

## **Appendix A. Comments and Responses**

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**To:** Interested Persons, Organizations, and Agencies

**Subject:** Ashley Valley Watershed Plan Environmental Assessment, Uintah County, Utah

The USDA-Natural Resources Conservation Service (NRCS) is proposing a project sponsored by Uintah County to use Federal funds to construct two large debris/detention basins to receive and detain runoff and debris from the Coal Mine and the Yellow Hills subbasins which are located east of the city of Vernal in Uintah County, Utah. Funds would also be used to pipe the entire length of the Ashley Central Canal to gain irrigation efficiency and pressurize portions of the pipe to improve downstream water quality.

The Ashley Central Canal is part of a larger network of open canals that convey irrigation water throughout the area and also serve as storm water diversion and flood protection infrastructure during heavy precipitation events. During exceptional storm events, the canals can become overwhelmed causing water to overtop the canal banks and impact populated areas with water, sediment, and debris. These large storm events have caused widespread flooding and significant damage to downstream residents and agricultural lands. Construction of two debris detention basins capable of accommodating a 50 to 100-year flood event upstream of affected areas would reduce flooding risk to the local community, particularly during periods of heavy precipitation and flash flood events.

In addition to flood protection, this project would pipe the Ashley Central Canal to prevent seepage loss and improve irrigation efficiency for agricultural users in the area. The Ashley Central Canal is approximately 9.6 miles long and delivers irrigation water to 38 turnouts servicing over 4,000 acres of agricultural land. A seepage loss study conducted in 2017 determined an annual loss of approximately 6,000 acre-feet occurs along the length of the canal. Additionally, agricultural producers that receive irrigation from the Ashley Central Canal opt to flood irrigate due to lack of a pressurized system precluding the use of sprinkler irrigation. Runoff from this irrigation practice is directly impacting water quality in Ashley Creek, the downstream receiving water body and a tributary of the Green River which ultimately drains to the Colorado River.

Piping the Ashley Central Canal would improve irrigation efficiency by eliminating seepage loss from the canal. Upper and lower portions of the piped system measuring approximately 3.7 and 2.6 miles, respectively, would be pressurized allowing agricultural users along those sections to convert from flood to sprinkler irrigation. This conversion would improve water quality in Ashley Creek and downstream water bodies. Upon piping and backfilling the canal, a public walking and biking path would be constructed on top of the canal to provide additional recreation opportunities and travel corridors for community members.

The proposed project would be located in Vernal City and Naples City, Utah (see attached project location exhibit). Construction is estimated for a two-year period from October 2020 to April 2022, pending environmental approval. Construction activities associated with the irrigation system would occur each year from October 1 to April 30, outside of the typical irrigation season.

NRCS will prepare an environmental assessment (EA) as required by the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and the U.S. Department of Agriculture (USDA) NEPA implementing regulations. This EA will analyze the potential impacts of the Proposed Project. As required by the NEPA implementing regulations, if potentially

significant impacts to the human environment are identified, an environmental impact statement (EIS) will be prepared. If no significant impacts are identified, the NRCS will issue a Finding of No Significant Impact (FONSI).

This letter begins the process of preparing the aforementioned EA. Its purpose is to give notice of the proposed action, and to invite interested parties to comment on the EA's scope of analysis, or raise specific issues that they feel should be analyzed in the EA. This letter is being sent to municipalities, organizations, and agencies, which might have interest in the Proposed Project.

/S/

BRONSON SMART, P.E.

State Conservation Engineer, Program Manager

# Ashley Valley Project Location Map



Coal Mine Basin  
Detention / Debris Basin

Yellow Hills  
Detention / Debris Basin

Canal Piping  
Project

Vernal

Naples

Ashley Creek

Ashley Central  
Canal



September 13, 2021

Mr. Devon Boyer  
Chairman  
Fort Hall Business Council  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P. O. Box 306  
Fort Hall, Idaho 83203

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mr. Boyer:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted between November 11-13, 2019, and July 20, 2020 by Sheri Murray Ellis, Principal investigator for Certus under State of Utah PPCO Permit No 47. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U19HY0817 and under the direction of NRCS.

