

## **Appendix A**

### **Comments, Responses, and Consultation**

Bureau of Indian Affairs  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service  
U.S. Environmental Protection Agency  
State Historic Preservation Office  
Ute Tribe Tribal Historic Preservation Office  
Ute Tribe Tribal Business Committee  
Tribes  
Advisory Council on Historic Preservation  
Utah Division of Wildlife Resources  
Canal Company Stakeholders  
Scoping Report

# **Bureau of Indian Affairs**



IN REPLY REFER TO:  
Irrigation-MS 462

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Uintah and Ouray Agency

P.O. Box 130

Fort Duchesne, Utah, 84026

JUN 01 2020

Clyde Watkins  
Duchesne County Water Conservancy District  
275 N 800 E  
Roosevelt, UT 84066

Re: DCWCD Watershed Environmental Assessment Inclusion-Arcadia Pipeline

Dear Mr. Watkins:

It is our intent to fully support the efforts of DCWCD as they pursue the process to improve water projects in Duchesne County through the NRCS's PL-566 Watershed program. We support the inclusion of the Uintah Indian Irrigation Project's Arcadia Pipeline project, as described on the enclosed sheet in the Watershed Environmental Assessment and agree that we are ready to move forward on design and construction of the project within the next five years. The Bureau of Indian Affairs has already secured \$830,000.00 for the Uintah Indian Irrigation Project's percentage of the construction costs.

The proposed pipeline will follow the existing BIA rights of way with few exceptions depending on the final engineering design. Once the final route is determined the BIA will work diligently to obtain any new rights of way that may be required for the project.

On May 11, 2020 the Ute Indian Tribe Business Committee passed a resolution in support of this pipeline project and has given permission to survey the proposed pipeline route as it involves tribal trust lands.

This project will improve irrigation efficiency for more than 5,500 acres of which approximately 4,248 acres are lands of the Ute Indian Tribe and individual Indian owners. This includes an estimated 2,500 acres that are currently designated as "TNA or PNA" lands, i.e., no water delivery available.

The BIA or board members of the UIIP O&M Company have made individual contact and discussions with most landowners of the project area, they approve of the proposed project?

If you have any questions or would like more information, please contact Kenneth Asay at 435-722-4344 or [kenneth.asay@bia.gov](mailto:kenneth.asay@bia.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Pingree', with a stylized flourish at the end.

Antonio Pingree  
Superintendent, Uintah & Ouray Agency

Enclosure

cc: Agency Chrono File  
Irrigation Chrono File



## UINTAH AND OURAY INDIAN IRRIGATION PROJECT – O&M COMPANY

Arcadia Farms Pipeline & Red Cap Extension

# Canal Rehabilitation

### PROJECT SUMMARY:

- Replacing 21.5 miles of open channel canal and ditches with HDPE pressure pipe
- Pipe sizes ranging from 48 inches to 12 inches
- Screen Structure at mid-view overflow, water savings will go to mid-view reservoir
- Pressurized and metered connections for water users
- Canal above Zimmerman Wash to remain in place for drainage
- Estimated water savings of up to 6,500 acre-feet (> 20% loss)

### PROJECT BENEFITS:

- Pipelines will enhance Ute Ag Products ability to increase crop production
- Pipeline sized to serve class II and III water and 40 acre parcels currently sitting idle, approximately 2,423 acres
- Tribal farms would increase the amount of quality hay grown for tribal members
- Flood irrigation requires more man hours with limited resources
- Pressures will eliminate most of the pumping costs for tribal farms

### FUNDING & PROJECT COSTS:

- Total piping project cost — \$10 million
- NRCS PL566 Grant — \$7.5 million
- Other sources — NRCS EQIP and BIA WinAct Funding

### SCHEDULE:

#### SPRING/SUMMER 2020

- Cost/Benefit analysis for economics and Watershed Plan-EA draft
- Environmental surveys (cultural, wetlands, T+E species)
- 30% Preliminary design of pipeline

#### FALL/WINTER 2020

- Environmental Assessment and Watershed Plan completed
- Apply for full design and construction funding

#### SUMMER/FALL 2021 | TENTATIVE CONSTRUCTION SCHEDULE

- If funding is received, final design, permitting and bidding of project (pipe and installation)
- Pipe deliveries and contractor mobilization
- Project construction (September 2021 through December 2022)

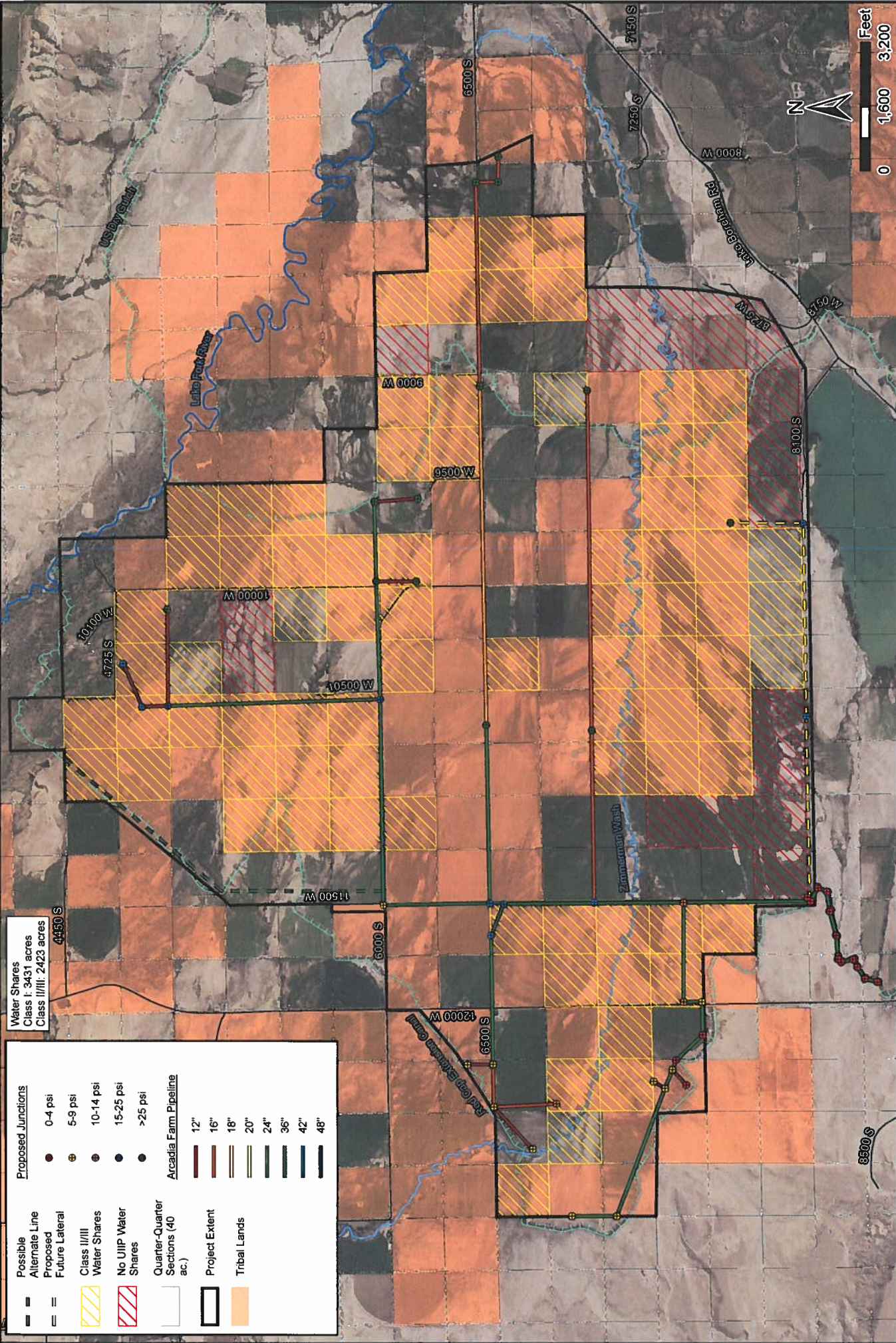
### CONTACT INFORMATION:

UINTAH AND OURAY INDIAN IRRIGATION PROJECT O+M COMPANY

KEN ASAY, BUREAU OF INDIAN AFFAIRS | 435.722.4344 | KENNETH.ASAY@BIA.GOV

ERIC MAJOR, PROJECT MANAGER | JONES & DEMILLE ENGINEERING | 435.722.8267 | ROOSEVELT





**Water Shares**  
Class I: 3431 acres  
Class II/III: 2423 acres

**Proposed Junctions**

- 0-4 psi
- 5-9 psi
- 10-14 psi
- 15-25 psi
- >25 psi

**Proposed**

**Future Lateral**

**Class I/III Water Shares**

**No Uirap Water Shares**

**Quarter-Quarter Sections (40 ac.)**

**Project Extent**

**Tribal Lands**

**Legend**

- 12"
- 16"
- 18"
- 20"
- 24"
- 36"
- 42"
- 48"

**Scale: 1" = 3,200'**

**0 1,600 3,200 Feet**

**North Arrow**

**Uirap & Ouray Indian Irrigation Project**  
**Operation & Maintenance Company**

**Uirap - Arcadia Farms Pipeline**  
**Irrigation Pipeline Overview**

Map Name: H:\DIP\1911-2020\Design\GIS\Projects\Design\1911-2020\_Design.aprx - Eir Arcadia Farms Proposed Pipeline - Meeting 8.5.11L  
Project Number: 1911-2020  
Last Edit: 03/06/2020  
Drawn by: JEM

**FRANSON**  
CIVIL ENGINEERS

**Jones & DeMille Engineering**  
- Shaping the Quality of Life -  
800.748.5275 www.jonesanddemille.com





## Phone Record

**Date:** October 31, 2022

**To:** NRCS

**From:** Jenna Jorgensen, Environmental Coordinator

**Project:** East Duchesne County Watershed Plan

**Project #:** 1907-354

I had a phone call with Chip Lewis, the Regional Environmental Protection Officer for the BIA over this area. He indicated that he would prefer for BIA be a participating agency rather than a cooperating agency. The BIA will need to make a decision/prepare a FONSI to respond to the application(s) for encroachments or easements across reservation lands, so his request for the EA was that we include language in Chapters 1 and 2 to that effect. He will review the EA to make sure BIA needs are addressed.

1535 South 100 West  
Richfield, UT 84701  
435.896.8266

50 South Main, Suite 4  
Manti, UT 84642  
435.835.4540

38 West 100 North  
Vernal, UT 84078  
435.781.1988

1675 South Highway 10  
Price, UT 84501  
435.637.8266

520 West Highway 40  
Roosevelt, UT 84066  
435.722.8267

775 West 1200 North  
Suite 200A  
Springville, UT 84663  
801.692.0219

1664 South Dixie Drive  
Building G  
St. George, UT 84770  
435.986.3622

7 South Main Street  
Suite 107/109  
Tropic, UT 84074  
435.268.8089

696 North Main Street  
PO Box 577  
Monticello, UT 84535  
435.587.9100

545 East Cheyenne Drive  
Suite C  
Evanston, WY 82930  
307.288.2005



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

May 20, 2022

Bryan Bowker  
Western Regional Director  
Bureau of Indian Affairs  
2600 North Central Avenue, 4th Floor  
Phoenix, AZ, 85004

RE: Formal request to be a Cooperating Agency in the development of the East Duchesne Watershed Plan-Environmental Assessment (Plan-EA) for proposed improvements in Duchesne County, Utah.

Dear Bryan Bowker:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Indian Affairs become a cooperating agency in the planning and development of the East Duchesne Watershed Plan-EA. Information on the Plan-EA can be found at <https://bit.ly/eastduchesneplan-ea>.

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 our 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, 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](mailto:derek.hamilton@usda.gov) or 801/524-4560.

Sincerely,

NORMAN  
EVENSTAD

NORM EVENSTAD

Asst. State Conservationist - Water Resources

Digitally signed by NORMAN  
EVENSTAD  
Date: 2022.05.20 16:41:09  
-06'00'

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, UT  
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT





May 8, 2023

Garry J. Cantley  
Regional Archeologist  
BIA Western Regional Office  
2600 North Central Avenue, Suite 400  
Phoenix, Arizona 85004-3008

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Cantley:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



United States Department of Agriculture

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, NRCS has determined that the project redesign will result in adverse effects to four NRHP eligible canals, 42DC376, 42DC2793, 42DC3084, and 42DC4249). In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to sites 42DC376, 42DC2793, 42DC3084, and 42DC4249 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,

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

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Ammon Boswell, Assistant State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Hopkin, State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

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



November 15, 2021

Mr. Garry J. Cantley  
Regional Archeologist  
BIA Western Regional Office  
2600 North Central Avenue, Suite 400  
Phoenix, Arizona 85004-3008

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Cantley:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effects (APE) was conducted between April and May 2021 by Principal Investigator, Jody Patterson of Montgomery Archaeological Consultants (MOAC), under State of Utah PPCO Permit No 167. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U21MQ0113, Ute Tribal Permit No. A21-363, and under the direction of NRCS.

Archaeological inventory resulted in the identification of 14 previously documented archaeological sites (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, and 42DC3485) of which seven were updated (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3084, and 42DC3485) and the documentation of 20 newly identified archaeological sites (42DC4248-42DC4267) within 100 feet of the project area. Of these 34 sites, 17 (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392,

42DC3485, 42DC4249, 42DC4250, 42DC4251, 42DC4267 are eligible for National Register of Historic Places (NRHP) listing.

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to 12 NRHP eligible canals, (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267) as a result of proposed 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 sites 42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267 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 NHPA. As the lead agency, NRCS requests State Historic Preservation Office 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)

Kristi Westwood, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Clayton Schmitz, State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



# **U.S. Army Corps of Engineers**

## Jenna Jorgensen

---

**From:** Schaff, Alyssa J CIV USARMY CESPCK (USA) <Alyssa.J.Schaff@usace.army.mil>  
**Sent:** Tuesday, November 14, 2023 9:51 AM  
**To:** Jenna Jorgensen  
**Cc:** Carlson, Elizabeth A CIV USARMY CESPCK (USA)  
**Subject:** RE: East Duchesne - canal piping/lining permitting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jenna,

My apologies. I do recall briefly talking about this project. I have some notes from a conversation I had with Jason back in August below. Since we have not started the permitting process, Beth will be taking over from here. I will share the information I have received with Beth.

Jason and I did review the ditch memo to see how it would potentially apply to this project. The Yellowstone Feeder Canal and Grey Mountain Canal projects appear to be likely exempt as those would be lined and would not be recaptured under the recapture provision. The rest of the canals, which are all being piped, would potentially be recaptured. After talking with Jason, if the pipelines are put in the same location as the canal (so essentially piped where the canal currently lies) then this would meet the two part test of the recapture provision and would therefore require permitting. If the pipelines are not in the same location (for example, even if they are placed 5ft away), then this would likely not require a permit as long as the amount of water being taken from the natural stream channel is not great enough to dewater or greatly affect the hydrology of the natural stream channel in which the water is being taken out of. Once you can provide plans/drawings and a more detailed description of the method of construction for each project, we can advise further on permitting. Depending on the amount of impact, permittee-responsible mitigation may vary. In previous projects of piping a stream, I have seen mitigation to create additional open stream channel, but it might be different for this one.

