterion A	Outside APE and will not be impacted	No effect
42SV2502	D&RGW RR – Marysvale Branch	Eligible (A) Non-contributing	A destroyed portion of the historic railroad alignment is crossed by the flood pipeline corridor	No effect
42SV2600	Elsinore Canal – canal segment	Eligible (A) Non-contributing	The canal is within the flood pipeline corridor and will be crossed by the proposed flood pipeline.	No adverse effect
	Feature A – headgate	Non-contributing	Outside APE and will not be impacted	No effect
	Feature B – Parshall flume	Non-contributing	Outside APE and will not be impacted	No effect
	Feature C – headgate	Non-contributing	Outside APE and will not be impacted	No effect

Site No.	Site/Feature Type	NRHP Status	Proposed Project Impacts	Determination of Effect
42SV2600	Feature D – makeshift bridge	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature E – headgate	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature F – concrete flume	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature G – Parshall flume	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature I – concrete cistern	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature J – outlet pipe	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature K – headgate	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature L – outlet pipe	Non-contributing	Within flood pipeline corridor.	No adverse effect
42SV4533	Corral Complex	Not Eligible	Within open channel/overland flow area.	No effect
42SV4534	Agricultural Complex	Not Eligible	Within flood pipeline corridor.	No effect
42SV4535	Granary and Stable	Not Eligible	Within flood pipeline corridor.	No effect
42SV4536	Flood channel	Not Eligible	Entire documented segment will be upgraded, and a splitter structure will be built within the channel	No effect

Based on the inventory results and the location of eligible sites outside of the APE, or restoration of eligible canals to pre-construction condition, the NRCS has determined that the south flood channel portion of the undertaking will result in ***no adverse effect to historic properties***, per 36 CFR § 800.5(b). The NRCS requests concurrence for the delineation of the APE, determination of site eligibility and project effects. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Watershed Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure

cc: (w/o encl)

Todd Allai, Acting ASTC-Water Resources, NRCS, Minden, NV

Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

K.C. Savage, Civil Engineer, NRCS, Richfield, UT

Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT

Jenna Jorgensen, Jones and DeMille Engineering, Richfield, Utah

Ellis Powelson, Archaeologist/NEPA Specialist, UDOT, Salt Lake City, UT

Arie Leeftang, Archaeologist, UDWR, Salt Lake City, UT



Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Donna Law
Interim Executive Director



Christopher Merritt
State Historic Preservation Officer
Utah State Historic Preservation Office

May 10, 2024

Travis Mote
Acting State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

RE: Cultural Resource Survey of the NRCS' South Flood Channel Project: An Addendum Report to the NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah

For future correspondence, please reference Case No. 24-1140

Dear Travis Mote,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on May 06, 2024.

We concur with your determinations of eligibility and effect for this undertaking.

This letter serves as our comment on the determinations you have made within the consultation process specified in §36CFR800.4. If you have questions, please contact me at (801) 535-2502 or by email at rmcgrath@utah.gov.

Sincerely,

Ryan McGrath
Compliance Archaeologist

**MEMORANDUM OF AGREEMENT
AMONG
THE NATURAL RESOURCES CONSERVATION SERVICE,
SEVIER COUNTY,
BUREAU OF LAND MANAGEMENT, RICHFIELD FIELD OFFICE,
AND THE UTAH STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42SV2344 and 2500
SEVIER COUNTY, UTAH**

WHEREAS, the Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to Sevier County (Sponsor) to construct improvements within the Richfield-West Sevier Watershed in the vicinity of Richfield, Utah ((hereafter referred to as the "Project"). Project components are located on lands managed by the Bureau of Land Management (BLM), Richfield Field Office, U.S. Forest Service, Fishlake National Forest (USFS), Utah Division of Wildlife Resources (UDWR), and Privately-held land; and

WHEREAS, the NRCS has determined that the Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. §306108, and its implementing regulations, 36 C.F.R. 800; and

WHEREAS, the NRCS, has been designated the lead Federal agency under Section 106 of the national Historic Preservation Act (NHPA), 54 U.S.C. §306108, and its implementing regulations, 36 C.F.R. 800, with the USFS and BLM as cooperating agencies; and

WHEREAS, the NRCS has defined the Project's Area of Potential Effects (APE), as defined at 36 C.F.R. 800.16(d), a total of 450 acres, which includes multiple separate parcels. The parcels occur on public lands administered by the USFS (102.3 acres), BLM (235.3 acres), and UDWR (8.2 acres). An additional 104.2 acres of the project area occurs on privately held land. The APE contains all proposed project features, staging areas, rip rap sources, and access roads.

WHEREAS, two cultural resources inventories of the APE have been completed, as required by 36 C.F.R. 800, and described in the reports entitled *Cultural Resource Survey of NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah* and *Cultural Resource Survey of the NRCS' South Flood Channel Project: An Addendum Report to the NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County*, both prepared by Montgomery Archaeological Consultants, Inc. and dated December 21, 2019, and March 4, 2024, respectively.