A total of ten archeological sites were documented with the APE (42UN2676, 42UN2680, 42UN5195, 42UN5471, 42UN9090 – 42UN9095). Of these, four sites were determined eligible for the National Register of Historic Places (NRHP), (42UN2676, 42UN2680, 42UN5195, 42UN5471).

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or Shelley.Szeghi@usda.gov, at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Andrew Hopkins, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Marti Hodge, Environmental Specialist, JUB Engineers, Utah  
Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah

September 13, 2021

Ms. Betsy Chapoose  
Director  
Cultural Rights Protection Department  
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah  
P. O. Box 190  
Ft. Duchesne, Utah 84026

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Ms. Chapoose:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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A total of ten archeological sites were documented with the APE (42UN2676, 42UN2680, 42UN5195, 42UN5471, 42UN9090 – 42UN9095). Of these, four sites were determined eligible for the National Register of Historic Places (NRHP), (42UN2676, 42UN2680, 42UN5195, 42UN5471).

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or Shelley.Szeghi@usda.gov, at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

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Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Marti Hodge, Environmental Specialist, JUB Engineers, Utah  
Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah



September 13, 2021

Louise E. Doxey  
Cultural Resources Director  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P. O. Box 306  
Fort Hall, Idaho 83203

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mrs. Doxey:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the

effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov), at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Andrew Hopkins, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah

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Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah

September 13, 2021

Mr. Luke Duncan  
Chairman  
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah  
P. O. Box 190  
Ft. Duchesne, Utah 84026

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mr. Duncan:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the

effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov), at your convenience.

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State Conservationist

Enclosure

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Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah



September 13, 2021

Joshua Mann  
Tribal Historic Preservation Officer  
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming  
P.O Box 538  
Fort Washakie, Wyoming 82514

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mr. Mann:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the

effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov), at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Andrew Hopkins, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah

September 13, 2021

Mr. Nathan Small  
Council Member  
Fort Hall Business Council  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P. O. Box 306  
Fort Hall, Idaho 83203

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mr. Small:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or Shelley.Szeghi@usda.gov, at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

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Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Marti Hodge, Environmental Specialist, JUB Engineers, Utah  
Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah



September 13, 2021

Ms. Carolyn Smith  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P. O. Box 306  
Fort Hall, Idaho 83203

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Ms. Smith:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the effects to the historic properties. Once the treatment plan and measures to minimize and

mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or Shelley.Szeghi@usda.gov, at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

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Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah

September 13, 2021

John St. Clair  
Chairman  
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming  
P.O Box 538  
Fort Washakie, Wyoming 82514

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mr. St. Clair:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

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Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the

effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov), at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Andrew Hopkins, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah



September 13, 2021

Ms. Patti Timbimboo-Madsen  
Cultural Resources  
Northwestern Band of the Shoshone Nation  
707 North Main Street  
Brigham City, Utah 84302

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Ms. Timbimboo-Madsen:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted between November 11-13, 2019, and July 20, 2020 by Sheri Murray Ellis, Principal investigator for Certus under State of Utah PPCO Permit No 47. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U19HY0817 and under the direction of NRCS.

A total of ten archeological sites were documented with the APE (42UN2676, 42UN2680, 42UN5195, 42UN5471, 42UN9090 – 42UN9095). Of these, four sites were determined eligible for the National Register of Historic Places (NRHP), (42UN2676, 42UN2680, 42UN5195, 42UN5471).

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the

effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov), at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Andrew Hopkins, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah

September 13, 2021

Shane Warner  
Chairman  
Northwestern Band of the Shoshone Nation  
707 North Main Street  
Brigham City, Utah 84302

Reference: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

Dear Mr. Warner:

Included in this submission are a cultural resources report titled *A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah*. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Uintah County for a series of proposed projects to establish flood protection, improve irrigation water delivery and efficiency, conserve water, and add recreation infrastructure in the Ashley Valley, Uintah County, Utah. The proposed projects may include construction of debris basins, piping of the Ashley Central Canal, and construction of multi-use recreational trails along the canals. Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation. Additionally, portions of the proposed debris basins are located on lands administered by the Utah School & Institutional Trust Lands Administration (SITLA). Approval to use those lands for such purpose constitutes an undertaking per U.C.A. 9-8-404. The information presented herein is an assessment of cultural resources that could be impacted by the undertaking and may be used by NRCS in its compliance with 36 CFR 800 and SITLA in its compliance with U.C.A. 9-8-404.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted between November 11-13, 2019, and July 20, 2020 by Sheri Murray Ellis, Principal investigator for Certus under State of Utah PPCO Permit No 47. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U19HY0817 and under the direction of NRCS.