Please send additional information and/or questions directly to Beth.

Thank you,

Alyssa Schaff  
Regulatory Project Manager  
Army Corps of Engineers, Regulatory Division  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010  
(801) 295-8380 Ext 8319  
Alyssa.j.schaff@usace.army.mil

---

**From:** Jenna Jorgensen <jenna.j@jonesanddemille.com>  
**Sent:** Monday, November 13, 2023 10:16 AM  
**To:** Schaff, Alyssa J CIV USARMY CESPCK (USA) <Alyssa.J.Schaff@usace.army.mil>  
**Subject:** [Non-DoD Source] RE: East Duchesne - canal piping/lining permitting

Hi Alyssa,  
I forgot about this for a while. Are you still the Project Manager for this project, or should we coordinate with Beth now?

If you are still the PM, I know policy/implementation has probably changed again since the final rule published on August 29, but we still need to figure out what permitting/mitigation will be necessary for the project. Have you gotten any clearer direction from EPA yet?

**Jenna Jorgensen**

*Environmental Coordinator*

Jones & DeMille Engineering, Inc.

Shaping the Quality of Life.

---

**From:** Schaff, Alyssa J CIV USARMY CESPK (USA) <[Alyssa.J.Schaff@usace.army.mil](mailto:Alyssa.J.Schaff@usace.army.mil)>

**Sent:** Wednesday, August 2, 2023 1:36 PM

**To:** Jenna Jorgensen <[jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)>

**Subject:** RE: East Duchesne - canal piping/lining permitting

Hi Jenna,

Just wanted to check in with you.

We are discussing this project in our office as I don't think we've had a project like this come in since the ditch memo was issued. I am in coordination with my supervisor and some of our specialists to ensure we are understanding and applying this ditch memo appropriately. Once I have an answer for you, I will let you know. I just want to assure you that this is on my radar and it's not being forgotten.

Thanks, Alyssa

---

**From:** Schaff, Alyssa J CIV USARMY CESPK (USA)

**Sent:** Friday, July 21, 2023 3:58 PM

**To:** Jenna Jorgensen <[jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)>

**Subject:** RE: East Duchesne - canal piping/lining permitting

Hi Jenna,

I just wanted to let you know that this is on my radar. This week was very busy and I did not have an opportunity to fully review this. The project is quite large so there is a lot to review. I will get back to you next week.

Thanks for your patience,

Alyssa Schaff

Regulatory Project Manager

Army Corps of Engineers, Regulatory Division

533 West 2600 South, Suite 150

Bountiful, Utah 84010

(801) 295-8380 Ext 8319

[Alyssa.j.schaff@usace.army.mil](mailto:Alyssa.j.schaff@usace.army.mil)

\*Our customer service hours are 9am-3pm Monday through Friday.

---

**From:** Jenna Jorgensen <[jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)>

**Sent:** Tuesday, July 18, 2023 1:44 PM

**To:** Schaff, Alyssa J CIV USARMY CESPK (USA) <[Alyssa.J.Schaff@usace.army.mil](mailto:Alyssa.J.Schaff@usace.army.mil)>

**Subject:** [Non-DoD Source] East Duchesne - canal piping/lining permitting

Hi Alyssa,

The memo I referenced in our phone call is attached. We're looking for some direction on if this is the most current policy, and if so, what kind of mitigation might be required if canals are piped or lined.

We have a project in Duchesne County that is being led by the NRCS. The proposed action is piping of five canals and lining segments of two others. I've attached a map and kmz with the project features – I don't have a shapefile available right now, but can get my GIS guy to create one from the geodatabase if needed. We didn't have the canals delineated because we assumed they would be exempt until we saw the memo.

The details for each project feature are as follows:

### **Yellowstone Feeder Canal**

Approximately 13,926 linear feet (2.6 miles) of the Yellowstone Feeder Canal would be lined in 10 separate sections. The treated sections would be lined from top of bank to top of bank with a geomembrane liner, then covered with a minimum of 3 inches of shotcrete or concrete. Project activities would occur outside of irrigation season. These measures would be constructed over one to two seasons and occur outside of the irrigation delivery season or storage flow windows between December and April of 2024 and 2025.

### **Coyote Canal**

Approximately 4,413 linear feet (0.8 miles) of pipeline would be installed to replace the open-channel canal. The diversion structure would be replaced and a dissipation structure would be constructed at the pipe outlet. Approximately 477 linear feet of canal would be graded and stabilized by placement of riprap to reduce erosion. These measures would be constructed over one season and occur outside of the irrigation season, from March to May of 2024.

### **South Boneta Canal**

Approximately 12,833 feet (2.4 miles) of pipeline would be installed to replace the open-channel South Boneta Canal. A new diversion structure would be constructed on the Lake Fork River. These measures would be constructed over one season and occur outside of the irrigation season, from October to April of 2024.

### **DGIC Class B Canal**

Approximately 79,293 linear feet (15.0 miles) of pipeline would be installed to replace the DGIC Class B Canal and associated ditches. The Class B Canal includes the Bluebell Lateral Canal, F Canal, and I Canal (north and south ditches). Approximately 14.0 miles of canal would be dewatered by operation of the pipeline. Three new pipe inlet structures would be constructed at the pipeline intakes and a control structure would be installed at one pipeline split location. Four pressure reducing valves (PRVs) would be installed on the pipeline. These measures would be constructed over two seasons and occur between November and April, outside of the irrigation season, from 2023 through 2025. Construction is anticipated to occur no sooner than fall of 2023, after the irrigation season is over.

### **DGIC Class C Canal**

Project activities consist of installing approximately 33,292 linear feet (6.3 miles) of pipeline to replace 6.0 miles of the DGIC Class C Canal. The pipeline would largely be buried within the canal channel, and the canal would be dewatered by operation of the pipeline. These measures would be constructed over a single season and occur from November of 2023 to April of 2024, outside of the irrigation season.

### **Red Cap Extension**

Approximately 106,161 linear feet (20.1 miles) of pipeline would be installed to replace 25.5 miles of canals and ditches. A new pipe inlet structure would be constructed at the pipeline intake and the adjoining wasteway reconstructed to stabilize the canal. These measures would be constructed over two seasons and occur from November of 2023 to April of 2025, outside of the irrigation season.



### **Grey Mountain Canal**

Approximately 10,475 feet (2.0 miles) of the Grey Mountain Canal would be lined in three sections. The treated sections would be lined from top of bank to top of bank with a geomembrane liner, then covered with a minimum of 3 inches of shotcrete or concrete. These measures would be constructed over a single season and occur from mid-October 2023 to April of 2024, outside of the irrigation season.

Please let me know what additional information I can provide to help you respond to this request. Thank you!

**Jenna Jorgensen**

*Environmental Coordinator*

Jones & DeMille Engineering, Inc.

p: (435) 896-8266 | m: (435) 893-5203

Shaping the Quality of Life.



United States Department of Agriculture

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Natural Resources  
Conservation Service  
  
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Fax: 844-715-4928  
[www.ut.nrcs.usda.gov](http://www.ut.nrcs.usda.gov)

May 20, 2022

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

RE: Formal request to be a Cooperating Agency in the development of the East Duchesne Watershed Plan-Environmental Assessment (Plan-EA) for proposed improvements in Duchesne County, Utah.

Dear Jason Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Army Corps of Engineers become a cooperating agency in the planning and development of the East Duchesne Watershed Plan-EA. Information on the Plan-EA can be found at <https://bit.ly/eastduchesneplan-ea>.

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 our 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, 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](mailto:derek.hamilton@usda.gov) or 801/524-4560.

Sincerely,

NORM EVENSTAD  
Asst. State Conservationist - Water Resources

Enclosure

cc:  
Ammon Boswell, Area Conservationist, NRCS, Ogden, UT  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, UT  
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

# **U.S. Fish and Wildlife Service**



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

2369 W Orton Circle, #50  
West Valley City, Utah 84119



In Reply Refer to:  
FWS/R6/6E23000-2025-0039079

January 29, 2025

Emily Fife  
State Conservationist  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
125 S. State Street; Room 6416  
Salt Lake City, UT 84138

Subject: Biological Opinion for the East Duchesne Watershed Plan

In accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), and the Interagency Cooperation Regulations (50 CFR 402), this transmits our final biological opinion (BO) based on review of the Natural Resources Conservation Service's (NRCS) proposed East Duchesne Watershed Plan (hereafter, Project) and its effects on Ute ladies'-tresses (*Spiranthes diluvialis*). This BO is based on information provided in your August 1, 2024 request for formal consultation, biological assessment (BA; NRCS 2024), virtual meetings, and email correspondence (see Consultation History, below). No critical habitat is designated for Ute ladies'-tresses; accordingly, it will not be discussed further in this BO.

The bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and razorback sucker (*Xyrauchen texanus*) were also analyzed as part of the BA, and we concur with your determination of may affect, not likely to adversely affect for these species. Our concurrence is based on the absence of these species within the Action Area and the Project's restriction to existing irrigation canals that feed from tributaries within the Upper Colorado River Basin.

## CONSULTATION HISTORY

This section summarizes significant steps in the consultation process:

October 31, 2020: We received the 2020 Ute ladies'-tresses survey report.

November 24, 2020: We had a virtual meeting with NRCS and consultant (Jones & DeMille Engineering) to discuss survey results and potential mitigation opportunities.



January 13, 2022: We had a virtual meeting with the consultant to discuss the contents of the BA and potential mitigation opportunities.

June 13, 2023: We had a virtual meeting with your office and the consultant to discuss potential mitigation opportunities.

February 28, 2024: We had a virtual meeting with NRCS and the consultant to discuss potential water depletion impacts.

August 8, 2024: We received the final BA, consultation request, and GIS layers.

January 3, 2025: We submitted a revised draft BO.

January 14, 2025: We received comments on the draft BO.

January 28, 2025: We received the revised BA.

## **BIOLOGICAL OPINION**

### **PROPOSED ACTION**

The Duchesne Water Conservancy District (Project proponent) acquired P.L. 83-566 funding from the NRCS to prepare the East Duchesne Watershed Plan to improve irrigation delivery in the watershed.

The Project is located in eastern Duchesne County. More specifically, the Project occurs within the following sections within the Uintah Special Base and Meridian.

T1N, R4W, Sections 27, 28, 36  
T1N, R3W, Sections 29, 30, 31  
T1N, R2W, Section 31  
T1S, R4W, Sections 21, 22, 27, 34  
T1S, R3W, Sections 7, 8, 9, 15, 16, 17, 18, 20, 21, 22, 28, 33  
T1S, R2W, Sections 5, 6  
T2S, R3W, Sections 4, 9, 10, 15, 34  
T3S, T3W, Sections 1, 2, 10, 11, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 35  
T3S, T2W, Sections 6, 7, 8, 19, 20, 30  
T4S, T3W, Sections 5, 8, 9, 12,  
T4S, R2W, Section 7

The Project consists of piping or lining seven existing irrigation canals. Project activities and disturbance will generally occur within a 100-foot-wide area associated with each linear Project feature. Construction access will follow the existing irrigation company access roads, where provided. Improvements to access roads (e.g., grubbing, grading, placement of gravel) or new access roads will be required within the existing irrigation company rights-of-way as needed, to

provide appropriate construction equipment/vehicle access. Staging will occur within the irrigation company rights-of-way as needed. Areas temporarily disturbed from staging will be restored after construction. New access roads will be left in place, where applicable, to maintain appropriate maintenance access.

#### Yellowstone Feeder Canal

Approximately 13,926 linear feet (2.6 miles) of the Yellowstone Feeder Canal will be lined in ten separate sections. The treated sections will be lined from top of bank to top of bank with a geomembrane liner, then covered with a minimum of 3 inches of shotcrete or concrete. Project activities will occur outside of irrigation season. These measures will be constructed between December and April of 2025 and 2026, outside of the irrigation delivery season or storage flow windows.

#### Coyote Canal

Approximately 4,413 linear feet (0.8 miles) of pipeline will be installed to replace the open-channel canal. The diversion structure will be replaced and a dissipation structure will be constructed at the pipe outlet. Approximately 477 linear feet of canal will be graded and stabilized by placement of riprap to reduce erosion. These measures will be constructed over one season from March to May of 2025, outside of the irrigation season.

#### South Boneta Canal

Approximately 12,833 feet (2.4 miles) of pipeline will be installed to replace the open-channel South Boneta Canal. A new diversion structure will be constructed on the Lake Fork River. These measures will be constructed over one season from November of 2024 to April of 2025, outside of the irrigation season.

#### DGIC Class B Canal

Approximately 79,293 linear feet (15.0 miles) of pipeline will be installed to replace the DGIC Class B Canal and associated ditches. The Class B Canal includes the Bluebell Lateral Canal, F Canal, and I Canal (north and south ditches). Approximately 14.0 miles of canal will be dewatered by operation of the pipeline. Three new pipe inlet structures will be constructed at the pipeline intakes and a control structure will be installed at one pipeline split location. Four pressure reducing valves (PRVs) will be installed on the pipeline. These measures will be constructed over two seasons, outside of the irrigation season, from November 2025 through April 2026.

#### DGIC Class C Canal

Project activities consist of installing approximately 33,292 linear feet (6.3 miles) of pipeline to replace 6.0 miles of the DGIC Class C Canal. The pipeline will largely be buried within the canal channel, and the canal will be dewatered by operation of the pipeline. These measures will be constructed over a single season from October of 2025 to April of 2026, outside of the irrigation season.

### Red Cap Extension

Approximately 106,161 linear feet (20.1 miles) of pipeline will be installed to replace 25.5 miles of canals and ditches. A new pipe inlet structure will be constructed at the pipeline intake and the adjoining wasteway reconstructed to stabilize the canal. These measures will be constructed over two seasons from October of 2025 to April of 2026, outside of the irrigation season.

### Grey Mountain Canal

Approximately 10,475 feet (2.0 miles) of the Grey Mountain Canal will be lined in three sections. The treated sections will be lined from top of bank to top of bank with a geomembrane liner, then covered with a minimum of 3 inches of shotcrete or concrete. These measures will be constructed over a single season from mid-October of 2025 to April of 2026, outside of the irrigation season.

### Maintenance--All Canals and Pipelines

Maintenance includes performance of work, preventing deterioration of facility components, and repairing damage or replacing the facility components as needed. Repairing damages to completed facilities caused by normal deterioration, droughts, flooding, or vandalism is considered maintenance. Maintenance includes both routine and as-needed measures.

A detailed description of the Project action can be found in the BA.

## **APPLICANT COMMITTED CONSERVATION MEASURES**

The following conservation measures are intended to be implemented as part of the proposed action to reduce the potential effects on listed species:

### General Avoidance and Minimization Measures

1. Disturbed areas will be seeded with a native seed mix appropriate for the respective land use and soil conditions.
2. Equipment will be cleaned to remove noxious weeds/seeds and petroleum products prior to accessing Project sites.
3. Fueling of machinery will occur in confined, designated upland areas to prevent spillage into waterways and wetlands. All fueling areas will have spill cleanup kits available.
4. Fill materials will be free of waste, pollutants, and noxious weeds and seeds.
5. Disturbed areas will be monitored for noxious and undesirable plant species during construction, post-construction revegetation, and will be controlled using approved methods and materials to prevent spread.
6. Only water (no chemicals, reclaimed production water, or oil field brine) will be used for dust abatement measures within suitable habitat.