WHEREAS, the NRCS and the Utah State Historic Preservation Office (Utah SHPO) concur that five sites (42SV2344 (Sevier Valley/Piute Canal), 42SV2500 (Richfield Canal), 42SV2502 (Marysvale Branch of Denver & Rio Grande Railroad Grade), 42SV2600 (Elsinore Canal), are eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, the NRCS has determined that the Project will result in an adverse effect to Sites 42SV2344 and 2500 due to the installation of riprap and overflow canals intersecting sites 42SV2344 and 2500, and

WHEREAS, the aforementioned historic properties are located on lands managed by the BLM and private land; and

WHEREAS, the NRCS has consulted with the Utah SHPO, the BLM, USFS, Utah Trust Lands Administration (UTLA), UDWR, Paiute Indian Tribe of Utah, Ute Indian Tribe of the Uintah & Ouray Reservation, Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Moapa Band of Paiute Indians of the Moapa River Indian, Navajo Nation, Navajo Utah Commission, Ute Mountain Ute Tribe, San Juan Southern Paiute Tribe of Arizona, Pueblo of Zuni, Hopi Tribe, Kanosh Band of Paiute Indians, and Koosharem Band of Paiute Indians; and

WHEREAS, the UDWR, USFS, UTLA, the Paiute Indian Tribe of Utah, Ute Indian Tribe of the Uintah & Ouray Reservation, Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Moapa Band of Paiute Indians of the Moapa River Indian, Navajo Nation, Navajo Utah Commission, Ute Mountain Ute Tribe, San Juan Southern Paiute Tribe of Arizona, Pueblo of Zuni, Hopi Tribe, Kanosh Band of Paiute Indians, and Koosharem Band of Paiute Indians declined or did not respond to requests to participate in the development of this MOA; and

WHEREAS, the Utah SHPO and the BLM, have requested to participate in the development of this MOA; and

WHEREAS, the NRCS has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects to 42SV2344, 2500, and 3863, and invited the ACHP's participation in the Project, pursuant to 36 C.F.R. 800.6(a)(1), in a submission dated March 25, 2024; and

WHEREAS, the ACHP, in a letter dated April 9, 2024, declined to participate in consultation; and

WHEREAS, "Signatories" hereafter collectively refers to the Signatories (NRCS, Utah SHPO, BLM); and

WHEREAS, other parties may be invited to become signatories to this MOA if such a party agrees to these terms; and

WHEREAS, the NRCS will file a copy of this executed MOA with the ACHP; and

NOW, THEREFORE, the Signatories agree that upon the decision of the NRCS to proceed with the Project, the NRCS shall ensure that the following stipulations are implemented in order to resolve the adverse effect of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until this MOA expires or is terminated.

STIPULATIONS

The NRCS shall ensure that the following stipulations are implemented:

I. PROFESSIONAL QUALIFICATIONS

- A.** All tasks will be completed by personnel meeting the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* as stated in 36 C.F.R. 61.
- B.** All tasks will be completed according to specifications consistent with the Secretary of Interior's *Standards and Guidelines for Archeological Documentation and Historical Documentation* and, where appropriate, guidelines required by the Utah SHPO.

II. MITIGATION OF ARCHAEOLOGICAL RESOURCES

- A.** The NRCS, in consultation with the Signatories, shall complete the following mitigation measures:
 - 1. Desktop analysis of available satellite and historical documentation of Sites 42SV2344 and 2500 to provide updated Utah Archaeology Site Forms (UASF).
 - a. Data includes, but is not limited to Google Earth, Utah Water Rights Database, and historical aerial photographs to identify and locate historic alignments of the canals and their primary laterals, potential features (head gates, weirs, flumes, etc.), and modern alterations of the canals. Draft UASFs to be reviewed by Signatories prior to NRCS submittal to Utah SHPO; and

III. UNANTICIPATED DISCOVERIES

- A.** In the event of an unanticipated archaeological discovery during mitigation work or during construction, the NRCS will document and/or treat the discovery based on the criteria and methods described in the Treatment Plan contained in Appendix A. If significant discoveries requiring longer-term work stoppage for consultation and mitigation are encountered, the NRCS will consult per 36 C.F.R. 800.6 to develop a plan to further mitigate the adverse effect.
- B.** If human remains/funerary objects are discovered under any circumstance, the remains will be treated in accordance with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq.) and its implementing regulations (43 C.F.R. 10). All construction activities within 100 feet of the remains shall cease immediately and the NRCS/BLM/UTLA shall consult pursuant to 43 C.F.R. 10.5, to develop a written plan of action to manage the discovery. Construction in the area of the remains may need to be halted throughout the review process. Continuation of work following a discovery will be contingent upon approval by the NRCS Cultural Resource Specialist in consultation with the Utah SHPO, tribes, and other consulting parties that the approved plan has been satisfactorily completed.

IV. DISPUTE RESOLUTION

Should any Signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the NRCS shall consult with such party to resolve the objection. If the NRCS determines that such objection cannot be resolved, the NRCS will:

- A. Forward all documentation relevant to the dispute, including the NRCS's proposed resolution, to the ACHP. The ACHP shall provide the NRCS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the Signatories, and provide them with a copy of this written response. The NRCS will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the NRCS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories to the MOA, and provide them and the ACHP with a copy of such written response.
- C. It will be the responsibility of the NRCS to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.

V. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

VI. COORDINATION WITH OTHER ACTIONS

Other state or federal agencies that provide permitting or financial assistance to an undertaking covered by this MOA may satisfy their own compliance responsibilities under Section 106 of the NHPA by accepting and complying with the terms of this MOA. Other parties may have their actions covered by this MOA if they agree to its terms. Agencies shall notify the NRCS and the Utah SHPO in writing of the intent to adhere to this MOA.

VII. TERMINATION

- A. If the terms of this MOA have not been implemented within five years of date of final signature, then this MOA shall be considered null and void. In such an event, the NRCS shall so notify the Signatories and, if it chooses to continue with the

Project, then it shall reinitiate review of and consultation on the Project in accordance with 36 C.F.R. 800.3 through 800.7.

- B. In the event that the NRCS does not carry out the terms of this MOA, the Signatories shall consult to seek amendment to the MOA and proceed in accordance with 36 C.F.R. 800.6(c)(8).
- C. Any signatory to the MOA may terminate this MOA by providing thirty (30) days' notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the NRCS shall proceed in accordance with 36 C.F.R. 800.6(c)(8), execute a new agreement in accordance with 800.6(c)(1) or request comments of the ACHP under 800.7(a).

VIII. USDA STIPULATIONS

- A. The signatories to this agreement and their respective agencies will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
- B. Any transfer of funds from one party to another shall be done via a separate instrument as appropriate. Specific work projects or activities that involve the transfer of funds, services, or property among the signatories, and their respective agencies will require execution of separate agreements and be contingent upon the availability of appropriated funds. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

Execution of this MOA by the NRCS and Signatories, and its submission to the ACHP in accordance with 36 C.F.R. 800.6(b)(1)(iv), shall, pursuant to 36 C.F.R. 800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(l) of the NHPA. Execution and submission of this MOA, and implementation of its terms, evidence that the NRCS has afforded the ACHP an opportunity to comment on the Project and its effects on historic properties, and that the NRCS has taken into account the effects of the Project on historic properties.

**MEMORANDUM OF AGREEMENT
AMONG
THE NATURAL RESOURCES CONSERVATION SERVICE,
SEVIER COUNTY,
BUREAU OF LAND MANAGEMENT, RICHFIELD FIELD OFFICE,
AND THE UTAH STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42SV2344 and 2500
SEVIER COUNTY, UTAH**

SIGNATORY PAGE

NATURAL RESOURCES CONSERVATION SERVICE

_____ Date: _____
Catherine Magee, Acting Utah State Conservationist

**MEMORANDUM OF AGREEMENT
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SIGNATORY PAGE

UTAH STATE HISTORIC PRESERVATION OFFICER

_____ Date: _____
Dr. Christopher Merritt, Utah State Historic Preservation Officer

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SIGNATORY PAGE

SEVIER COUNTY

_____ Date: _____
Greg Jensen, County Commissioner

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SEVIER COUNTY, UTAH**

SIGNATORY PAGE

BUREAU OF LAND MANAGEMENT

_____ Date: _____
David Mortensen, Field Manager

Appendix A.5. NHPA Section 106 Tribal Consultation Documentation

NRCS Record of Tribal Consultations for the Richfield-West Sevier Watershed Plan-EA (NEPA)

Tribe Information			Consultation Initiated ¹	Cultural Resource Report Consultation Package ²			Consultation Follow Up ²				Tribal Consultation Results
Federally Recognized Tribe	Contact Name	Address		NRCS Mailed to Tribe ³	Received by Tribe ^{3,4}	Tribe Response	Follow Up #1 Type (Date)	Response #1 Type (Date): Response	Follow Up #2 Type (Date)	Response #2 Type (Date)	
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation	Charley Bullets (Cultural Preservation Office) ⁵	HC65, Box 2, Fredonia, AZ 86022	4-1-2019	1-23-2020	-	None	-	-	-	-	No Adverse Effect to Historic Properties (letter 7-30-2024)
	Ona Segundo (Chairwoman) ⁵			1-23-2020	-		-	-	-	-	
	Ganivan Timcan (Cultural Preservation Office) ⁵			1-23-2020	-		-	-	-	-	
	Roland Maldonado (Chairman)			4-30-2024		None	Email (7-29-2024) rolandm@kaibabpaiute-nsn.gov	-	-	-	
	Daniel Bulletts (Cultural Preservation Office)			4-30-2024			Email (7-29-2024) dbulletts@kaibabpaiute-nsn.gov	Letter (7-30-2024) No Adverse Effect	-	-	
Kanosh Band of Paiute Indians	Corrina Bow (Chairperson) ⁵	P.O. Box 116, Kanosh, UT 84637	4-1-2019	1-23-2020	-	None	-	-	-	-	No response
	Simon Pikyavit (Chairman)			4-30-2024			Email (7-29-2024) kanosh@utahpaiutes.org				
Koosharem Band of Paiute Indians	LaTosha May (Chairwoman) ⁵	P.O. Box 205, Richfield, UT 84107	4-1-2019	1-23-2020	-	None	-	-	-	-	No response
	Toni Kanosh (Chairperson)			4-30-2024		None	Email (7-29-2024) koosharem@utahpaiutes.org				
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada	Greg Anderson (Chairman) ⁵	P.O. Box 340, Moapa, NV 89025-0340	4-1-2019	1-23-2020	-	None	-	-	-		Deferring to Utah Paiute (THPO)
	Janet Myers (Chairwoman)			4-30-2024		None	Email (7-29-2024) chairmbop@moapabandofpaiutes.org				
	Darren Daboda (THPO)			4-30-2024			Email (7-29-2024) moapathpo@moapabandofpaiutes.org and		Phone (8-1-2024) (702) 865-2787		
	Cultural Manager			-			Email (7-29-2024) moapacultural@moapabandofpaiutes.org				
Navajo Nation	Russell Begaye (President) ⁵	P.O. Box 7440, Window Rock, AZ 86515	4-1-2019	1-23-2020	-	None	-	-	-	-	No response
	Buu Nygren (President)			4-30-2024			-	-	-	-	