A total of ten archeological sites were documented with the APE (42UN2676, 42UN2680, 42UN5195, 42UN5471, 42UN9090 – 42UN9095). Of these, four sites were determined eligible for the National Register of Historic Places (NRHP), (42UN2676, 42UN2680, 42UN5195, 42UN5471).

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to site 42UN5195, the Ashley Central Canal, as a result of proposed rehabilitation activities will result in adverse effects that will diminish the site's integrity and those characteristics that qualify them for the NRHP.

In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to site 42UN5195 through the development of a treatment plan specifying measures to minimize and mitigate the

effects to the historic properties. Once the treatment plan and measures to minimize and mitigate the adverse effects are agreed upon by the consulting parties, a Memorandum of Agreement (MOA) will be executed and implemented pursuant to compliance with Section 106 of the National Historic Preservation Act. As the lead agency, NRCS requests SHPO concurrence for the NRHP eligibility determination for the archaeological sites, and requests concurrence for the determination of project effects for this undertaking. If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, North Area Cultural Resources Specialist, at (801) 597-4552, or [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov), at your convenience.

Sincerely,

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Andrew Hopkins, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Owen, Acting State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

Marti Hodge, Environmental Specialist, JUB Engineers, Utah

Shelley A. Szeghi, North Area Cultural Resources Specialist, NRCS, Ogden, Utah



January 11, 2023

Mr. Dennis Alex  
Chairman  
Northwest Band of the Shoshone Nation  
2575 Commerce Way  
Ogden, Utah 84401

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Chairman Alex:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

No public meeting will be held in conjunction with this action; however, public comments can be submitted on the updated DRAFT Plan-EA during the comment period starting January 18, 2023 and ending on February 17, 2023. Comments must be postmarked by February 17, 2023.

On January 18, 2023, a hard copy of the Draft Plan-EA will be available for review at the Uintah County Library at 204 East 100 North, Vernal, UT. An electronic copy of the Draft Plan-EA can be accessed on the NRCS Project webpage: [www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/ashley-valley-watershed-sponsoruintah-county-utah](http://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/ashley-valley-watershed-sponsoruintah-county-utah)

Comments can be submitted during the comment period **January 18, 2023** and ending on **February 17, 2023**. Comments must be postmarked by February 17, 2022.

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.



January 11, 2023

Ms. Betsy Chapoose  
THPO  
Cultural Rights Protection Department  
Ute Indian Tribe of the Uintah & Ouray Reservation  
P.O. Box 190  
Fort Duchesne, Utah 84026

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Ms. Chapoose:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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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.



January 11, 2023

Mr. Louise E. Dixey  
Cultural Resources Director  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P.O. Box 306  
Fort Hall, Idaho 83203

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Mr. Dixey:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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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.



January 11, 2023

Mr. Luke Duncan  
Chairman  
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah  
P.O. Box 190  
Fort Duchesne, Utah 84026

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Chairman Duncan:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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Comments can be submitted during the comment period **January 18, 2023** and ending on **February 17, 2023**. Comments must be postmarked by February 17, 2022.

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.





January 11, 2023

Mr. Joshua Mann  
Tribal Historic Preservation Officer  
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming  
P.O. Box 538  
Fort Washakie, Wyoming 82514

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Mr. Mann:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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Comments can be submitted during the comment period **January 18, 2023** and ending on **February 17, 2023**. Comments must be postmarked by February 17, 2022.

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.



January 11, 2023

Mr. Nathan Small  
Chairman  
Fort Hall Business Council  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P.O. Box 306  
Fort Hall, Idaho 83203

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Mr. Small:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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Comments can be submitted during the comment period **January 18, 2023** and ending on **February 17, 2023**. Comments must be postmarked by February 17, 2022.

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.