7. Because vegetation clearing will likely occur during migratory bird breeding and nesting season (February 1 – August 31), a migratory bird survey will be conducted prior to construction activities. The result of the survey will dictate any timing and spatial stipulations to be implemented per the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (Romin and Muck 2002).

#### Ute ladies'-tresses Avoidance and Minimization Measures

1. Three years of protocol surveys will be completed where possible, prior to any ground disturbing activity. Areas without three years of survey will be assumed occupied.
2. Project design will minimize impacts to occupied and suitable habitat as much as practicable while still accomplishing Project purposes. Staging will not occur within suitable habitat.
3. Where individuals occur within 300 feet of ground disturbance, Project activities will occur outside of flowering season to avoid negative effects from dust, vibration, and weed introduction.
4. In areas of pipeline installation through suitable or occupied habitat during conditions when the ground is wet, geotextile matting (or similar product) will be used as a barrier between heavy equipment and the soil surface to reduce rutting and compaction from the equipment.
5. In areas of buried pipeline installation through suitable or occupied habitat that will not be directly dewatered, topsoil will be excavated and stockpiled separately from subsoil in a manner to maintain vegetation and restored to pre-construction conditions as soon as practicable.
  - a. Stockpiled topsoil will be prevented from drying out and killing the vegetation by spraying with water, covering with wet permeable material, or other similar methods to maintain viable plant stock.
6. Soil will not be stock piled or disposed of in suitable or occupied habitat.
7. Pipelines may be installed by boring under the surface of occupied habitat if necessary to avoid disturbance during flowering season.
8. To avoid unnecessary disturbance to suitable habitat, flagging or machine control technology will be used to assist in the navigation of equipment.
9. All Project personnel will be educated about the sensitive nature of suitable habitat, instructed to stay within the authorized Project limits, and instructed on the specific avoidance and minimization measures implemented.
10. Areas of surface disturbance will be monitored for noxious weeds for three years post-construction. Noxious weeds discovered in suitable habitat within and adjacent to the disturbed areas will be controlled with herbicides or manual treatments. The following restrictions apply to the use of herbicides:
  - a. No herbicide shall be applied within 2,500 feet of suitable or occupied ULT habitat during the blooming period (July-September).



- b. A Pesticide Use Permit (PUP) shall be approved through authorizing federal or State agency.
  - c. No aerial or broadcast herbicide treatments shall be applied for vegetation management within 2,500 feet of suitable or occupied ULT habitat.
  - d. For noxious weed control within 2,500 feet of suitable or occupied Ute ladies'-tresses habitat, manual spot treatments (i.e. backpack sprayers) shall be used.
  - e. Treatments shall not be done when wind speeds exceed 6 miles per hour.
  - f. Drift reducing agents shall be used when practical.
  - g. A reduced application rate shall be used.
  - h. Pump pressure shall be reduced, per label instructions.
  - i. Droplet size shall be increased to the largest size possible while still effectively covering the target vegetation. This could be accomplished using larger nozzles or reduced pressure.
  - j. Herbicides shall be stored in spill proof containers away from special status plant habitats.
  - k. Herbicide containers, such as backpack sprayers, will be filled off-site and with secondary spill containment in place (such as a plastic bucket or tray).
11. Revegetation of disturbed areas will use only native seed appropriate for the habitat type, or a USFWS approved seed mix.

#### Ute ladies'-tresses Mitigation

- 1. Permanent impacts to individuals and occupied habitat will be offset through a monetary contribution to the Ute ladies'-tresses Conservation Fund, held for U.S. Fish and Wildlife Service by the National Fish and Wildlife Foundation. The calculation is 16.3 acres of occupied habitat lost multiplied by \$3,971, resulting in a voluntary contribution of \$64,727 to the fund. Contribution to the fund will occur prior to initiation of construction.

#### Action Area

The Project action area is defined in 50 CFR 402 to mean "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." For the purpose of our evaluation of impacts to Ute ladies'-tresses, we define the action area to include the direct Project footprint (including all construction areas, staging areas, ingress and egress areas, and spoils areas) plus a 300-ft wide buffer surrounding the footprint. The total action area is 3,859 acres.

A detailed description of the Project action area, with figures, can be found in the BA.

### **STATUS OF THE SPECIES**

#### Regulatory Status

We listed Ute ladies'-tresses as threatened in its entire range under the Act on January 17, 1992 (USFWS 1992a). No critical habitat is designated for the species. A draft recovery plan was

prepared, but not finalized (USFWS 1995). The descriptions that follow are derived from the 2023 Species Status Assessment, the draft recovery plan, a rangewide status review (Fertig et al. 2005), and additional sources as necessary.

### Species Description and Taxonomy

Ute ladies'-tresses was first described as a species in 1984 by Dr. Charles J. Sheviak from a population discovered near Golden, Colorado (Sheviak 1984). The species is a perennial orchid (member of the plant family Orchidaceae) that first emerges above ground as a rosette of thickened leaves and is very difficult to distinguish from other vegetation given the dense herbaceous vegetation where the species often grows. Its leaves are up to 1.5 cm (0.6 in.) wide and 28 cm (11 in.) long; the longest leaves are near the base. The usually solitary flowering stem is 20 to 50 cm (8 to 20 in.) tall, terminating in a spike of 3 to 15 white or ivory flowers. Flowering generally occurs from mid-July through August. However, in some locations the species may bloom in early July or may still be in flower as late as early October, depending on elevation, annual weather patterns, and timing of high-water flows.

Ute ladies'-tresses looks most similar to hooded ladies'-tresses (*Spiranthes romanzoffina*) but differs in the detailed characteristics of the individual flowers. In hooded ladies'-tresses (which is more common), each individual flower has petals and sepals that are fused to form a covering, or "hood." In Ute ladies'-tresses, these floral parts are not fused, appearing instead to be widely spread, or "gaping" open.

### Distribution and Status

When it was listed under the Act in 1992, Ute ladies'-tresses was known from 10 extant populations within portions of only Colorado and Utah (USFWS 1992a), and encompassed approximately 170 acres of occupied habitat. At listing, the species was presumed extirpated in Nevada. Since listing, Ute ladies'-tresses was rediscovered in Nevada, and new populations were discovered in southern Idaho, southwestern Montana, western Nebraska, Utah, central and northern Washington, and southeastern Wyoming, and south-central British Columbia. In addition, it has also been rediscovered in two counties in Utah from which it was believed to be extirpated for 60-100 years (USFWS 2023).

A Species Status Assessment (SSA) for Ute ladies'-tresses was finalized in 2023 (USFWS 2023) using rangewide data compiled from by the Wyoming Natural Diversity Database (WYNDD 2017) and supplemental survey conducted between 2017-2021. Due to the difficulties of delineating traditional populations for a plant species with shifting habitat and distribution, we redefined the distribution of Ute ladies'-tresses into Analytical Units (AUs) corresponding to the level 6 (basin level) Hydrologic Unit Codes (HUC6).

Within each AU, we grouped Ute ladies'-tresses records into occurrences based on NatureServe criteria for plants that disperse via waterways (NatureServe 2004). In the SSA, we further define a Ute ladies'-tresses occurrence as all individuals separated by no more than 6.2 miles (mi) along a river, stream, or canal without breaks of more than 1.2 mi of unsuitable habitat or a barrier (such as a dam) between them, or Ute ladies'-tresses individuals not along a connected waterway

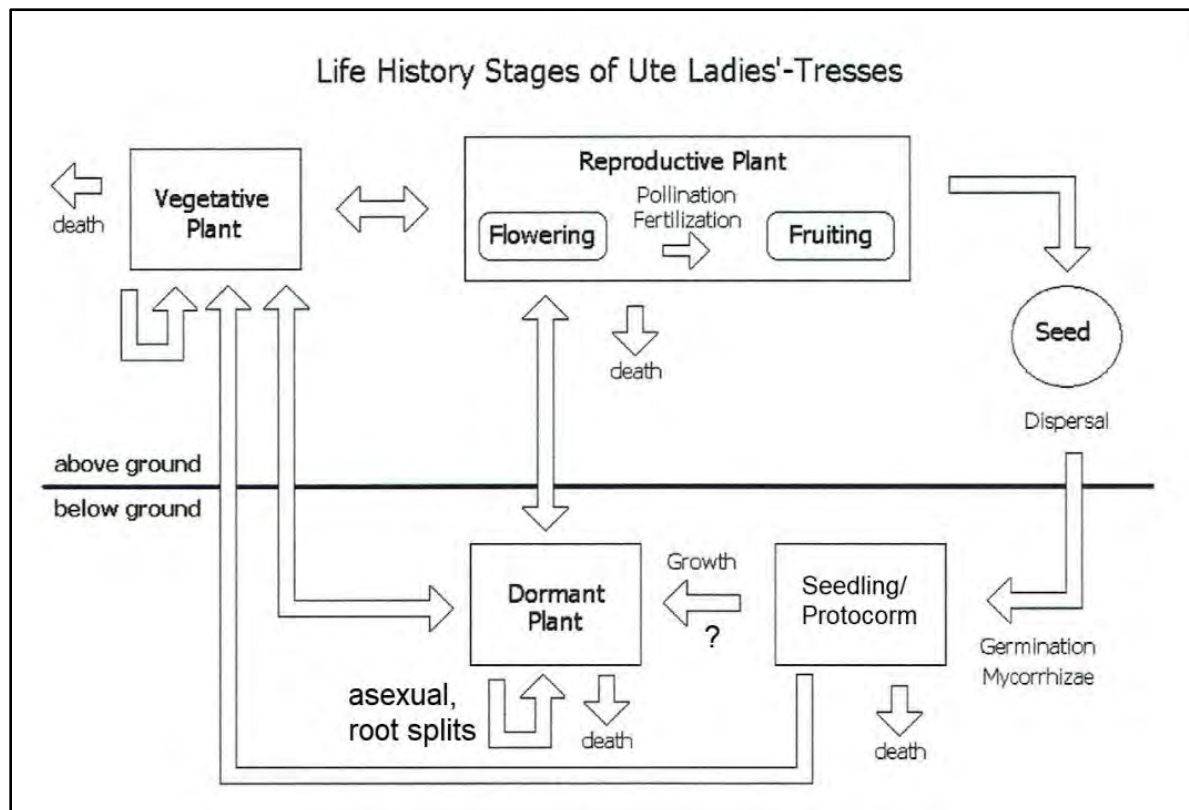
There are 19 historical AUs and 71 historical occurrences for Ute ladies'-tresses, of which, 18 AUs and 61 occurrences are known to be currently occupied. The Upper Arkansas AU is considered extirpated, but all others remain occupied. In 2019 a predictive habitat model was developed projecting potentially suitable habitat for Ute ladies'-tresses throughout the species range (Juliussøn 2019). See Figure 1 below for the Ute ladies'-tresses AUs and range based on the predictive habitat model. For more information on the range, status, and distribution of Ute ladies'-tresses, see the Ute ladies'-tresses SSA (USFWS 2023).



Ute ladies'-tresses is a perennial plant that appears to be long-lived and able to survive unfavorable conditions in a state of dormancy for multiple years, either as an adult root mass or a germinated seedling in a symbiotic mycorrhizal (fungal) association, known as a protocorm (Fertig et al. 2005). This life history strategy has not been confirmed specifically in Ute ladies'-tresses but is common in other terrestrial orchids (Yeung 2017). The observed behavior of Ute

ladies'-tresses in the field is consistent with this hypothesis (USFWS 2023). The dependence of terrestrial orchids on mycorrhizae during all life stages appears to be ubiquitous, and the orchid species that have been studied rely on a unique type of mycorrhizae that involve a phylogenetically distinct group of soil fungi (Batty et al. 2002).

Figure 2 below illustrates our best understanding of the life cycle of Ute ladies'-tresses, based on field observations, species specific studies, and general information regarding the life history of terrestrial orchids (Fertig 2020).



**Figure 2. Life stages (boxes) and transitions (arrows) of Ute ladies'-tresses with specific actions driving each transition are indicated above the arrow. Multi-directional transitions are indicated by a double-headed arrow.**

Plants may transition from being vegetative to reproductive or from reproductive to vegetative in above-ground years, and periods of dormancy below ground may occur throughout a plant's life. Several stages can persist for multiple seasons, as indicated by an arrow circling back on itself.

The dust sized seeds are easily dispersed by wind and water and contain only a small amount of nourishment for the embryo after the seed has germinated (Sipes et al. 1995). An embryo may survive if it quickly forms a mycorrhizal association and is able to obtain nutrients directly from the soil fungi without relying on photosynthesis (Hildebrand 1998; McGonigle and Sheridan 2004). It is unknown how long protocorms may persist underground before transitioning to either a dormant adult plant or a vegetative plant, but we assume that it must require at least one year or

more before emerging above ground. Mycorrhizae are likely a limiting factor for Ute ladies'-tresses establishment and reproduction (Fertig et al. 2005).

New vegetative growth appears as a basal rosette of grass-like leaves in fall (usually in October) and then will overwinter. Not all adult plants flower or emerge from underground each year. Whether or not an individual adult emerges or flowers in a given year likely has to do with environmental conditions and when it last flowered. A plant that flowered in the previous year may be more likely to remain vegetative or become dormant the next year than one that did not. However, because only flowering individuals can be reliably detected in the field, it is difficult to track these cycles (USFWS 2023).

While we know that there are 18 currently occupied AUs with 61 occurrences, we did not attempt to estimate the number of Ute ladies'-tresses individuals rangewide or the number of occupied acres. In addition to the detectability challenges described above, survey and monitoring efforts have not been frequent or consistent across the species range, therefore basing a population estimate on the numbers available from different years across time is potentially misleading. As a result, population trends for Ute ladies'-tresses are also unknown.

With these and other caveats (discussed further in Fertig et al. 2005) in mind, the following statements can be made regarding rangewide abundance and trends in Ute ladies'-tresses. When the species was listed under the Act in 1992, the rangewide population was estimated to contain fewer than 6,000 individuals (USFWS 1992). In 1995, the draft recovery plan increased this estimate to 20,500 individuals, primarily the result of 21 newly discovered populations (USFWS 1995). As of 2005, 53 populations were estimated to collectively contain more than 80,000 (83,316) individuals (Fertig et al. 2005). While we do not have a current rangewide population estimate, increased survey efforts have resulted in the identification of more occurrences and individuals than at the time of listing.

### Habitat

Ute ladies'-tresses occurs in a wide variety of human-modified and natural habitats, including, seasonally flooded river terraces, sub-irrigated or spring-fed abandoned stream channels and valleys, and lakeshores (Jennings 1989, USFWS 1992a, Fertig et al. 2005). Numerous populations also occur along irrigation canals, behind berms, within abandoned roadside borrow pits, along reservoir edges, and other human created or modified wetlands.

Streamside populations of Ute ladies'-tresses typically occur on shallow alluvial soils overlying permeable cobbles, gravels, and sediments, although it can be found in a wide range of soil types. It is not usually found in soils which are highly saline or acidic (USFWS 2022). Across the range of the species, populations occur at elevations ranging from 220 to 558 m (720 to 1,830 ft) in Washington and British Columbia to 2,134 m (7,000 ft) in northern Utah (Fertig et al. 2005).