Tribe Information			Consultation Initiated ¹	Cultural Resource Report Consultation Package ²			Consultation Follow Up ²				Tribal Consultation Results
Federally Recognized Tribe	Contact Name	Address		NRCS Mailed to Tribe ³	Received by Tribe ^{3,4}	Tribe Response	Follow Up #1 Type (Date)	Response #1 Type (Date): Response	Follow Up #2 Type (Date)	Response #2 Type (Date)	
	Richard M. Begay (THPO and Department Manager)	P.O. Box 4950, Window Rock, AZ 86515			4-30-2024			Email (7-29-2024) r.begay@navajo-nsn.gov			
Navajo Utah Commission	Stephanie Holly (Administration)	PO Box 570, Montezuma Creek, UT 84534	-	4-30-2024		None	Email (7-29-2024) sholly@navajo-nsn.gov				
	Clarence Rockwell (Executive Director)			4-30-2024			Email (7-29-2024) rozinatso@navajo-nsn.gov				
Paiute Indian Tribe of Utah	Tamra Borchardt-Slayton (Chairperson) ⁵	440 N. Paiute Drive, Cedar City, UT 84720-2613	4-1-2019	-	-	-	-	-	-	No objections	
	Dorena Martineau (Cultural Resources) ⁵			1-23-2020	X	No objections (letter 2-7-2020)	-	-	-		
	Corrina Bow (Chairperson)			4-30-2024	None	-	-	Phone (8-1-2024) (435) 586-1112	Left message		
	Autumn Gillard (Cultural Resources Director)			4-30-2024		-	-	Phone (8-1-2024) (435) 586-1112	Left message		
Pueblo of Zuni	Kurt Dongoske (Director and THPO)	P.O. Box 1149, Zuni, NM, 87327	4-1-2019	1-23-2020 & 4-30-2024	X	None	Email (7-29-2024) kdongoske@cableone.net	None	Phone (8-1-2024) (505) 782-4814	No response	
	Val Panteah Sr. (Governor) ⁵	P.O. Box 339, Zuni, NM 87327		1-23-2020	X		-	-	-		
	Arden Kucate (Governor)			4-30-2024	Email (7-29-2024) arden.kucate@ashiwi.org						
San Juan Southern Paiute Tribe of Arizona	Carlene Yellowhair (President) ⁵	P.O. Box 2950, Tuba City, AZ 86045	4-1-2019	1-23-2020	X	None	-	-	-	No response	
	Candelora Lehi (Vice President)			4-30-2024			Email (7-29-2024) c.lehi@sanjuanpaiute-nsn.gov				
	Robert Preston Jr. (President)			4-30-2024			Email (7-29-2024) r.prestonjr@sanjuanpaiute-nsn.gov		Phone (8-1-2024) (928) 212-9794		Left message
The Hopi Tribe	Stewart Koyiyumptewa (Hopi Cultural Preservation Office)	P.O. Box 123, Kykotsmovi, AZ 86039	4-1-2019	1-23-2020 & 4-30-2024	X	Continued consultation request (letter 4-12-2019)	Email (7-29-2024) skoyiyumptewa@hopi.nsn.us	None		X	No response

Tribe Information			Consultation Initiated ¹	Cultural Resource Report Consultation Package ²			Consultation Follow Up ²				Tribal Consultation Results
Federally Recognized Tribe	Contact Name	Address		NRCS Mailed to Tribe ³	Received by Tribe ^{3,4}	Tribe Response	Follow Up #1 Type (Date)	Response #1 Type (Date): Response	Follow Up #2 Type (Date)	Response #2 Type (Date)	
	Timothy L. Nuvangyaoma (Chairman)			1-23-2020 & 4-30-2024	X		-	-	-	-	
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Betsy Chapoose (Cultural Rights Protection Department)	P.O. Box 190, Fort Duchesne, UT 84026	4-1-2019	1-23-2020 & 4-30-2024	X	None	Email (7-29-2024) betsyc@utetribes.com	None	Phone (8-1-2024) (435) 725-4826	Betsy was going to review	No response
	Luke Duncan (Chairman) ⁵			1-23-2020	X		-	-	-	-	
	Julius Murray (Chairman)			4-30-2024			Email (7-29-2024) juliusm@utetribes.com				
	Luana Thompson (Natural Resources Director)			4-30-2024			Email (7-29-2024) luanat@utetribes.com				
Ute Mountain Ute Tribe	Harold Cuthair (Chairman) ⁵	P.O. Box JJ, 125 Mikewash Road, Towaoc, CO 81334	4-1-2019	1-23-2020	X	None	-	-	-	-	No response
	Manuel Heart (Chairman)			4-30-2024			-	-	-	-	
	Terry Knight (THPO)	P.O. Box 468, Towaoc, CO 81334		1-23-2020 & 4-30-2024	X		Email (7-29-2024) thpocrm@utemountain.com	None		X	
	Nichol Shurack (Tribal Archaeologist)			4-30-2024			Email (7-29-2024) nshurack@utemountain.com				
Notes: THPO = Tribal Historic Preservation Officer											
1. Tribal consultation was initiated as part of the scoping process.											
2. Documentation is included below this table.											
3. An addendum to the Cultural Resource Survey was made after it was provided to the tribes and a second letter was sent to all tribes with the updated Cultural Resource Survey. The first letter and second letter mailed and received dates are included.											
4. Date of receipt of mail delivery to tribe.											
5. Contact no longer in position.											