January 11, 2023

Mr. John St. Clair  
Chairman  
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming  
P.O Box 538  
Fort Washakie, Wyoming 82514

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Chairman St. Clair:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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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.



January 11, 2023

Ms. Donna Thompson  
Vice-Chairwoman  
Shoshone-Bannock Tribes of the Fort Hall Reservation  
P.O. Box 306  
Fort Hall, Idaho 83203

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Vice-Chairwoman Thompson:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

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Comments can be submitted during the comment period **January 18, 2023** and ending on **February 17, 2023**. Comments must be postmarked by February 17, 2022.

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.



January 11, 2023

Ms. Patti Timbimboo-Madsen  
Cultural Resources  
Northwest Band of the Shoshone Nation  
2575 Commerce Way  
Ogden, Utah 84401

Reference: NRCS Ashley Valley Watershed Plan and Environmental Assessment

Dear Ms. Timbimboo-Madsen:

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), with assistance from Uintah County as the project sponsor, announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Ashley Valley Watershed Flood & Irrigation Project within the Ashley Valley Watershed in Uintah County, Utah. Recent design modifications for the Kids Canal section of the project and other proposed improvements are included in the document.

For the purposes of compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), the NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, and the American Indian Religious Freedom Act of 1978, 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 in reviewing the Draft Plan-EA.

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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.



United States Department of Agriculture

If you have any questions, comments, or concerns please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 385-258-1266 or email at [tara.hoffmann@usda.gov](mailto:tara.hoffmann@usda.gov). We look forward to receiving your comments and discussing this project further.

Sincerely,

A handwritten signature in blue ink that reads "Trisha Cracroft".

Digitally signed by  
TRISHA CRACROFT  
Date: 2023.01.11  
15:26:29 -07'00'

TRISHA CRACROFT  
Acting State Conservationist

Enclosure

cc:

Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT  
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT  
Ammon Boswell, NRCS, ASTC-Field Operations, Ogden, UT  
Jeremy Maycock, NRCS, District Conservationit, Roosevelt, UT  
Dianne Olsen, Langdon Group, Senior Practitioner, Salt Lake City, UT

Spencer J. Cox  
*Governor*

Deidre M. Henderson  
*Lieutenant Governor*

Spencer J. Cox  
Jill Remington Love  
*Executive Director*  
*Utah Department of Cultural*  
*and Community Engagement*

September 24, 2021

Emily Fife  
State Conservationist  
Natural Resources Conservation Service  
125 South State Street, Room 4010  
Salt Lake City, Utah 84138-1100

RE: A Cultural Resource Assessment for the Ashley Valley Watershed Projects, Uintah County, Utah

For future correspondence, please reference Case No. 21-1990

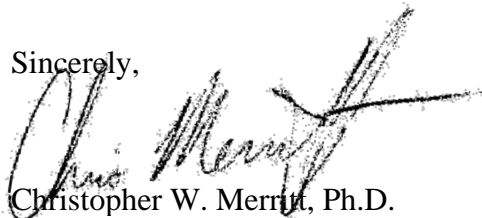
Dear Emily,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on September 21, 2021.

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 801-245-7263 or by email at [cmerritt@utah.gov](mailto:cmerritt@utah.gov).

Sincerely,



Christopher W. Merritt, Ph.D.  
State Historic Preservation Officer





GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Utah Geological Survey

R. William Keach II  
State Geologist/Division Director

November 19, 2019

Autumn Foushee  
J-U-B Engineers, Inc.  
392 E. Winchester St., Suite 300  
Salt Lake City UT 84107

RE: Paleontological File Search and Recommendations for the Ashley Valley Watershed Plan EA Project, Uintah County, Utah  
U.C.A. 79-3-508 (Paleontological) Compliance; Request for Confirmation of Literature Search

Dear Autumn:

I have conducted a paleontological file search for the Ashley Valley Watershed Plan EA in response to your request of November 18, 2019. There are no paleontological localities recorded in our files for this project area. Quaternary and Recent alluvial deposits and deposits of the Cretaceous Mancos Shale that are exposed here have a low to moderate potential for yielding significant fossil localities (PFYC Class 2 - 3). Unless vertebrate fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden  
Paleontological Assistant





GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Utah Geological Survey

R. William Keach II  
*State Geologist/Division Director*

November 19, 2019

Autumn Foushee  
J-U-B Engineers, Inc.  
392 E. Winchester St., Suite 300  
Salt Lake City UT 84107

RE: Paleontological File Search and Recommendations for the Ashley Canal Irrigation Company Ashley Central Canal Enclosure Project, Uintah County, Utah  
U.C.A. 79-3-508 (Paleontological) Compliance; Request for Confirmation of Literature Search

Dear Autumn:

I have conducted a paleontological file search for the Ashley Central Canal Enclosure Project in response to your request of November 18, 2019. There are no paleontological localities recorded in our files for this project area. Quaternary and Recent alluvial deposits that are exposed here have a low potential for yielding significant fossil localities (PFYC Class 2). Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden  
Paleontological Assistant



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

October 19, 2020

Regulatory Division (SPK-2020-00617)

J-U-B Engineers, Inc.  
Attn: Ms. Autumn Foushee  
392 East Winchester Street, Suite 300  
Salt Lake City, Utah 84107  
[afoushee@jub.com](mailto:afoushee@jub.com)

Dear Ms. Foushee:

This concerns your proposed Ashley Valley Watershed Flood & Irrigation Project to pipe and pressurize approximately 7.1 miles of the Ashley Central Canal with 26-inch to 36-inch High-Density Polyethylene (HDPE) pipe and fittings, install 38 turnout meters, and install two screening and overflow structures. The project site is located along approximately 7.1 miles of the Ashley Central Canal within Vernal and Naples, Latitude: 40.45354, Longitude: -109.5351, Uintah County, Utah (Enclosure 1).

Based on the information you have provided, we have determined that the proposed conversion of the Ashley Central Canal to a HDPE pressurized irrigation pipe, 38 turnout meters, and two screening and overflow structures are exempt under Section 323.4 (a)(3) of the Clean Water Act. Therefore, a Department of the Army Permit is not required for this work. Measures should be taken to prevent construction materials and/or activities from entering any waters of the United States. Appropriate soil erosion and sediment controls should be implemented on site to achieve this end.

Our disclaimer of jurisdiction is only for this activity as it pertains to Section 404 of the Clean Water Act and does not refer to, nor affect jurisdiction over any waters present on site. Other federal, state, and local laws may apply to your activities. Therefore, in addition to contacting other federal and local agencies, you should also contact state regulatory authorities to determine whether your activities may require other authorizations or permits.

At this time our office cannot verify the ephemeral streams are not jurisdictional and that the proposed construction of two large debris basins for the Coal Mine and Yellow Hills sub-basins northeast of Vernal City do not require a permit. To potentially disclaim jurisdiction over these ephemeral streams you must submit an Aquatic Resources Delineation Report that meets the Corps' minimum report and mapping standards (Enclosure 2) and request an Approved Jurisdictional Determination (Enclosure 3).

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2020-00617 in any correspondence concerning this project. If you have any questions, please contact Samuel Bohannon at the Bountiful Regulatory Office, 533 West 2600 South Suite 150 Bountiful, Utah 84010, by email at [Samuel.T.Bohannon@usace.army.mil](mailto:Samuel.T.Bohannon@usace.army.mil), or telephone at (801) 295-8380 ext. 8313.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Gipson".

Jason Gipson  
Chief, Nevada-Utah Section

Enclosure

cc:

Brian Deeter, Project Manager, J-U-B Engineers, Inc., [brd@jub.com](mailto:brd@jub.com)  
Marti Hoge, J-U-B Engineers, Inc., [mhoge@jub.com](mailto:mhoge@jub.com)





**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT**  
1325 J STREET  
SACRAMENTO CA 95814-2922

February 26, 2021

Regulatory Division (SPK-2021-00126)

J-U-B Engineers, Inc.  
Attn: Ms. Autumn Foushee  
2875 South Decker Lake Drive, Suite 575  
West Valley City, Utah 84119  
[afoushee@jub.com](mailto:afoushee@jub.com)

Dear Ms. Foushee:

We are responding to your January 15, 2021 request for an approved jurisdictional determination for the Coal Mine Debris Basin site. The approximately 37.7-acre project site is located northwest of the intersection of Painted Hills Drive and 4070 West, Latitude 40.47911°, Longitude -109.60892°, in Vernal, Uintah County, Utah (Enclosure 1).