Most Ute ladies'-tresses sites have early-to-mid seral successional vegetation (well-established grasses and forbs) communities that are maintained by regular, moderate disturbance such as flooding, livestock grazing, mowing, ditch and irrigation maintenance, and prescribed fire (Allison 2001, Fertig et al. 2005). Ute ladies'-tresses may persist for some time in the grassy

understory of woody riparian shrublands, but it does not appear to thrive under these conditions (Ward and Naumann 1998).

Nearly all streambank, floodplain, and abandoned ox-bow sites occupied by Ute ladies'-tresses have a high-water table (usually within 5 to 18 inches of the surface) augmented by seasonal flooding, snowmelt, runoff, and often irrigation (Jennings 1989, Arft 1995, Black et al. 1999, Riedel 2002). Soils must be sufficiently stable and moist in the summer flowering season to support the species (Ward and Naumann 1998). Sites located in springs or sub-irrigated meadows appear to be fed by groundwater rather than surface flows. Less is known about the average depths to groundwater in these locations, but it is reasonable to assume that (as with locations where groundwater depths have been quantified) groundwater must remain relatively close to the surface to sustain the moist soils consistently associated with Ute ladies'-tresses.

Consistent surface or subsurface water availability maintained by suitable natural or man-made hydrology and an open canopy appear to be the most important habitat characteristics to meet the needs of Ute ladies'-tresses.

### Threats to the Species

At the time of listing, we identified habitat loss and modification as the primary threat to the species, but also noted that small population sizes and low reproductive rates rendered Ute ladies'-tresses vulnerable to other threats (USFWS 1992a). Our listing rule identified several specific forms of habitat loss and modification as threats to Ute ladies'-tresses, including urbanization, water development and conversion of lands to agriculture, excessive livestock grazing, excessive or inappropriate use of herbicides or other chemicals, and the proliferation of invasive exotic plant species. In addition, we concluded that the species may be subject to over-collection, given its status as an orchid and inquiries from orchid enthusiasts and wildflower collectors.

Today, many of these same threats affect Ute ladies'-tresses at least at the site-specific level, and some newer stressors have emerged (USFWS 2023). For example, whereas over-collection had not materialized as a specific threat to Ute ladies'-tresses, vegetation succession, losses or reductions in pollinators, and changes in hydrology appeared to be new stressors.

The stressors to Ute ladies'-tresses may be broadly grouped into two categories: stressors driven proximally by direct anthropogenic (man-made) activities and stressors driven proximally by the environmental conditions. It is important to remember that these categories are highly interrelated, and most stressors are to some extent driven by both anthropogenic activities and environmental conditions. These stressors are the main determining factor on the viability of Ute ladies'-tresses.

It is important to note that for this species, whether an event or activity's effect on viability is positive or negative is often a matter of degree. Due to the extensive range, broad distribution, and diversity of ecological and environmental settings of Ute ladies'-tresses, none of these stressors alone is acting either intensely or broadly enough to alter its status across the range (USFWS 2023). However, most of them are acting on most or all of the AUs to some degree



and, cumulatively, are likely to be affecting viability. Table 1 (adapted from USFWS 2023) presents the primary stressors to Ute ladies'-tresses, their effect on the species, and their primary driver.

**Table 1. Ute ladies'-tresses stressors, effects, and primary cause for the stressor.**

<b>Stressor (activity or event negatively affecting viability)</b>	<b>Causes direct mortality to individuals?</b>	<b>Direct effects</b>	<b>Habitat needs potentially influenced negatively</b>	<b>Primary driver</b>	<b>Habitat needs potentially influenced positively</b>
<b>Invasive plant species</b>	No	Direct resource competition, drying of soil, loss of supporting floral resources, canopy closure, change in type of predominant soil fungi, allelopathic effects (some species)	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Anthropogenic	None
<b>Vegetative succession</b>	No	Direct resource competition, drying of soil, loss of supporting floral resources, canopy closure	Hydrologic regime, successional stage, soil fungi, flowing surface water, loss of sunlight, wind, and floral resources	Environmental	None
<b>Water management practices</b>	Yes	Drying of soil, changes in plant community and successional stage	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Anthropogenic	May help maintain flows in low years
<b>Livestock grazing</b>	Yes	Invasive plant species, trampling or eating flowering stalks	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Anthropogenic	Properly timed grazing can remove competition and open the canopy
<b>Recreation</b>	Yes	Trampling	None directly	Anthropogenic	Can result in more conservation and protected land.
<b>Urbanization, including road and other construction</b>	Yes	Drying of soil, total habitat loss, changes to plant community, invasive plants	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Anthropogenic	No

<b>Stressor (activity or event negatively affecting viability)</b>	<b>Causes direct mortality to individuals?</b>	<b>Direct effects</b>	<b>Habitat needs potentially influenced negatively</b>	<b>Primary driver</b>	<b>Habitat needs potentially influenced positively</b>
<b>Flooding</b>	Yes	Inundation, physical removal of individuals, total habit loss	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Environmental	Frequent, scouring floods of low to moderate magnitude can maintain or create habitat
<b>Agriculture, including mowing, haying, and field crops</b>	Yes	Total habitat loss, destruction of flower stalks, invasive species	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Anthropogenic	Properly timed mowing can reduce competition and open the canopy, irrigated fields can create habitat
<b>Loss of pollinators</b>	No	Reduced reproduction	Floral resources	Environmental	None
<b>Drought</b>	Yes	Loss of individuals, soil drying, temporary or permanent loss of habitat, change to vegetative community	Hydrologic regime, successional stage, soil fungi, flowing surface water and wind, floral resources	Environmental	None

Current stressors include habitat loss and modification due to urbanization, water development and conversion of lands to agriculture, excessive livestock grazing, excessive or inappropriate use of herbicides or other chemicals, and the proliferation of invasive exotic plant species. Roadways and ground disturbance provide corridors and vectors for the introduction and spread of invasive and non-native species (Forman et al. 2003; Gelbard and Belnap 2003; Watkins et al. 2003; Flory and Clay 2006; Christen and Matlock 2009; Mortensen et al. 2009). Invasive species can affect individuals, populations, and ecosystems through competition, change in community composition, and changes in environmental conditions (Simberloff et al. 2013). The effects of invasive species usually decline with increasing distance from disturbance (Gelbard and Belnap 2003; Forman et al. 2003).

The Bureau of Land Management (BLM) Vernal field office identified infestations of six invasive weed species within Ute ladies'-tresses habitat. These include Russian knapweed (*Acroptilon repens*), teasel (*Dipsacus fullonum*), perennial pepperweed (*Lepidium latifolium*), Canada thistle (*Cirsium arvense*), Russian olive, and salt cedar (*Tamarix ramosissima*). Invasive weeds compete with Ute ladies'-tresses for resources via competition for sunlight and space

which can then result in displacement of Ute ladies'-tresses plants, as it requires open riparian patches with low growing herbaceous vegetation that will not block sunlight.

Conversion of irrigation water to municipal use, flood control (includes riverbank stabilization), water development or redevelopment, and restoration projects targeting stream and riparian corridors (includes in-stream and habitat alteration) contribute to altered hydrologic regimes across the species' range. However, Ute ladies'-tresses has proliferated in areas with greatly altered, but stable and predictable hydrology (Fertig et al. 2005). Prominent examples include the Green River along the Colorado-Utah border (Ward and Naumann 1998), Diamond Fork Creek in the Spanish Fork watershed of Utah (Black and Gruwell 2004), the Columbia River in Washington (Cordell-Stine and Pope 2008), and the South Fork Snake River in Idaho (Idaho Conservation Data Center 2007).

The species is also frequently encountered along streams and canals and in wet hay pastures in the Uinta Basin of eastern Utah, even though an extensive irrigation canal system was constructed in the early 1900s and natural streams are nearly dry all summer (Fertig et al. 2005, Kendrick 1989). The majority of known populations are associated with lands managed for agriculture or recreation, rivers regulated by dams, or other human-modified habitats (USFWS 2023).

## **ENVIRONMENTAL BASELINE**

Regulations implementing the ESA (50 CFR 402.02) define the environmental baseline as the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present effects of all Federal, state, or private actions and other human activities in the action area, the anticipated effects of all proposed Federal projects in the action that have already undergone formal or early section 7 consultation, and the effects of state or private actions that are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline.

### **Status of the Species within the Action Area**

The Project is entirely within the Lower Green AU, which extends east from Utah into a small portion of Colorado. This AU contains the highest number of known occurrences compared to other AUs, with 13 known historically and 11 with confirmed occupancy since 2010 (Beauvais 2017, entire; UDNR 2020, entire; USFWS 2023). The Lower Green AU is approximately 9,316,226 acres and contains an estimated 1,097,673 acres of potential Ute ladies'-tresses habitat. Approximately 230 acres of Ute ladies'-tresses suitable habitat was identified within the action area. The suitable habitat in the action area represents less than 0.1% of the potential habitat within the Lower Green AU.

Surveys identified approximately 1,846 individual plants within the action area along the Lake Fork River, South Boneta canal, and DGIC canal. Survey results are identified in Table 2 below.

In general, suitable habitat within the action area consists of wet meadow habitat and wetland fringe associated with perennial irrigation canals or channels. Wetland hydrology appears to be driven by groundwater, canal seepage, and overbank flow associated with perennial streams.

**Table 2. Project survey results (NRCS 2024).**

Project Measure	Suitable Habitat Surveyed (acres)	Number of Plants Identified				
		2020	2021	2022	2023	Total
Yellowstone Feeder Canal	0.2	-	0	0	0	<b>0</b>
South Boneta Canal	16.7	0	6	53	-	<b>59</b>
South Boneta Canal--Lake Fork River	0.7	4	19	0	-	<b>23</b>
DGIC Class B Canal--South	31.8	6	0	41	-	<b>47</b>
DGIC Class B Canal--North	96.3	-	374	868	426	<b>1,668</b>
DGIC Class B Canal--Abandoned	5.4	-	-	49	*	<b>49</b>
DGIC Class C Canal--Section 1	7.6	0	0	0	-	<b>0</b>
DGIC Class C Canal--Section 2	3.1	-	0	0	0	<b>0</b>
Red Cap Extension	67.0	-	0	0	0	<b>0</b>
Red Cap Extension--Abandoned	0.7	-	-	0	0	<b>0</b>
<b>Total</b>	<b>229.5</b>	<b>10</b>	<b>399</b>	<b>1,011</b>	<b>426</b>	<b>1,846</b>

\*Access denied by landowner

### Factors Affecting the Species within the Action Area

The same threats, stressors, and effects described in the Status of the Species section are also present throughout the action area. However, the primary stressors to Ute ladies'-tresses in the action area include habitat disturbance from agriculture production (i.e., mowing, haying, irrigation, and chemical use), habitat loss from land conversion, habitat fragmentation, habitat loss and degradation from invasive species, and habitat loss from changing irrigation practices.

Nearly all of the occurrences in the Lower Green AU are in riparian wetlands and along canals in the Uinta Basin, and most of these occurrences consist of long stretches of river on which Ute ladies'-tresses colonies have been found in numerous places from the early 1990s to the present. The occurrences are on a mix of private, BLM, National Park Service (NPS), Tribal, and Service lands (Willey 2021, pp. 11–14). The area has been undergoing high levels of development over the past several decades, primarily for oil and gas production but also some urbanization. Some individual colonies within occurrences have been extirpated due to the piping of canals causing total habitat loss in those areas, but no entire occurrence has been extirpated and previously unknown colonies are discovered frequently (ULT Tech 2021, p. 15).

The Lower Green AU contains a large amount of unsurveyed habitat that has been modeled as potentially suitable for Ute ladies'-tresses, both within and outside of the Uinta Basin.

## EFFECTS OF THE ACTION

In accordance with 50 CFR 402.02, effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action, and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (see 50 CFR 402.17).

Direct effects to Ute ladies'-tresses individuals will occur during Project construction activities. Project surveys discovered three individuals in the South Boneta Canal and one individual in the DGIC Class B Canal that are expected to die as a result of being excavated, crushed, or buried during pipeline/liner installation. Direct effects to occupied and suitable habitat in the canals will occur as a result of soil disturbance and fill material associated with pipeline/liner installation.

An additional 16.3 acres of occupied habitat (with at least 205 individuals) and 147.3 acres of suitable habitat will be permanently lost as a result of changes in hydrology (i.e., canal seepage reduced or eliminated) from Project actions. Furthermore, approximately 82.2 acres of suitable habitat will be temporarily affected during installation of pipelines. Impacts are summarized in Table 3 below.

**Table 3. Summary of Impacts**

<b>Project Measure</b>	<b>Permanent loss of occupied habitat (acres)</b>	<b>Permanent loss of individuals—direct and indirect (numbers)</b>	<b>Permanent loss of suitable habitat (acres)</b>	<b>Temporary impact of suitable habitat (acres)</b>
Yellowstone Feeder Canal	0	0	0.2	0
South Boneta Canal	6.6	59	16.7	0
South Boneta Canal--Lake Fork River	0	0	0	0.7
DGIC Class B Canal--South	2.5	47	32	72
DGIC Class B Canal--North	1.1	50	29.5	***
DGIC Class B Canal--Abandoned	5.4*	49	**	***
DGIC Class C Canal--Sections 1 & 2	0	0	1.2	9.5
Red Cap Extension	0	0	67.7	0
Red Cap Extension--Abandoned	0.7*	-	0	0
<b>Total</b>	<b>16.3</b>	<b>205</b>	<b>147.3</b>	<b>82.2</b>

\*Occupancy assumed throughout all suitable habitat because of less than 3 years of survey

\*\* Included in the 29.5 acres of permanent loss of suitable habitat for DGIC Class B Canal--North

\*\*\* Included in the 72 acres of temporary impact of suitable habitat for DGIC Class B Canal--South

Additional effects to Ute ladies'-tresses individuals include the potential for increased invasive plant species, fugitive dust, herbicide drift, and pollution. Construction activities in wetlands may alter the hydrology and water quality, thereby potentially negatively affecting the species and habitat. Soil disturbance and removal and crushing of existing vegetation from construction activities and increased traffic can result in the possible introduction of invasive weeds and the creation of soil conditions that facilitate the colonization and spread of invasive weeds. Establishment and spread of weeds can increase competition for water, space, sunlight, and nutrients, resulting in decreased reproductive success and establishment of native vegetation and rare plants. Many weeds are not limited to roadsides [disturbed areas], but also encroach into surrounding habitats (Forman and Alexander 1998; Gelbard and Belnap 2003).

Fugitive dust from Project activities could affect photosynthetic and reproductive abilities and the metabolic processes of Ute ladies'-tresses individuals. Unpaved roads, trails, and areas with bare soil surfaces are large sources fugitive dust. Accumulation of dust on listed plants in or near surface disturbing activities can affect plant growth by inhibiting photosynthesis and by reducing plant density and plant diversity. Dust accumulation within nearby habitat can negatively affect the growth and physiology of listed plants (Eller 1977; Spatt and Miller 1981; Thompson et al. 1984; Farmer 1993; Sharifi et al. 1997; Trombulak and Frissell 2000; Hobbs 2001). The distance from a road at which dust can affect vegetation varies (Everett 1980; Spatt and Miller 1981; McCrea 1984; Santelmann and Gorham 1988; Myers-Smith et al. 2006), but negative effects to plant growth and reproduction may occur up to 300 ft away from dust sources during the growing and flowering season (Environmental Protection Agency (EPA) 1995; Veranth et al. 2003; Etyemezian et al. 2004; Padgett et al. 2007; Wijayratne et al. 2009; Lewis 2013, 2016; Waser 2017).