January 23, 2020

Reference: Cultural Resource Survey of NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah (UDSH Project No. U19MQ0243)

Dear _____ :

Enclosed is a cultural resources report titled *Cultural Resource Survey of NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Sevier County, as the Project Sponsor, to construct improvements within the Richfield-West Sevier Watershed in the vicinity of Richfield, Utah. Improvements are being proposed to prevent flood damages, further the conservation, development, utilizations and disposal of water, and further the conservation and proper utilization of land. Specific project components consist of constructing a debris basin in Flat Canyon, improvement of a southern flood channel from the Sevier Valley Canal to the Sevier River, constructing a debris basin in Tank Canyon, two water and sediment control basins in series at the mouth of Wood Canyon and channel improvements downstream, improvement of a northern flood channel to the Sevier River, and installing a flood control gate on the Sevier Valley Canal.

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Jones and DeMille Engineering, on behalf of the NRCS, in cooperation with Sevier County, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), and the Utah Department of Transportation.

The Area of Potential Effects (APE) for the project encompasses a total of 821.2 acres, which includes 14 separate parcels. The parcels occur on public lands administered by the USFS Fishlake National Forest (113.6 acres), BLM (556.7 acres), and the Utah School and Institutional Trust Lands Administration (SITLA) (3.2 acres). An additional 147.7 acres of the project area occurs on private land. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and USFS will serve as cooperating agencies.

A pedestrian cultural resource inventory of the undertaking was completed by Montgomery Archaeological Consultants (MOAC) between June and August 2019. The inventory resulted in the location of six previously recorded sites (42SV2343, 42SV2500, 42SV2502, 42SV3046, 42SV3389, and 42SV3522), the update or redocumentation of seven previously recorded sites (42SV693, 42SV1375, 42SV1821, 42SV1824, 42SV2087, 42SV3862, and 42SV3863) and the documentation of 22 newly identified sites (42SV3896-42SV3917). Of the 13 previously documented sites, nine have been determined as eligible for listing on the National Register of Historic Places (NRHP) based on Criterion A, Criterion D, or Criteria

C and D and three previously recorded sites have been determined ineligible for listing on the NRHP. Of the 22 newly documented sites, the NRCS has determined that 6 are eligible for the NRHP and 17 are ineligible. Table 1 summarizes the sites identified, type, and eligibility.

Table 1. Archaeological Sites Associated with NRCS' Sevier Valley Watershed Project.

Smithsonian Site No.	Affiliation	Site Type	Eligibility	Land Status
42SV665 (Not Relocated)	Fremont	Artifact Scatter	N/A	Forest Service
42SV693	Fremont	Rock Shelter/Rock Art	Eligible, C&D	BLM
42SV1375	Fremont	Rock Art	Eligible, C&D	Private
42SV1485 (Misplotted in PA, outside APE).	Unknown Prehistoric	Habitation	Eligible, D	Forest Service
42SV1821	Historic	Domestic Artifact Scatter (Dump)	Eligible, D	BLM/Private
42SV1824	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV2087 (Not Relocated)	Historic	Dugout & Corral	Not Eligible	Private
42SV2343	Historic	Vermillion Canal	Eligible, A, C, D	Private
42SV2344	Historic	Sevier Valley Canal	Eligible, A	BLM/SITLA/Private
42SV2500	Historic	Richfield Canal	Eligible, A, C	Private
42SV2502	Historic	Historical Railroad	Eligible, A, C, D	Private
42SV3046	Historic	Historic Trash Dump with Prehistoric Component	Eligible, D	BLM
42SV3389	Historic	Historic Campsite, Prehistoric Isolate	Not Eligible	Forest Service
42SV3522	Historic	Historic Artifact Scatter	Not Eligible	Private
42SV3862	Historic	Powerline	Not Eligible	Private
42SV3863	Historic	CCC Road	Eligible, A	SITLA/Private
42SV3896	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3897	Historic	Gravel Pit	Not Eligible	BLM
42SV3898	Historic	Telephone Line	Not Eligible	BLM
42SV3899	Historic	Lime Kilns	Eligible, A-D	BLM
42SV3900	Historic	Lime Kiln	Eligible, A-D	BLM
42SV3901	Historic	Domestic Artifact Scatter	Not Eligible	BLM
42SV3902	Fremont	Habitation	Eligible, D	BLM
42SV3903	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3904	Multicomponent	Artifact Scatter/Temp Camp	Not Eligible	BLM
42SV3905	Multicomponent	Artifact Scatter/Gravel Pit	Not Eligible	BLM
42SV3906	Multicomponent	Artifact Scatter	Not Eligible	BLM
42SV3907	Unknown Prehistoric	Artifact Scatter	Not Eligible	BLM
42SV3908	Unknown Prehistoric	Rock Ring	Eligible, D	BLM
42SV3909	Historic	Artifact Scatter	Not Eligible	BLM
42SV3910	Historic	Dugout	Eligible, D	Private
42SV3911	Unknown Prehistoric	Depression & Rock Wall	Eligible, D	BLM
42SV3912	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3913	Unknown Prehistoric	Artifact Scatter	Not Eligible	Forest Service
42SV3914	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3915	Historic	Domestic Artifact Scatter	Not Eligible	Forest Service
42SV3916	Historic	Domestic Artifact Scatter	Not Eligible	Private
42SV3917	Historic	Telegraph/Telephone Line	Not Eligible	SITLA/Private