Based on available information, we concur with your aquatic resource delineation for the site as depicted on the enclosed Coal Mine Debris Basin Aquatic Resource Map drawing prepared by J-U-B Engineers, Inc. (Enclosure 2). Approximately 3935 linear feet of ephemeral channels and 58 linear feet of canals are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements and the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

We have determined that the 3935 linear feet of ephemeral channels and 58 linear feet of canals within the project area are not waters of the United States regulated under Section 404 of the Clean Water Act.

We are enclosing a copy of the Approved Jurisdictional Determination Form for your site (Enclosure 3).

This approved jurisdictional determination is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form is enclosed (enclosure 3). If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESP-DPO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We appreciate feedback, especially about interaction with our staff and our processes.

Please refer to identification number SPK-2021-00126 in any correspondence concerning this project. If you have any questions, please contact Samuel Bohannon at Bountiful Regulatory Office, 533 West 2600 South Suite 150 Bountiful, Utah 84010, by email at [Samuel.T.Bohannon@usace.army.mil](mailto:Samuel.T.Bohannon@usace.army.mil), or telephone at (801) 295-8380 ext. 8313. For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Gipson", with a stylized flourish at the end.

Jason Gipson  
Chief, Nevada-Utah Section

Enclosures





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

February 23, 2021

Regulatory Division (SPK-2021-00124)

J-U-B Engineers, Inc.  
Attn: Ms. Autumn Foushee  
2875 South Decker Lake Drive, Suite 575  
West Valley City, Utah 84119  
[afoushee@jub.com](mailto:afoushee@jub.com)

Dear Ms. Foushee:

We are responding to your January 15, 2021 request for an approved jurisdictional determination for the Yellow Hills Debris Basin Project. The approximately 33-acre project site is located northeast of the intersection of Utah State Route 121 and Skyline Drive in Vernal, Latitude 40.45354°, Longitude -109.5351°, Uintah County, Utah (Enclosure 1).

Based on available information, we concur with your aquatic resource delineation for the site, as depicted on the enclosed Yellow Hills Debris Basin Aquatic Resource Map drawing prepared by J-U-B Engineers, Inc. (Enclosure 2). Approximately 6962 linear feet of ephemeral channels are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements and the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

We have determined that the 6,962 linear feet of ephemeral channels within the project area are not waters of the United States regulated under Section 404 of the Clean Water Act.

We are enclosing a copy of the *Approved Jurisdictional Determination Form* for your site (Enclosure 3).

This approved jurisdictional determination is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form is enclosed (Enclosure 4). If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We appreciate feedback, especially about interaction with our staff and our processes.

Please refer to identification number SPK-2021-00124 in any correspondence concerning this project. If you have any questions, please contact Samuel Bohannon at Bountiful Regulatory Office, 533 West 2600 South Suite 150 Bountiful, Utah 84010, by email at [Samuel.T.Bohannon@usace.army.mil](mailto:Samuel.T.Bohannon@usace.army.mil), or telephone at (801) 295-8380 Ext 8313. For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Gipson", is positioned above the printed name.

Jason Gipson  
Chief, Nevada-Utah Section

Enclosures

**From:** [Reisor, Rita S](#)  
**To:** [Hamilton, Derek - NRCS, Salt Lake City, UT](#)  
**Cc:** [Weekley, George M](#)  
**Subject:** Ashley Valley consultation concurrence  
**Date:** Thursday, May 20, 2021 3:38:02 PM  
**Attachments:** [21\\_I\\_0496\\_20210514\\_Ashley\\_Valley\\_BA\\_FINAL\\_signed.pdf](#)

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Hi Derek,

Thank you for working with us on this project. Attached is a stamped and digitally signed copy of our concurrence with the effects determination in the BA. Please let me know if you have any further questions on this project.

Thank you,

Rita Reisor  
Botanist  
USFWS Utah Ecological Services Field Office  
Direct: (385)285-7923  
Office: (801)975-3330  
(she/her pronouns)

<https://www.fws.gov/utahfieldoffice/>