Herbicide application and herbicide drift have the potential to affect Ute ladies'-tresses individuals in the action area. Accidental direct application to Ute ladies'-tress individuals may cause mortality or damage to the individual, reduce the ability to photosynthesize, reproduce, and deplete individual energy reserves.

Direct and indirect effects to Ute ladies'-tresses will be minimized but not eliminated through implementation of the applicant-committed conservation measures, identified previously as part of the Project action.

## **CUMULATIVE EFFECTS**

Cumulative effects include the effects of future state, tribal, local, or private actions that are reasonably certain to occur in the action area. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Declines in the abundance or range of many special status species are attributable to various human activities on Federal, state, and private lands, such as human population expansion and associated infrastructure development; energy development and associated infrastructure;

construction and operation of dams along major waterways; water retention, diversion, or dewatering of springs, wetlands, or streams; recreation, including off-road vehicle activity; expansion of agricultural or grazing activities, including alteration or clearing of native habitats for domestic animals or crops; and introductions of non-native plant, wildlife, or fish or other aquatic species, that can alter native habitats or out-compete or prey upon native species. Many of these activities are expected to continue to occur on state and private lands within the range of various federally protected wildlife, fish, and plant species, and could contribute to cumulative effects to the species within the action area. Species with small population sizes, endemic locations, or slow reproductive rates will generally be more susceptible to cumulative effects.

Future non-Federal activities have the potential to cumulatively affect Ute ladies'-tresses, as a significant portion of the species' range occurs on state, private, and tribal lands without a Federal nexus, and are therefore not always subject to section 7 consultations. Quantified data on the future extent of these activities are difficult to obtain, but we must assume for the purposes of this assessment that some level of these activities are reasonably certain to occur, particularly development and infrastructure projects, recreation, and water depletions. Ute ladies'-tresses individuals on non-Federal lands will be negatively impacted by direct loss and disturbance, as well as landscape-scale factors (i.e. habitat fragmentation and degradation) due to cumulative impacts in the action area.

## **CONCLUSION**

After reviewing the current status of the Ute ladies'-tresses, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is our biological opinion that the proposed action is not likely to jeopardize the continued existence of the Ute ladies'-tresses. We base our conclusion on the following reasons:

- The total acres effected or lost due to Project activities is less than 0.1% of the potential habitat in the Lower Green Analytical Unit.
- The commitment to implement the avoidance, minimization and mitigation measures listed in this document.
- The commitment to offset permanent impacts to individuals and occupied habitat through a monetary contribution to the Ute ladies'-tresses Conservation Fund.

## **INCIDENTAL TAKE STATEMENT**

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3).



Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR § 17.3).

Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

Sections 7(b)(4) and 7(o)(2) of the Act generally do not apply to listed plant species. However, limited protection of listed plants from take is provided to the extent that the Act prohibits the removal and reduction to possession of federally listed plants or the malicious damage of such plants on areas under Federal jurisdiction, or the destruction of endangered plants on non-Federal areas in violation of state law or regulation or in the course of any violation of a state criminal trespass law.

## **REINITIATION NOTICE – CLOSING STATEMENT**

This concludes formal consultation on the proposed East Duchesne Watershed Project. As provided in 50 CFR section 402.16, reinitiation of formal consultation “...is required and shall be requested by the Federal agency or the FWS, where discretionary Federal involvement or control over the action has been retained or is authorized by law” and:

1. If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered.
2. If the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the BO.
3. If a new species is listed or critical habitat designated that may be affected by the identified action.

To reinitiate section 7 consultation, the NRCS should immediately notify our office by phone or email if any of the reinitiation clauses are triggered. Thank you for your coordination in preparing the BA and your interest in conserving threatened and endangered species. If you require further assistance or have any questions, please contact Rita Reisor at (801) 239-0553 or [rita\\_reisor@fws.gov](mailto:rita_reisor@fws.gov).

Sincerely,

George Weekley  
Utah Field Supervisor

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## Hamilton, Derek - FPAC-NRCS, UT

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**From:** Hamilton, Derek - FPAC-NRCS, UT  
**Sent:** Monday, January 27, 2025 11:42 AM  
**To:** Reisor, Rita S  
**Subject:** RE: [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO  
**Attachments:** NRCS-UT\_East Duchesne BA\_AMDT1\_track.docx; NRCS-UT\_East Duchesne BA\_AMDT1\_clean.docx; NRCS-UT\_East Duchesne BA\_AMDT1\_clean.pdf; NRCS-UT\_E Duchesne Watershed Plan\_BO\_DRAFT\_Dec06\_2024\_FWS (1)\_NRCS\_FWS\_NRCS.docx

Hi Rita...

Attached is the updated BA (Amendment 1) and draft BO with NRCS comments....meant to get you these last week-sorry

Thx...Derek

---

Derek Hamilton  
Water Resources Coordinator

U.S. Department of Agriculture  
Natural Resources Conservation Service  
Utah—State Office  
125 South State Street Room 6416, Salt Lake City, UT 84138  
Mobile: 385.321.4987

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**From:** Reisor, Rita S <rita\_reisor@fws.gov>  
**Sent:** Wednesday, January 15, 2025 1:34 PM  
**To:** Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>  
**Subject:** Re: [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO  
**Importance:** High

Hi Derek,

Thank you for the updated tables!

I have edited the BO with the following:

1. Updated numbers based on the updated tables
2. Revised the survey CM to the following
  - Three years of protocol surveys will be completed for the entire project area [where possible, prior to any ground disturbing activity. Areas without three years of survey will be assumed occupied.](#)
3. Revised the noxious weed CM to the following:

"Areas of surface disturbance will be monitored for noxious weeds for three years post-construction. Noxious weeds identified within suitable habitat in the action area will be controlled with herbicides or manual treatments. The following restrictions apply to the use of herbicides:"

4. Updated the mitigation calculation for 16.3 acres, which totals \$64, 727.

The revised BO with track changes is attached. Please confirm acceptance of these revised Conservation Measures and we will finalize the BO.

Thank you,  
Rita Reisor (She/Her)

**Note:** Due to unusually high office-wide workload through the end of the calendar year, my responses to emails may take longer than usual. Please allow extra time for our office's response. I appreciate your patience.

Deputy State Supervisor  
USFWS Utah Ecological Services Field Office  
Teams: (801)239-0564  
Work Cell: (385)491-7505  
Main Office: (801)975-3330

<https://www.fws.gov/utahfieldoffice/>  
Submit project requests to: [utahfieldoffice\\_esa@fws.gov](mailto:utahfieldoffice_esa@fws.gov)

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**From:** Hamilton, Derek - FPAC-NRCS, UT <[derek.hamilton@usda.gov](mailto:derek.hamilton@usda.gov)>  
**Sent:** Tuesday, January 14, 2025 9:11 AM  
**To:** Reisor, Rita S <[rita\\_reisor@fws.gov](mailto:rita_reisor@fws.gov)>  
**Subject:** RE: [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO

Hi Rita...

Pls find attached draft BO with my comments...also attached are updated tables for the BO that should clarify perm impacts to OH and provide some consistency between the 2 tables.

Pls review and let me know your thoughts...once I hear back from you, should I amend the BA to reflect the changes?...it would be preferable if the BA & BO align as closely as possible

Thx...Derek

~~~~~  
Derek Hamilton  
Water Resources Coordinator

U.S. Department of Agriculture  
Natural Resources Conservation Service  
Utah—State Office  
125 South State Street Room 4010, Salt Lake City, UT 84138  
Mobile: 385.321.4987  
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**From:** Reisor, Rita S <[rita\\_reisor@fws.gov](mailto:rita_reisor@fws.gov)>  
**Sent:** Tuesday, January 14, 2025 8:52 AM  
**To:** Hamilton, Derek - FPAC-NRCS, UT <[derek.hamilton@usda.gov](mailto:derek.hamilton@usda.gov)>  
**Subject:** Re: [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO

Hi Derek, following up on this to see if you have comments or questions.  
Please let me know if you are okay with it being finalized as drafted.

Thank you,  
Rita Reisor (She/Her)

**Note:** Due to unusually high office-wide workload through the end of the calendar year, my responses to emails may take longer than usual. Please allow extra time for our office's response. I appreciate your patience.

Deputy State Supervisor  
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Submit project requests to: [utahfieldoffice\\_esa@fws.gov](mailto:utahfieldoffice_esa@fws.gov)

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**From:** Hamilton, Derek - FPAC-NRCS, UT <[derek.hamilton@usda.gov](mailto:derek.hamilton@usda.gov)>  
**Sent:** Monday, January 6, 2025 7:25 AM  
**To:** Reisor, Rita S <[rita\\_reisor@fws.gov](mailto:rita_reisor@fws.gov)>  
**Cc:** Weekley, George M <[george\\_weekley@fws.gov](mailto:george_weekley@fws.gov)>  
**Subject:** RE: [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO

Received...thx Rita

I will review and get back to you

Thx...Derek

~~~~~  
Derek Hamilton  
Water Resources Coordinator

U.S. Department of Agriculture  
Natural Resources Conservation Service  
Utah—State Office  
125 South State Street Room 4010, Salt Lake City, UT 84138  
Mobile: 385.321.4987  
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**From:** Reisor, Rita S <[rita\\_reisor@fws.gov](mailto:rita_reisor@fws.gov)>  
**Sent:** Friday, January 3, 2025 2:50 PM  
**To:** Hamilton, Derek - FPAC-NRCS, UT <[derek.hamilton@usda.gov](mailto:derek.hamilton@usda.gov)>  
**Cc:** Weekley, George M <[george\\_weekley@fws.gov](mailto:george_weekley@fws.gov)>

**Subject:** Re: [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO

**Importance:** High

Hi Derek,

I want to provide you a copy of the revised draft BO before our office finalizes it. There are a few items I recommend for your review:

1. There were a few acres on the Class B abandoned canal that did not have 3 years of survey due to landowner access issues. In this case we typically assume occupancy of those acres. I added these acres into the calculations throughout, and to the mitigation calculation.
2. I included some conservation measures for herbicide or manual treatment of weeds
3. I included some language regarding using native seeds for revegetation.

I believe these are the biggest items. I'll finalize the document once I hear back from you with a conformation to accept these changes. Please let me know if you wish to discuss these further before finalizing.

Thank you,

Rita Reisor (She/Her)

**Note:** Due to unusually high office-wide workload through the end of the calendar year, my responses to emails may take longer than usual. Please allow extra time for our office's response. I appreciate your patience.

Deputy State Supervisor

USFWS Utah Ecological Services Field Office

Teams: (801)239-0564

Work Cell: (385)491-7505

Main Office: (801)975-3330

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

Submit project requests to: [utahfieldoffice\\_esa@fws.gov](mailto:utahfieldoffice_esa@fws.gov)

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**From:** Hamilton, Derek - FPAC-NRCS, UT <[derek.hamilton@usda.gov](mailto:derek.hamilton@usda.gov)>

**Sent:** Friday, December 6, 2024 9:07 PM

**To:** Reisor, Rita S <[rita\\_reisor@fws.gov](mailto:rita_reisor@fws.gov)>

**Cc:** Weekley, George M <[george\\_weekley@fws.gov](mailto:george_weekley@fws.gov)>; Lunz, Kate S <[kathleen\\_lunz@fws.gov](mailto:kathleen_lunz@fws.gov)>; Fillerup, Anders - FPAC-NRCS, UT <[anders.fillerup@usda.gov](mailto:anders.fillerup@usda.gov)>

**Subject:** [EXTERNAL] NRCS-UT...East Duchesne Watershed Plan...draft BO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hi Rita...

Pls find the attached draft BO for the East Duchesne Watershed Plan.

Let me know if you have questions or need additional info.

Thx...Derek

~~~~~  
**Derek Hamilton**  
**Water Resources Coordinator**

U.S. Department of Agriculture  
Natural Resources Conservation Service  
Utah—State Office  
125 South State Street Room 4010, Salt Lake City, UT 84138  
Mobile: 385.321.4987  
~~~~~

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**From:** [Hamilton, Derek - FPAC-NRCS, UT](#)  
**To:** [USFWS Utah Field Office \(utahfieldoffice\\_esa@fws.gov\)](#); [george\\_weekley@fws.gov](#)  
**Cc:** [Reisor, Rita](#); [Ritamay Reyna](#); [Fife, Emily - FPAC-NRCS, UT](#); [Fillerup, Anders - FPAC-NRCS, UT](#)  
**Subject:** East Duchesne Watershed Plan-EA...request to initiate formal consultation  
**Date:** Tuesday, August 6, 2024 9:50:00 AM  
**Attachments:** [NRCS\\_East Duchesne\\_USFWS Letter\\_FINAL.pdf](#)  
[NRCS-UT\\_East Duchesne BA\\_FINAL.docx](#)  
[NRCS-UT\\_East Duchesne BA\\_FINAL.pdf](#)

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Hello George...

Please find the attached letter (and associated BA) requesting to initiate formal consultation for the East Duchesne Watershed Plan-EA.

In summary, it has been determined that the proposed action (canal piping) is **likely to adversely affect** the Ute ladies'-tresses (*Spiranthes diluvialis*) and is **not likely to adversely affect** the bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and razorback sucker (*Xyrauchen texanus*). Furthermore, it has been determined that the project would have **no effect** on the remaining federally listed species (including critical habitat) identified in the Information for Planning and Consultation Report.

Please contact me if you have questions or need additional info.

Thank you....Derek

~~~~~  
Derek Hamilton  
Water Resources Coordinator

U.S. Department of Agriculture  
Natural Resources Conservation Service  
Utah—State Office  
125 South State Street Room 4010, Salt Lake City, UT 84138  
Mobile: 385.321.4987  
~~~~~



May 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: Eastern Duchesne 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 Eastern Duchesne Watershed Plan-EA for agricultural water management measures in Duchesne 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 Eastern Duchesne 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](mailto:derek.hamilton@usda.gov) or 801-524-4560.

Sincerely,

Travis Mote  
Acting State Conservationist

cc:

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

May 20, 2022

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

RE: Formal request to be a Cooperating Agency in the development of the East Duchesne Watershed Plan-Environmental Assessment (Plan-EA) for proposed improvements in Duchesne County, Utah.

Dear Yvette Converse:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Fish and Wildlife Service become a cooperating agency in the planning and development of the East Duchesne Watershed Plan-EA. Information on the Plan-EA can be found at <https://bit.ly/eastduchesneplan-ea>.

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 our 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, 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](mailto:derek.hamilton@usda.gov) or 801/524-4560.