Five sites (42SV1821 (historic Richfield Dump), 42SV2344 (Sevier Valley/Piute Canal), 42SV2500 (Richfield Canal), 42SV2502 (Marysvale Branch of Denver & Rio Grande Railroad Grade), and 42SV3863 (historic CCC road)) may potentially be impacted by the proposed undertaking (shown in bold in Table 1). Work at Site 42SV1821 involves cleaning debris and stabilizing the sides of the existing flood channel. If all work is limited to the footprint of previous disturbances, there will likely be no adverse effect. However, spot monitoring of the construction is recommended. Work at site 42SV2344 involves armoring part of the canal and installing a flood control gate, amongst other additions to the canal. These measures constitute an adverse effect. Comparable work is proposed along Site 42SV2500, which will also result in an adverse effect.

The railroad bed of Site 42SV3863 that passes through the project area has been destroyed, and the project proponent plans to install a storm water pipe within or adjacent to the former alignment. Given the destruction of the grade, this is not considered an adverse effect. Work along Site 42SV3863 involves construction of a water retention dam and retaining wall, but the depth of suitable rock on the hillslope immediately below the site is unknown, thus adverse effects to the CCC road will be unknown until construction begins.

Based on the inventory results and that two sites will be, and possibly three other sites could be, impacted by the proposed undertaking, the NRCS has determined that the undertaking will result in an ***adverse effect to historic properties***, pursuant to Section 106 of the National Historic Preservation Act. To minimize and mitigate the adverse effects, a treatment plan will be developed, in consultation with the Utah SHPO and other consulting parties, and executed in a Memorandum of Agreement. MOAC has already been in conversation with the Utah SHPO to develop preliminary mitigation measures. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Mr. Darren Deboda, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada

P.O. Box 340, Moapa, Nevada 89025-0340

Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah

Hollis Jenks, Project Manager, U.S. Army Corps of Engineers, Bountiful, Utah

Jenna Jorgensen, Jones and DeMille Engineering, Richfield, Utah

Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah

Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

RECEIVED FEB 10 2020



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

February 7, 2020

Emily Fife/State Conservationist
Natural Resources Conservation Service
Utah State Office
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Dear Ms. Fife

Subject: CRI Survey of NRCS: Sevier Valley Watershed Project near Richfield, Sevier County, Utah (UDSH Project No. U19MQ0243)

The Paiute Indian Tribe of Utah is in receipt of your letter dated January 23, 2020 and has reviewed the material and do not have any objections. Currently, we are not aware of any cultural resource sites, practices, or locations of importance in the Tribe's traditional, religious or culture. We concur with your determination of eligibility and effort for this undertaking, this letter serves as our comment on the determinations you have made.

As you are aware the tribes support the identification and avoidance of prehistoric archaeological sites and traditional cultural properties.

The Paiute Tribe sincerely appreciates your accomplishments and consideration you and your staff have made to consult with the Tribes.

Sincerely,

Dorena Martineau/Cultural Resource
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721
435-586-1112 ext. 107



April 30, 2024

Reference: Cultural Resource Survey of the NRCS' South Flood Channel Project: An Addendum Report to the NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah (UDSH Project No. U23MQ0740)

Dear _____ :

Enclosed is a cultural resources report titled *Cultural Resource Survey of the NRCS' South Flood Channel Project: An Addendum Report to the NRCS' Sevier Valley Watershed Project Near Richfield, Sevier County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to Sevier County, as the Project Sponsor, to construct improvements within the Richfield-West Sevier Watershed in the vicinity of Richfield, Utah. Improvements are being proposed to prevent flood damages, further the conservation, development, utilization and disposal of water, and further the conservation and proper utilization of land. Specific project components consist of constructing a debris basin in Flat Canyon, improvement of a southern flood channel from the Sevier Valley Canal to the Sevier River, constructing a debris basin in Tank Canyon, two water and sediment control basins in series at the mouth of Wood Canyon and channel improvements downstream, improvement of a northern flood channel to the Sevier River, and installing a flood control gate on the Sevier Valley Canal.