Sincerely,

NORM EVENSTAD  
Asst. State Conservationist - Water Resources

Enclosure

cc:  
Ammon Boswell, Area Conservationist, NRCS, Ogden, UT  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, UT  
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

# **U.S. Environmental Protection Agency**



**From:** [Margason, Laura](#)  
**To:** [Evenstad, Norm - NRCS, Salt Lake City, UT](#)  
**Cc:** [McCoy, Melissa](#); [Hamilton, Derek - NRCS, Salt Lake City, UT](#)  
**Subject:** East Duchesne Watershed Plan-EA...cooperating agency request  
**Date:** Tuesday, June 14, 2022 3:00:26 PM

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Good afternoon Mr. Evenstad,

EPA Region 8 received your agency's May 26, 2022 invitation to be a cooperating agency on East Duchesne Watershed Plan-EA (Project). Based on email exchanges with Derek Hamilton for which he clarified the current scope of the proposed Project, EPA does not think this Project warrants our participation as a cooperating agency. We look forward, however, to participating in this effort by reviewing and providing input on the Draft EA. Should the scope of the project increase, we would like an opportunity to revisit this decision. If in the future NRCS decides to prepare an EIS for this Project then we would also appreciate being invited to be a cooperating agency at that juncture.

Thank you,

*Laura A Margason*

NEPA Branch  
Office of the Regional Administrator  
U.S. EPA, Region 8, ORA-N  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6665

---

**From:** Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>  
**Sent:** Thursday, May 26, 2022 4:16 PM  
**To:** Margason, Laura <Margason.Laura@epa.gov>; Smith, Julie <Smith.Julie@epa.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Hahn, Nolan <Hahn.Nolan@epa.gov>; Gleason, Carolyn <Gleason.Carolyn@epa.gov>; McCoy, Melissa <mccoy.melissa@epa.gov>; Hubner, Matt <Hubner.Matt@epa.gov>  
**Subject:** East Duchesne Watershed Plan-EA...cooperating agency request

Hello EPA NEPA Staff:

Please find attached correspondence from NRCS requesting that EPA become a cooperating agency in development of the East Duchesne Watershed Plan-EA.

Also attached for additional information is the proposal that was submitted (and approved) for funding.

Please let me know if you have any questions.

Thx...Derek

~~~~~  
Derek Hamilton  
Water Resources Coordinator

U.S. Department of Agriculture  
Natural Resources Conservation Service  
125 South State Street Room 4010, Salt Lake City, UT 84138  
Office: 801.524.4560 Mobile: 385.321.4987  
E-mail: [derek.hamilton@usda.gov](mailto:derek.hamilton@usda.gov) | [www.ut.nrcs.usda.gov](http://www.ut.nrcs.usda.gov)  
~~~~~

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United States Department of Agriculture

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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

May 20, 2022

Environmental Protection Agency  
ATTN: NEPA Program Director  
1595 Wynkoop Street  
Denver, CO 80202

RE: Formal request to be a Cooperating Agency in the development of the East Duchesne Watershed Plan-Environmental Assessment (Plan-EA) for proposed improvements in Duchesne County, Utah.

Dear NEPA Program Director:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Environmental Protection Agency become a cooperating agency in the planning and development of the East Duchesne Watershed Plan-EA. Information on the Plan-EA can be found at <https://bit.ly/eastduchesneplan-ea>.

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 our 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, 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](mailto:derek.hamilton@usda.gov) or 801/524-4560.

Sincerely,

NORM EVENSTAD  
Asst. State Conservationist - Water Resources

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, UT  
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

# **State Historic Preservation Office**



Spencer J. Cox  
Governor

Deidre M. Henderson  
Lieutenant Governor

Jill Remington Love  
Executive Director  
Utah Department of Cultural  
and Community Engagement



Christopher Merritt  
State Historic Preservation Officer  
Utah State Historic Preservation Office

May 12, 2023

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

RE: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project Cleanup in Duchesne County, Utah

For future correspondence, please reference Case No. 23-1145

Dear Emily,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on May 11, 2023.

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  
State Historic Preservation Officer



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Dr. Merritt:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



United States Department of Agriculture

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, NRCS has determined that the project redesign will result in adverse effects to four NRHP eligible canals, 42DC376, 42DC2793, 42DC3084, and 42DC4249). In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to sites 42DC376, 42DC2793, 42DC3084, and 42DC4249 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,

A handwritten signature in cursive script that reads "Emily Fife".

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Ammon Boswell, Assistant State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Hopkin, State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

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



Spencer J. Cox  
*Governor*

Deidre M. Henderson  
*Lieutenant Governor*

Jill Remington Love  
*Executive Director*  
*Utah Department of Cultural  
and Community Engagement*



Jennifer Ortiz  
*Director*

Christopher Merritt  
*State Historic Preservation Officer*

December 2, 2021

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

RE: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County, Utah (U21MQ0113)

For future correspondence, please reference Case No. 21-2430

Dear Ms. Fife,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on December 02, 2021.

We concur with your determinations of eligibility and "Adverse Effect" for this undertaking. We look forward to developing a Memorandum of Agreement with you in order to reduce, resolve, or mitigate for adverse effects to 12 historic properties before the undertaking is implemented per §36CFR800.6(c).

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](mailto:sagardy@utah.gov).

Sincerely,

Savanna Agardy  
Compliance Archaeologist





December 1, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Dr. Merritt:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effects (APE) was conducted between April and May 2021 by Principal Investigator, Jody Patterson of Montgomery Archaeological Consultants (MOAC), under State of Utah PPCO Permit No 167. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U21MQ0113, Ute Tribal Permit No. A21-363, and under the direction of NRCS.

Archaeological inventory resulted in the identification of 14 previously documented archaeological sites (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, and 42DC3485) of which seven were updated (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3084, and 42DC3485) and the documentation of 20 newly identified archaeological sites (42DC4248-42DC4267) within 100 feet of the project area. Of these 34 sites, 17 (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392,

42DC3485, 42DC4249, 42DC4250, 42DC4251, 42DC4267 are eligible for National Register of Historic Places (NRHP) listing.

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to 12 NRHP eligible canals, (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267) as a result of proposed 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 sites 42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267 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 NHPA. As the lead agency, NRCS requests State Historic Preservation Office 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)

Kristi Westwood, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Clayton Schmitz, State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah

**Ute Tribe  
Tribal Historic Preservation Office**

# ELECTRONIC PHONE LOG



Call To:	Betsy Chapoose THPO, Ute Tribe (435) 725-4826	Project:	East Duchesne
Call From:	Tara Hoffmann NRCS Water Resources CRS	Cc:	File
Date:	October 9, 2024		
Subject:	Cultural Resources Consultation follow-up		

I spoke with Betsy regarding the East Duchesne Watershed Plan-EA APE, determinations of site eligibility, and the determination of adverse effects for the proposed project. We discussed the historic canals, the adverse effects resulting from piping the canals, and the tribal portion of the project within Arcadia Farms. I let Betsy know that having formal concurrence on the APE, site eligibility and effects would be vital. She said to resend the email with the cultural report, and consultation letter from 2023 so she could send formal concurrence in writing (via email) for the project record. She said she would send a response by Friday, October 11th. I said I would also include another copy of the draft MOA for her review in the email.

After our conversation, I forwarded her the email from 2023.

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [Betsy Chapoose \(betsyc@utetribes.com\)](mailto:betsyc@utetribes.com)  
**Subject:** FW: Duchesne Plan-EA Consultation follow-up  
**Date:** Wednesday, October 09, 2024 8:44:00 AM  
**Attachments:** U21MQ0113.pdf  
U22MQ0612.pdf  
Chapoose\_Ltr.pdf  
U21MQ0113 DCWCD THPO 11152021.pdf  
DRAFTDuchesne\_MOA.docx  
**Importance:** High

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Betsy,

See the attached original 2023 consultation letter regarding the APE, site eligibility of historic canals, and determination of adverse effects for the Duchesne Watershed Plan-EA, which includes piping canals within Arcadia Farms. If you would be able to submit concurrence on APE, site eligibility and effects as soon as possible that would be most appreciated.

I have also attached the Draft MOA, which will need to be executed by the end of December for us to stay on track with having a FONSI done by early next year. Arcadia Farms and Ken Asay are anxious to get this project going.

Thanks for all your help.

Cheers,  
Tara

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

---

**From:** Hoffmann, Tara - FPAC-NRCS, UT  
**Sent:** Tuesday, September 19, 2023 3:07 PM  
**To:** Betsy Chapoose (betsyc@utetribes.com) <betsyc@utetribes.com>  
**Subject:** Duchesne Plan-EA Consultation follow-up  
**Importance:** High

Hi Betsy,

Hope this finds you well. Shelley had sent an email a few weeks back regarding an MOA for the piping of about 12 canals that fall within the external boundaries of the Reservation for an NRCS/Duchesne Water Conservancy District Project that is being funded through our PL-566 Watershed Program. I wanted to provide you with electronic copies of the two cultural resources reports that were completed as part of the project for the Plan-EA. I believe Jenna Jorgensen from Jones and DeMille has been working with folks from your natural resources/water resources department on this project.

Before we start working on the MOA, I do want to make sure that you are in agreement on the determination of effect and eligibility of sites. Please let me know within 30 days of receiving this email if you concur on project effects and site eligibility. I am always available via cell (385-258-1266) if you have any questions at all. I have attached the two reports and the two formal consultation letters.

Thank you so much for working with us on all of our projects,

Cheers,  
Tara

Tara S. Hoffmann, MA  
Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)  
To: [Betsy Chapoose \(betsyc@utetribes.com\)](mailto:betsyc@utetribes.com)  
Subject: East Duchesne canal piping draft MOA  
Date: Tuesday, November 14, 2023 4:48:35 PM  
Attachments: DRAFTDuchesne\_MOA.docx  
Importance: High

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Betsy,

Attached is a draft MOA for our East Duchesne canal piping project where 12 canals will be piped or lined. I have highlighted the parts of the MOA that I still need to complete or need some of your input. We are working on the Draft of the EA that we send to our National Watershed Center for their review- and I have to include a draft of the MOA as well.

Let me know if you have any major questions or comments right now, and if now, I will try to give you a call later this week so I can have a good draft to send with the EA. We still have time to work on it, and I will be sending it to the other signatories too.

These are the mitigation stipulations I'm thinking about- if you have anything to add/edit/remove please do:

1. Historical context of the canals in relation to their involvement in the early settlement of the region, drafts and finals submitted to NRCS and Ute THPO; and
2. An aerial video recording of the canals, where permitted, including aerial photos at select structures.
3. Additional historical photographs, design drawings, etc. associated with the canals; and
4. Re-evaluation of each canal's eligibility to the NRHP after completion of project, submitted to SHPO and the Ute THPO with formal determinations; and
5. Public outreach pamphlet or posting of select aerial videography footage on Utah SHPO public outreach webpage.

Hope everything else is going well!

Tara

Tara S. Hoffmann, MA  
Water Resources Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT

**MEMORANDUM OF AGREEMENT  
AMONG  
THE NATURAL RESOURCES CONSERVATION SERVICE,  
UTE TRIBAL HISTORIC PRESERVATION OFFICE,  
DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,  
MOON LAKE WATER USERS ASSOCIATION,  
DRY GULCH IRRIGATION COMPANY,  
UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND  
THE BUREAU OF INDIAN AFFAIRS  
REGARDING  
MITIGATION OF ADVERSE EFFECTS TO  
TWELVE HISTORIC CANALS (SITES 42DC3485, 42DC4249, 42DC4250, 42DC4251,  
42DC1328), Site 42DC4267), 42DC3059, 42DC376 42DC3030, 42DC3081, and 42DC375)  
DUCHESNE COUNTY, UTAH**

**WHEREAS**, the Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to the Duchesne County Water Conservancy District (DCWCD - Sponsor) to line segments of the Yellowstone Feeder and Gray Mountain Canals, and install pipeline to replace open canal systems at the Coyote Canal, the South Boneta Canal, the Dry Gulch Class B Canal System, Dry Gulch Class C Canal System, and Red Cap Extension Canals/Lateral. Additional components replacement of headgates/diversion structures, inlet structures, and dissipation structures (hereafter referred to as the “Project”); and

**WHEREAS**, the NRCS, as the lead Federal agency, 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. §305108, and its implementing regulations, 36 C.F.R. 800; and

**WHEREAS**, the DCWCD (Sponsor), Moon Lake Water Users Association (MLWUA), Dry Gulch Irrigation Company (DGIC), and the Uintah Indian Irrigation Project O&M Company (UIIP), and the Bureau of Indian Affairs (BIA) operate and maintain the Project canals; and

**WHEREAS**, the NRCS has defined the Project’s Area of Potential Effects (APE), as defined at 36 C.F.R. 800.16(d), as a 694.2 acres area located within the exterior boundaries of the Ute Tribe of the Uintah and Ouray Reservation (Ute Tribe). Of the 694.2 acres, 471.2 acres are located on Private property and 223 acres are on Tribal trust land. The APE consists of linear corridors along and adjacent to segments of each of the canals, in addition to broader areas for staging and other project-related features; and

**WHEREAS**, the Ute Tribe is a sovereign nation and federally-recognized Indian tribe, organized under...



**WHEREAS**, per 36 C.F.R 800.2(c)(2)(A), the Ute Tribe has assumed the role of State Historic Preservation Officer within the exterior boundaries of the Ute Reservation. The Ute Tribal Historic Preservation Office (THPO) exercises cultural and historic preservation authorities over reservation lands; and

**WHEREAS**, a cultural resources inventory of the APE has been completed, as required by 36 C.F.R. 800, and described in two reports entitled Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah, and Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah, prepared by Montgomery Archaeological Consultants and dated November 13, 2021, and February 6, 2023, respectively, in which the NRCS and the Utah State Historic Preservation Office (Utah SHPO) agree that twelve historic canals are eligible for inclusion in the National Register of Historic Places (NRHP): the Yellowstone Feeder Canal (42DC2793); segments of the Dry Gulch Class B Canal System including F Canal (42DC3485), Bluebell Lateral (42DC4249), North I Ditch (42DC4250), and South I Ditch (42DC4251); segments of the Dry Gulch Class C Canal System including Class C Canal (42DC1328) and South Lateral Lake Fork Canal (Site 42DC4267); segments of the Red Cap Extension Canals/Laterals including Lateral No. 5 (42DC3059), Duchesne Feeder Canal (42DC376), Midview Lateral (42DC3030), and Red Cap Canal (42DC3081); and the Gray Mountain Canal (42DC375); and

**WHEREAS**, the NRCS has determined that the Project will result in adverse effects to twelve historic canals: the F Canal (42DC3485), Bluebell Lateral (42DC4249), North I Ditch (42DC4250), South I Ditch (42DC4251), Class C Canal (42DC1328), South Lateral Lake Fork Canal (Site 42DC4267), Lateral No. 5 (42DC3059), Duchesne Feeder Canal (42DC376), Midview Lateral (42DC3030), Red Cap Canal (42DC3081), and the Gray Mountain Canal (42DC375) due to the lining or replacement of canals with by buried pipelines within the APE; and

**WHEREAS**, the NRCS has consulted with the Utah State Historic Preservation Office (SHPO), the Ute Tribe THPO, the Eastern Shoshone Tribe of the Wind River Reservation, Northwest Band of the Shoshone Nation, Shoshone-Bannock Tribes of the Fort Hall Reservation, to resolve the Project's adverse effects on historic properties; and

**WHEREAS**, the Eastern Shoshone Tribe of the Wind River Reservation, Northwest Band of the Shoshone Nation, and Shoshone-Bannock Tribes of the Fort Hall Reservation decline further participation in the development of this MOA; and

**WHEREAS**, the Ute THPO, DCWCD, MLWUA, DGIC, the UIIP, and the BIA have requested to participate in the development of the MOA; and

**WHEREAS**, the NRCS notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects associated with the Project and has invited the ACHP to participate in the Project, pursuant with 36 CFR 800.6(a)(1)(i) in a letter dated October 30, 2023; and

**WHEREAS**, in a letter dated November 13, 2023, the ACHP declined to participate in the consultation; and

**WHEREAS**, “Signatories” hereafter collectively refers to the required (NRCS and Ute THPO) and invited (DCWCD, MLWUA, DGIC, UIIP, and BIA); and

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

**NOW, THEREFORE**, the Signatories agree that upon NRCS's decision to proceed with the Project, the NRCS shall ensure that the following stipulations are implemented in order to take resolve the adverse effects 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 shall ensure the mitigation measures outlined below are completed. Draft and final documentation shall be submitted to both the Ute THPO for review and approval.
  - 1.** Historical context of the canals in relation to their involvement in the early settlement of the region; and
  - 2.** An aerial video recording of the canals, where permitted, including aerial photos at select structures.
  - 3.** Additional historical photographs, design drawings, etc. associated with the canals, where applicable; and
  - 4.** Re-evaluation of each canal's eligibility to the NRHP after completion of

project, submitted to SHPO and the Ute THPO with formal determinations; and

5. Public outreach pamphlet or posting of select aerial videography footage on Utah SHPO public outreach webpage.

### **III. UNANTICIPATED DISCOVERIES**

- A. In the event of an unanticipated archaeological discovery during construction, the NRCS shall follow procedures outlined in the Prototype Programmatic Agreement with the Utah SHPO. 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 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 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 Area 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**

- A. 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:
  1. 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.
  2. 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.

3. 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 by March 15, 2028, 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 reinstitute 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. 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.

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT**

**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,  
UTE TRIBAL HISTORIC PRESERVATION OFFICE,  
DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,  
MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,  
UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND  
BUREAU OF INDIAN AFFAIRS**

**REGARDING**

**MITIGATION OF ADVERSE EFFECTS TO  
TWELVE HISTORIC CANALS (TWELVE HISTORIC CANALS (SITES 42DC3485,  
42DC4249, 42DC4250, 42DC4251, 42DC1328), Site 42DC4267), 42DC3059, 42DC376  
42DC3030, 42DC3081, and 42DC375)  
DUCHESNE COUNTY, UTAH**

NATURAL RESOURCES CONSERVATION SERVICE

\_\_\_\_\_  
Emily Fife, Utah State Conservationist

Date: \_\_\_\_\_

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT**

**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,**

**UTE TRIBAL HISTORIC PRESERVATION OFFICE,**

**DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,**

**MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,**

**UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND**

**BUREAU OF INDIAN AFFAIRS**

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42DC4249, 42DC4250, 42DC4251, 42DC1328), Site 42DC4267), 42DC3059, 42DC376  
42DC3030, 42DC3081, and 42DC375)**

**DUCHESNE COUNTY, UTAH**

UTE TRIBE OF THE UINTAH AND OURAY RESERVATION

\_\_\_\_\_  
Betsy Chapoose, Tribal Historic Preservation Officer

Date: \_\_\_\_\_

**SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT**

**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,**

**UTE TRIBAL HISTORIC PRESERVATION OFFICE,**

**DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,**

**MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,**

**UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND**

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**DUCHESNE COUNTY, UTAH**

DUCHESNE COUNTY WATER CONSERVANCY DISTRICT

\_\_\_\_\_  
Roger Aimes, Chairman

Date: \_\_\_\_\_

**INVITED SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT**

**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,**

**UTE TRIBAL HISTORIC PRESERVATION OFFICE,**

**DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,**

**MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,**

**UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND**

**BUREAU OF INDIAN AFFAIRS**

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**DUCHESNE COUNTY, UTAH**

MOON LAKE WATER USERS ASSOCIATION

\_\_\_\_\_  
Kirk Christensen, President

Date: \_\_\_\_\_



**INVITED SIGNATORY PAGE**

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**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,**

**UTE TRIBAL HISTORIC PRESERVATION OFFICE,**

**DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,**

**MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,**

**UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND**

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**DUCHESNE COUNTY, UTAH**

DRY GULCH IRRIGATION COMPANY

\_\_\_\_\_  
Roger Ames, President

Date: \_\_\_\_\_

**INVITED SIGNATORY PAGE**

**MEMORANDUM OF AGREEMENT**

**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,**

**UTE TRIBAL HISTORIC PRESERVATION OFFICE,**

**DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,**

**MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,**

**UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND**

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**DUCHESNE COUNTY, UTAH**

UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY

\_\_\_\_\_  
Dan Larsen, Chairman

Date: \_\_\_\_\_

**INVITED SIGNATORY PAGE**

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**AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,**

**UTE TRIBAL HISTORIC PRESERVATION OFFICE,**

**DUCHESNE COUNTY WATER CONSERVANCY DISTRICT,**

**MOON LAKE WATER USERS ASSOCIATION,**

**DRY GULCH IRRIGATION COMPANY,**

**UINTAH INDIAN IRRIGATION PROJECT O&M COMPANY, AND**

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**DUCHESNE COUNTY, UTAH**

BUREAU OF INDIAN AFFAIRS

\_\_\_\_\_  
Antonio Pingree, Superintendent

Date: \_\_\_\_\_

## **Telephone Log**

October 3, 2023 1:10-1:40pm

To: Betsy Chapoose, Ute THPO, 435-725-4826

From: Tara Hoffmann, NRCS Cultural Resources Specialist

I spoke with Betsy about the East Duchesne Plan-EA project and provided a project summary regarding the piping of multiple historic canals and the need for an MOA. Also mentioned that I had emailed a copy of the cultural resources report, and she said that she would take a look at it by the end of the week. We spoke about how busy she has been with the Bears Ears Management Plan and that it is going out for public comment soon---that work has been her top priority for the past few years. She is open to pursuing an MOA for the Duchesne project and prefers to develop the MOA via email rather than trying to have in-person meetings. She asked how many signatories there would be because she has worked on MOAs with 50 signatories and they get very complex and drawn out. I reassured her that we would be having approx.. 6 signatories and that NRCS had done similar MOAs in the past without issue. I mentioned that we were thinking of doing drone flyovers of the canals, public outreach materials and additional documentation. Her only caveat was that the drone flyovers do not occur over canals located on Tribal Trust land. The call was a great opportunity to catch up and I told Betsy I would send her a draft MOA once I had it prepared.

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [Betsy Chapoose \(betsyc@utetribes.com\)](mailto:betsyc@utetribes.com)  
**Subject:** Duchesne Plan-EA Consultation follow-up  
**Date:** Tuesday, September 19, 2023 3:06:00 PM  
**Attachments:** U21MQ0113.pdf  
U22MQ0612.pdf  
Chapoose\_Ltr.pdf  
U21MQ0113 DCWCD THPO 11152021.pdf  
**Importance:** High

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Hi Betsy,

Hope this finds you well. Shelley had sent an email a few weeks back regarding an MOA for the piping of about 12 canals that fall within the external boundaries of the Reservation for an NRCS/Duchesne Water Conservancy District Project that is being funded through our PL-566 Watershed Program. I wanted to provide you with electronic copies of the two cultural resources reports that were completed as part of the project for the Plan-EA. I believe Jenna Jorgensen from Jones and DeMille has been working with folks from your natural resources/water resources department on this project.

Before we start working on the MOA, I do want to make sure that you are in agreement on the determination of effect and eligibility of sites. Please let me know within 30 days of receiving this email if you concur on project effects and site eligibility. I am always available via cell (385-258-1266) if you have any questions at all. I have attached the two reports and the two formal consultation letters.

Thank you so much for working with us on all of our projects,

Cheers,  
Tara

Tara S. Hoffmann, MA  
Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Chapoose:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



United States Department of Agriculture

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, NRCS has determined that the project redesign will result in adverse effects to four NRHP eligible canals, 42DC376, 42DC2793, 42DC3084, and 42DC4249). In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to sites 42DC376, 42DC2793, 42DC3084, and 42DC4249 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,

A handwritten signature in cursive script that reads "Emily Fife".

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Ammon Boswell, Assistant State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Hopkin, State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

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



November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's  
DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Chapoose:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effects (APE) was conducted between April and May 2021 by Principal Investigator, Jody Patterson of Montgomery Archaeological Consultants (MOAC), under State of Utah PPCO Permit No 167. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U21MQ0113, Ute Tribal Permit No. A21-363, and under the direction of NRCS.

Archaeological inventory resulted in the identification of 14 previously documented archaeological sites (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, and 42DC3485) of which seven were updated (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3084, and 42DC3485) and the documentation of 20 newly identified archaeological sites (42DC4248-42DC4267) within 100 feet of the project area. Of these 34 sites, 17 (42DC375, 42DC376, 42DC1328, 42DC2793,



42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, 42DC3485, 42DC4249, 42DC4250, 42DC4251, 42DC4267 are eligible for National Register of Historic Places (NRHP) listing.

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to 12 NRHP eligible canals, (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267) as a result of proposed 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 sites 42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267 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 NHPA. As the lead agency, NRCS requests State Historic Preservation Office 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)

Kristi Westwood, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Clayton Schmitz, State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah

**Ute Tribe  
Tribal Business Committee**

Uintah and Ouray  
Tribal Business Committee

Resolution No. \_\_\_\_\_

**WHEREAS**, the Tribal Business Committee ("Business Committee") of the Ute Indian Tribe ("Tribe") of the Uintah and Ouray Reservation ("Reservation") is empowered by the authority of the Ute Indian Tribe Constitution and By-Laws, Article VI, Section 1 (c), adopted December 19, 1936 and approved January 19, 1937, to approve any encumbrance of Tribal lands, interest in Tribal lands, or other Tribal assets which may be authorized or executed by the Secretary of the Interior; and

**WHEREAS**, the Bureau of Indian Affairs (BIA), Uintah and Ouray Agency Irrigation Branch is requesting support and approval of the proposed Arcadia Farms/RedCap Extension pipeline project located partly on Tribal trust land;

**WHEREAS**, the legal description for the project is within Township 3 South, Ranges 2 West, Sections 19 & 20, also within Township 3 South, Ranges 3 West, Sections 10 thru 15 & 21 thru 28, Duchesne County, State of Utah, within the exterior boundaries of the Ute Indian Reservation;

**WHEREAS**, when the actual pipeline route has been determined, the Bureau of Indian Affairs (BIA), Uintah and Ouray Agency Irrigation Branch will obtain an appraisal report identifying the market value of any new required easements on Tribal lands;

**WHEREAS**, the BIA, Uintah & Ouray Agency's Irrigation Branch has the responsibility for irrigation construction, dam rehabilitation, the operation and maintenance of dam, irrigation, and power projects of the Uintah Indian Irrigation Project. The Arcadia Farms/RedCap Extension pipeline project is in the best interest of the Tribe and effected landowners as water resources will be better managed and distributed; and

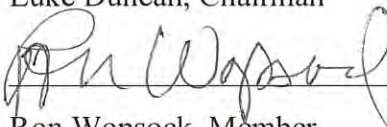
**WHEREAS**, the Business Committee gives their consent to survey the proposed project area

**NOW, THEREFORE, BE IT RESOLVED BY THE UTE INDIAN TRIBE BUSINESS COMMITTEE**, the Business Committee, in the best interest of the Tribe, and under the authority given by the Ute Indian Tribe Constitution and By-Laws, hereby supports the Arcadia Farms/RedCap Extension pipeline project.

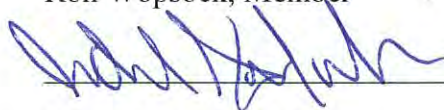
**BE IT FINALLY RESOLVED**, that the Chairman of the Business Committee or, in his absence, the Vice-Chair, on behalf of the Tribe, is authorized to sign any and all other documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.



Luke Duncan, Chairman



Ron Wopsock, Member



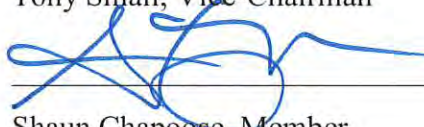
Edred Secakuku, Member

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**ABSTAINED**


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Tony Small, Vice-Chairman



Shaun Chapoose, Member

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**ABSENT**


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Sal Wopsock, Member

### CERTIFICATION

**I HEREBY CERTIFY THAT THE FOREGOING** Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah, on the 11<sup>th</sup> day of May, 2019, at which time a quorum was present and voted 4 for and 0 against, 1 abstaining, and 1 absent.



Secretary, Tribal Business Committee

Ute Indian Tribe, Uintah and Ouray Reservation

# Tribes

Tribe Consultation Summary Table

Tribe Information			Cons Initiated <sup>1</sup>	Cultural Resource Report Consultation Package <sup>2</sup>		Consultation Follow Up <sup>2</sup>				Tribe Cons Completed (Date)
Federally Recognized Tribe	Contact Name	Address		NRCS Mailed to Tribe <sup>3</sup>	Tribe Response	Follow Up #1 Type (Date)	Response #1 Type (Date): Response	Follow Up #2 Type (Date)	Response #2 Type (Date)	
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Joshua Mann (THPO)	P.O. Box 538 Fort Washakie, Wyoming 82514	12/9/2020	11/15/2021 & 5/8/2023	None	Email (9/19/2023) <a href="mailto:jmann@easternshoshone.org">jmann@easternshoshone.org</a>	-	Phone (10/3/2023 & 11/1//2023)	Phone message left. No response received.	Complete (11/1/2023)
	John St. Clair (Chairman)		12/9/2020	11/15/2021 & 5/8/2023	None	Email (9/19/2023) <a href="mailto:jstclair@easternshoshone.org">jstclair@easternshoshone.org</a>	-	Phone (10/3/2023 & 11/1//2023)	Phone message left. No response received.	
Northwest Band of the Shoshone Nation	Shane Warner (Chairman)	707 North Main St Brigham City, Utah 84302	12/9/2020	11/15/2021 & 5/8/2023	None	Dennis Alex is now Chairman Contact	-	-	-	Complete (10/3/2023)
	Patti Timbimboo-Madsen (Cultural Resources)		12/9/2020	11/15/2021 & 5/8/2023	None	Email (9/19/2023) <a href="mailto:ptimbimboo@nwbshoshone.com">ptimbimboo@nwbshoshone.com</a>	None	Phone (10/3/2023)	Deferred to Ute Tribe	
	Dennis Alex (Chairman)		-	-	-	Email (9/19/2023) <a href="mailto:ggover@nwbshoshone.com">ggover@nwbshoshone.com</a>	None	Phone (10/3/2023)	Phone message left. No response received.	
Shoshone-Bannock Tribes of the Fort Hall Reservation	Devon Boyer (Chairman)	P.O. Box 306 Fort Hall, Idaho 83203	12/9/2020	11/15/2021 & 5/8/2023	None	Lee Juan Tyler is now Chairman Contact	-	-	-	Complete (9/19/2023)
	Nathan Small (Council Member)		12/9/2020	11/15/2021 & 5/8/2023	None	-	-	-	-	
	Carolyn Smith		12/9/2020	11/15/2021 & 5/8/2023	None	-	Email (9/19/2023): Deferred to Ute Tribe	-	-	
	Louise Dixey (Cultural Resources Director)		12/9/2020	11/15/2021 & 5/8/2023	None	Email (9/19/2023) <a href="mailto:ledixey@sbtribes.com">mailto:ledixey@sbtribes.com</a>	None	-	-	
	Lee Juan Tyler (Chairman)		-	-	-	Email (9/19/2023) <a href="mailto:ltyler@sbtribes.com">mailto:ltyler@sbtribes.com</a>	None	-	-	
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Luke Duncan (Chairman)	P.O. Box 190 Fort Duchesne, Utah 84026	12/9/2020	11/15/2021 & 5/8/2023	None	-	-	-	-	Ongoing – In development of MOA
	Betsy Chapoose (THPO)		12/9/2020	11/15/2021 & 5/8/2023	None	Email (9/19/2023) <a href="mailto:betsyc@utetribes.com">betsyc@utetribes.com</a>	None	Phone (10/3/2023)	Will pursue an MOA and develop through email communications	

Notes: Cons = Consultation, THPO = Tribal Historic Preservation Officer

1 – Tribe consultation was initiated as part of the Scoping process and is documented in the Scoping Report included in Appendix A.