The NRCS previously consulted with your office in February of 2020 (Case No. 20-0270) with a determination of adverse effect to historic properties for the overall project, per 36 CFR § 800.5(d)(2). This current consultation addresses a supplemental cultural resources inventory encompassing the proposed southern flood channel corridor. The NRCS is serving as the lead Federal agency for the purposes of Section 106 consultation, which will also cover the Utah Division of Wildlife Resources' (UDWR) and Utah Department of Transportation's (UDOT) responsibilities under Utah Code Annotated Section 9-8-404

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Jones and DeMille Engineering, on behalf of the NRCS, in cooperation with Sevier County, the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), UDOT, and the UDWR.

Per 36 CFR § 800.16(d), the Area of Potential Effects (APE) for the south flood channel includes 318.8 acres, and occurs on lands managed by the UDWR (81.4 acres), UDOT (0.8 acres), and on private lands (236.6 acres). The APE includes the reconstruction of a canal overshoot, construction of a rock chute and stilling basin, upgrading an existing open flood channel, constructing a splitter structure, and installing approximately 5,600 linear feet of an earthen channel leading to the Sevier River.

To identify historic properties within the APE (per 36 CFR § 800.4), a pedestrian inventory of the APE was conducted by Montgomery Archaeological Consultants. The inventory was conducted on September 3 and September 28-30, 2023. Of the 318.8 acres, 296.2 acres were surveyed at a Class III (intensive) level, and 22.6 acres were surveyed at a Class II (reconnaissance) level due to private property access restrictions.

The inventory resulted in the identification and update of four previously recorded archaeological sites (42SV2344, 42SV2500, 42SV2502, and 42SV2600), the documentation of four newly identified archaeological sites (42SV4533-42SV4536). Table 1 summarizes the sites and features identified, site eligibility and contributing/non-contributing elements, proposed project impacts, NRCS' determination of eligibility and effect.

Table 3. Management Summary Table.

Site No.	Site/Feature Type	NRHP Status	Proposed Project Impacts	Determination of Effect
42SV2344	Sevier Valley/ Piute Canal – canal segment	Eligible (A) Contributing	The canal channel will not be impacted by the project.	No effect
	Feature A – modern aqueduct deck/historic bridge abutments	Non-contributing	This is an existing overshoot structure that will be reconstructed	No adverse effect
	Feature B – metal headgate set in concrete wall	Non-contributing	Outside APE and will not be impacted	No effect
42SV2500	Richfield Canal – canal segment	Eligible (A & C) Contributing to Criterion A	The canal is within the flood pipeline corridor and will be crossed at one location by the proposed flood pipeline. This will consist of a conduit pipeline that will be bored, or an open cut may be used to install the pipe. If an open cut is used, the canal will be restored to pre-construction condition	No adverse effect
	Feature A – metal headgate set in cobble wall with associated concrete weir	Contributing to Criterion A	Outside APE and will not be impacted	No effect
	Feature B – historic weir/road crossing mostly replaced by modern structure	Non-contributing	Outside APE and will not be impacted	No effect
	Feature C – metal headgate set in cobble wall	Contributing to Criterion A	Outside APE and will not be impacted	No effect
42SV2502	D&RGW RR – Marysvale Branch	Eligible (A) Non-contributing	A destroyed portion of the historic railroad alignment is crossed by the flood pipeline corridor	No effect
42SV2600	Elsinore Canal – canal segment	Eligible (A) Non-contributing	The canal is within the flood pipeline corridor and will be crossed by the proposed flood pipeline.	No adverse effect
	Feature A – headgate	Non-contributing	Outside APE and will not be impacted	No effect
	Feature B – Parshall flume	Non-contributing	Outside APE and will not be impacted	No effect
	Feature C – headgate	Non-contributing	Outside APE and will not be impacted	No effect

Site No.	Site/Feature Type	NRHP Status	Proposed Project Impacts	Determination of Effect
42SV2600	Feature D – makeshift bridge	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature E – headgate	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature F – concrete flume	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature G – Parshall flume	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature I – concrete cistern	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature J – outlet pipe	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature K – headgate	Non-contributing	Within flood pipeline corridor.	No adverse effect
	Feature L – outlet pipe	Non-contributing	Within flood pipeline corridor.	No adverse effect
42SV4533	Corral Complex	Not Eligible	Within open channel/overland flow area.	No effect
42SV4534	Agricultural Complex	Not Eligible	Within flood pipeline corridor.	No effect
42SV4535	Granary and Stable	Not Eligible	Within flood pipeline corridor.	No effect
42SV4536	Flood channel	Not Eligible	Entire documented segment will be upgraded, and a splitter structure will be built within the channel	No effect

Based on the inventory results and the location of eligible sites outside of the APE, or restoration of eligible canals to pre-construction condition, the NRCS has determined that the south flood channel portion of the undertaking will result in ***no adverse effect to historic properties***, per 36 CFR § 800.5(b). The NRCS requests concurrence for the delineation of the APE, determination of site eligibility and project effects. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Watershed Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure

cc: (w/o encl)

Todd Allai, Acting ASTC-Water Resources, NRCS, Minden, NV

Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

K.C. Savage, Civil Engineer, NRCS, Richfield, UT

Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT

Jenna Jorgensen, Jones and DeMille Engineering, Richfield, Utah

Ellis Powelson, Archaeologist/NEPA Specialist, UDOT, Salt Lake City, UT

Arie Leeflang, Archaeologist, UDWR, Salt Lake City, UT

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
Cc: [juliusm@utetribes.com](#); [Betsy Chapoose \(betsyc@utetribes.com\)](#); [Luana Thompson](#); [rolandm@kaibabpaiute-nsn.gov](#); [Daniel Bullets](#); [Moapa Cultural](#); [chair.mbop@moapabandofpaiutes.org](#); [Darren Daboda THPO](#); [r.begay@navajo-nsn.gov](#); ["rozinatso@navajo-nsn.gov"](#); ["sholly@navajo-nsn.gov"](#); ["thpocrm@utemountain.org"](#); [nshurack@utemountain.org](#); ["r.prestonjr@sanjuanpaiute-nsn.gov"](#); [c.lehi@sanjuanpaiute-nsn.gov](#); [Arden Kucate](#); [kdongoske@cableone.net](#); [Stewart Koyiyumptewa](#); [koosharem@utahpaiutes.org](#); ["kanosh@utahpaiutes.org"](#)
Subject: NRCS-Utah Section 106 Richfield West-Sevier Watershed Follow-Up
Date: Monday, July 29, 2024 1:05:00 PM
Attachments: [SHPO Concur RichfieldWS.pdf](#)
[Paiute Concurrence Richfield WS.pdf](#)
[U19MQ0243.pdf](#)
[Richfield West Sevier WSOPLetters 2020.pdf](#)
[U23MQ0740 Richfield-Sevier Ltrs2024.pdf](#)
[U23MQ0740 SHPOConcur.pdf](#)
[U23MQ0740.pdf](#)
[Paiute Concurrence Richfield WS.pdf](#)
Importance: High

Good Afternoon, Tribal Partners,

I hope this email finds you well. I'm following up regarding NHPA Section 106 consultation for the NRCS' Richfield West Sevier Watershed Plan-EA located near Richfield, Utah. NRCS is providing partial funding for the project, along with the project Sponsor, Sevier County. This undertaking proposes to construct multiple debris basins, improve a southern flood channel, channel improvements, improve a northern flood channel to the Sevier River, and install a flood control gate on the Sevier Valley Canal. We are currently in the development of the Plan-EA.

Per 36 CFR 800.3, the NRCS sent initial Section 106 consultation letters for the first portion of the Area of Potential Effects(APE) on January 23, 2020. Attached are the consultation letters, SHPO and Paiute Tribal Concurrence, and cultural resources report. Based on the cultural resources inventory, three historic sites (42SV2344-Puite Canal; 42SV2500-Richfield Canal; 42SV3863 Historic CCC Road 40096) will be adversely affected by the proposed undertaking, and as such the NRCS has determined that the undertaking will result in **adverse effects to historic properties**. We are currently drafting an MOA in consultation with the Utah SHPO, Sevier County, and applicable land management agencies. We invite you to participate in the development of the MOA. Please let us know if you would like to partake.

In 2023, the APE was expanded to include a south flood channel corridor that would run from the Sevier Valley Canal to the Sevier River. The APE includes the reconstruction of a canal overshot, construction of a rock chute and stilling basin, upgrading an existing open flood channel, constructing a splitter structure, and installing approximately 5,600 linear feet of an earthen channel leading to the Sevier River. Attached are the consultation letters, cultural resources report, and SHPO Concurrence with a determination of **no adverse effect to historic properties** per 36 CFR 800.5(b).

The NRCS is requesting concurrence on the APE, determinations of site eligibility, and project effects. Please respond as soon as possible with comments, questions, or concerns. I will follow up later this week via phone. Thank you again you for your continued involvement and support of our projects. Please don't hesitate to reach out to me via phone at 801-524-4556.

All the best,
Tara

Tara S. Hoffmann, MA
State Watershed Cultural Resources Specialist/Tribal Liaison
Natural Resources Conservation Service
Salt Lake City, UT
O: 801-524-4556 C: 385-258-1266

Kaibab Band of Paiute Indians



July 30, 2024

Tara S. Hoffmann, MA
State Watershed Cultural Resources Specialist/Tribal Liaison
Natural Resources Conservation Service
Salt Lake City, UT
O: 801-524-4556 C: 385-258-1266

RE: Cultural Resource Survey of the NRCS South Flood Channel Project: An Addendum report to the NRCS Sevier Valley Watershed Project near Richfield, Sevier County, Utah

Dear: Ms. Hoffmann

The Kaibab Band of Paiute Indians Cultural Resource department has reviewed the documentation you sent us regarding your proposed project. At this time, the Kaibab Band of Paiute Indians Cultural Resource department concurs with your findings of ***No Adverse Effects on Historic Properties.***

As you are aware the Kaibab Band of Paiute Indians Cultural Resource department support the identification and avoidance of all archaeological sites and traditional cultural properties in our aboriginal territories and sincerely appreciate you and your agency's willingness to work with tribes that have a cultural connection to the area's you work in.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel Bullets". The signature is fluid and cursive, with the first name "Daniel" being more legible than the last name "Bullets".

Daniel Bullets, Director
Kaibab Band of Paiute Indians
Cultural Resource Department

Cultural Resources

HC 65 Box 2
Pipe Spring, Arizona 86022

Phone 928 - 643 - 6278

Appendix A.6. Draft Plan EA Comments - To be included in the final environmental assessment