2 – Documentation is included below the 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.

## **East Duchesne Telephone Consultation Follow-Ups**

### **Ute Indian Tribe:**

Betsy Chapoose, Ute THPO- 435-725-4826, 10/03, see phone log

### **Eastern Shoshone Tribe:**

- John St. Clair, Chairman: (307) 332-3532, 10/03 left message with admin; 11/01: he is out on vacation
- Joshua Mann, THPO: 307-335-2081. 10/03 left message; 11/01 left message with admin

### **NW Band of Shoshone Nation:**

- Dennis Alex, Chairman: (435) 734-2286. 10/03 left message
- Patti Timbimboo-Madsen: NW Band of Shoshone, History and Cultural Specialist (435-734-2286), deferred to Ute, see phone log

## **Telephone Log**

October 3, 2023 2:15-2:25pm

To: Patti Timbimboo-Madsen, NW Band of Shoshone, History and Cultural Specialist (435-734-2286)

From: Tara Hoffmann, NRCS Cultural Resources Specialist

I spoke with Patti about the East Duchesne Plan-EA project and provided a project summary regarding the piping of multiple historic canals and that the project is located within the exterior boundaries of the Ute Reservation. She said that if the project was located on the North side of the Uintah Mountains, then the NW Band would be interested, but since it is located on the South side, the Band will defer to the Ute Tribe. She said I can send her the cultural resources report again and that she would be look at it by the end of the week and send an email response.



## **Telephone Log**

October 3, 2023 1:10-1:40pm

To: Betsy Chapoose, Ute THPO, 435-725-4826

From: Tara Hoffmann, NRCS Cultural Resources Specialist

I spoke with Betsy about the East Duchesne Plan-EA project and provided a project summary regarding the piping of multiple historic canals and the need for an MOA. Also mentioned that I had emailed a copy of the cultural resources report, and she said that she would take a look at it by the end of the week. We spoke about how busy she has been with the Bears Ears Management Plan and that it is going out for public comment soon---that work has been her top priority for the past few years. She is open to pursuing an MOA for the Duchesne project and prefers to develop the MOA via email rather than trying to have in-person meetings. She asked how many signatories there would be because she has worked on MOAs with 50 signatories and they get very complex and drawn out. I reassured her that we would be having approx.. 6 signatories and that NRCS had done similar MOAs in the past without issue. I mentioned that we were thinking of doing drone flyovers of the canals, public outreach materials and additional documentation. Her only caveat was that the drone flyovers do not occur over canals located on Tribal Trust land. The call was a great opportunity to catch up and I told Betsy I would send her a draft MOA once I had it prepared.

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [jstclair@easternshoshone.org](mailto:jstclair@easternshoshone.org); [jmann@easternshoshone.org](mailto:jmann@easternshoshone.org)  
**Subject:** Consultation Follow-up for the NRCS East Duchesne Watershed Plan-EA  
**Date:** Tuesday, September 19, 2023 2:29:00 PM  
**Attachments:** DCWCD\_Letter\_St. Clair.pdf  
U22MQ0612.pdf

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Mr. St. Clair and Mr. Mann,

Hope this email finds you both doing well. I'm reaching out about one of our watershed projects near Fort Duchesne, Utah. We last mailed consultation letters and a copy of the attached cultural resources report in May of this year, and I wanted to check again to see if the Eastern Shoshone Tribe had any concerns regarding the Duchesne County Water Conservancy District Plan-EA. I have attached the cultural resources report and consultation letter addressed to Mr. St. Clair, which were mailed by my counterpart Shelley Szeghi. The NRCS, in cooperation with the Duchesne Water Conservancy District, is proposing to convert numerous historic canals from open ditches to pressurized pipe, and it is located within the external boundaries of the Ute Reservation. We have been and still are consulting with The Ute THPO as the project will be having adverse effects to multiple historic canals and we will be resolving these adverse effects through the development of a Memorandum of Agreement (MOA) between the NRCS, the project Sponsor, and other consulting parties. We also invite the Eastern Shoshone Tribe to participate in the development of that MOA.

Please let us know within 30 days if the Eastern Shoshone Tribe has any concerns, TCPs or other cultural resources that need to be taken into account as we continue in our development of the Plan-EA. Also let us know if you concur with our determinations of site eligibility and project effects and if you would like to participate in the development of the MOA. Thanks again for your continued involvement and support on all of our projects. Please let me know if you have any questions.

Cheers,

Tara

Tara S. Hoffmann, MA  
Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [ggover@nwbshoshone.com](mailto:ggover@nwbshoshone.com)  
**Cc:** [ptimbimboo@nwbshoshone.com](mailto:ptimbimboo@nwbshoshone.com)  
**Subject:** Consultation Follow-up for the NRCS East Duchesne Watershed Plan-EA  
**Date:** Tuesday, September 19, 2023 2:44:00 PM  
**Attachments:** U22MQ0247.pdf  
TimbimbooMadsen\_Ltr.pdf  
Warner\_Ltr.pdf

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Mr. Alex and Ms. Timbimboo-Madsen,

Hope this email finds you both doing well. I'm reaching out about one of our watershed projects near Fort Duchesne, Utah. We last mailed consultation letters and a copy of the attached cultural resources report in May of this year, and I wanted to check again to see if the NW Band of the Shoshone Nation had any concerns regarding the Duchesne County Water Conservancy District Plan-EA. I have attached the cultural resources report and the previous consultation letters (Mr. Alex, yours was addressed to your predecessor), which were mailed by my counterpart Shelley Szeghi. The NRCS, in cooperation with the Duchesne Water Conservancy District, is proposing to convert numerous historic canals from open ditches to pressurized pipe, and it is located within the external boundaries of the Ute Reservation. We have been and still are consulting with The Ute THPO as the project will be having adverse effects to multiple historic canals and we will be resolving these adverse effects through the development of a Memorandum of Agreement (MOA) between the NRCS, the project Sponsor, and other consulting parties. We also invite the NW Band of the Shoshone Nation to participate in the development of that MOA.

Please let us know within 30 days if the NW Band of the Shoshone Nation has any concerns, TCPs or other cultural resources that need to be take into account as we continue in our development of the Plan-EA. Also let us know if you concur with our determinations of site eligibility and project effects and if you would like to participate in the development of the MOA. Thanks again you for your continued involvement and support on all of our projects. Please let me know if you have any questions.

Cheers,

Tara

Tara S. Hoffmann, MA  
Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [ledixey@sbtribes.com](mailto:ledixey@sbtribes.com); [ltyle@sbtribes.com](mailto:ltyle@sbtribes.com)  
**Subject:** Consultation Follow-up for the NRCS East Duchesne Watershed Plan-EA  
**Date:** Tuesday, September 19, 2023 2:52:00 PM  
**Attachments:** Boyer\_ltr.pdf  
U22MQ0247.pdf

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Mr. Tyler and Ms. Dixey,

Hope this email finds you both doing well. I'm reaching out about one of our watershed projects near Fort Duchesne, Utah. We last mailed consultation letters and a copy of the attached cultural resources report in May of this year, and I wanted to check again to see if the Shoshone-Bannock Tribes of the Fort Hall Reservation had any concerns regarding the Duchesne County Water Conservancy District Plan-EA. I have attached the cultural resources report and consultation letter addressed to Mr. Devon Boyer, which were mailed by my counterpart Shelley Szeghi (identical letters were sent to Ms. Dixey, Mr. Nathan Small and Ms. Carolyn Smith). The NRCS, in cooperation with the Duchesne Water Conservancy District, is proposing to convert numerous historic canals from open ditches to pressurized pipe, and it is located within the external boundaries of the Ute Reservation. We have been and still are consulting with The Ute THPO as the project will be having adverse effects to multiple historic canals and we will be resolving these adverse effects through the development of a Memorandum of Agreement (MOA) between the NRCS, the project Sponsor, and other consulting parties. We also invite the Shoshone-Bannock to participate in the development of that MOA.

Please let us know within 30 days if the Shoshone-Bannock have any concerns, TCPs or other cultural resources that need to be take into account as we continue in our development of the Plan-EA. Also let us know if you concur with our determinations of site eligibility and project effects and if you would like to participate in the development of the MOA. Thanks again you for your continued involvement and support on all of our projects. Please let me know if you have any questions.

Cheers,

Tara

Tara S. Hoffmann, MA  
Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [Betsy Chapoose \(betsyc@utetribes.com\)](mailto:betsyc@utetribes.com)  
**Subject:** Duchesne Plan-EA Consultation follow-up  
**Date:** Tuesday, September 19, 2023 3:06:00 PM  
**Attachments:** U21MQ0113.pdf  
U22MQ0612.pdf  
Chapoose\_Ltr.pdf  
U21MQ0113 DCWCD THPO 11152021.pdf  
**Importance:** High

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Hi Betsy,

Hope this finds you well. Shelley had sent an email a few weeks back regarding an MOA for the piping of about 12 canals that fall within the external boundaries of the Reservation for an NRCS/Duchesne Water Conservancy District Project that is being funded through our PL-566 Watershed Program. I wanted to provide you with electronic copies of the two cultural resources reports that were completed as part of the project for the Plan-EA. I believe Jenna Jorgensen from Jones and DeMille has been working with folks from your natural resources/water resources department on this project.

Before we start working on the MOA, I do want to make sure that you are in agreement on the determination of effect and eligibility of sites. Please let me know within 30 days of receiving this email if you concur on project effects and site eligibility. I am always available via cell (385-258-1266) if you have any questions at all. I have attached the two reports and the two formal consultation letters.

Thank you so much for working with us on all of our projects,

Cheers,  
Tara

Tara S. Hoffmann, MA  
Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Dr. Merritt:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Boyer:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

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The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Dixey:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.





May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Duncan:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

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The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Mann:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

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The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Small:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

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The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Smith:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Timbimboo-Madsen:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Warner:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.





May 8, 2023

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

Reference: Addendum to Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. St. Clair:

In October 2022, Montgomery Archaeological Consultants conducted a Class III cultural resource survey of proposed cleanup areas for the Natural Resources Conservation Service's (NRCS) DCWCD PL-566 project in Duchesne County, Utah. The cleanup survey was conducted under contract with Jones and DeMille Engineering at the request of Jenna Jorgensen. The proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The undertaking is described in detail in the original DCWCD PL-566 Class III report completed in 2021 (Del Bozque and Patterson 2021; SHPO No. U21MQ0113). The cleanup survey compliments this original survey and consists of 27.9 acres along the Yellowstone Feeder Canal, the Coyote Canal (a lateral of the Yellowstone Feeder), the South Boneta Canal, the Bluebell Lateral Canal, the Duchesne Feeder Canal, the Moon Lake Canal, and a pipeline and road alignment near Arcadia. Approval of the project 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, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effect (APE) was conducted Jessica Del Bozque (Field Supervisor) on October 6 and 7, 2022 under the direction of Jody J. Patterson (Principal Investigator) and NRCS. The survey was accomplished under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612, and Ute Tribal Permit No. A23-363, issued to MOAC, Moab, Utah.

The Class III cultural resource survey of the NRCS' DCWCD PL-566 project cleanup in Duchesne County, Utah resulted in the identification of 10 previously documented archaeological sites (42DC376, 42DC2013, 42DC2793, 42DC3029, 42DC3081, 42DC3084, 42DC4248, 42DC4249, 42DC4262, and 42DC4263), of which one was updated (42DC2793), within 100 ft of the project area. Of these ten sites, six (42DC376, 42DC2793, 42DC3029, 42DC3081, 42DC3084, and 42DC4249) are eligible for NRHP listing.



United States Department of Agriculture

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, NRCS has determined that the project redesign will result in adverse effects to four NRHP eligible canals, 42DC376, 42DC2793, 42DC3084, and 42DC4249). In accordance with 36 CFR Part 800.6, NRCS will resolve the adverse effects to sites 42DC376, 42DC2793, 42DC3084, and 42DC4249 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,

A handwritten signature in cursive script that reads "Emily Fife".

Emily Fife  
State Conservationist

Enclosure

cc: (w/o encl)

Ammon Boswell, Assistant State Conservationist for Field Operations, NRCS, Ogden, Utah

Andrew Hopkin, State Resources Conservationist, NRCS, Salt Lake City, Utah

Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah

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





November 15, 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: Class III Cultural Resource Survey of the Natural Resources Conservation Service's  
DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Boyer:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effects (APE) was conducted between April and May 2021 by Principal Investigator, Jody Patterson of Montgomery Archaeological Consultants (MOAC), under State of Utah PPCO Permit No 167. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U21MQ0113, Ute Tribal Permit No. A21-363, and under the direction of NRCS.

Archaeological inventory resulted in the identification of 14 previously documented archaeological sites (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, and 42DC3485) of which seven were updated (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3084, and 42DC3485) and the documentation of 20 newly identified archaeological sites (42DC4248-42DC4267) within 100 feet of the project area. Of these 34 sites, 17 (42DC375, 42DC376, 42DC1328, 42DC2793,

42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, 42DC3485, 42DC4249, 42DC4250, 42DC4251, 42DC4267 are eligible for National Register of Historic Places (NRHP) listing.

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to 12 NRHP eligible canals, (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267) as a result of proposed 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 sites 42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267 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 NHPA. As the lead agency, NRCS requests State Historic Preservation Office 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)

Kristi Westwood, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Clayton Schmitz, State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Dixey:

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42DC3485, 42DC4249, 42DC4250, 42DC4251, 42DC4267 are eligible for National Register of Historic Places (NRHP) listing.

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to 12 NRHP eligible canals, (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267) as a result of proposed 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 sites 42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267 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 NHPA. As the lead agency, NRCS requests State Historic Preservation Office 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)

Kristi Westwood, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Clayton Schmitz, State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Duncan:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

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Archaeological inventory resulted in the identification of 14 previously documented archaeological sites (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, and 42DC3485) of which seven were updated (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3084, and 42DC3485) and the documentation of 20 newly identified archaeological sites (42DC4248-42DC4267) within 100 feet of the project area. Of these 34 sites, 17 (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392,

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Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



November 15, 2021

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: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Mann:

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Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah





November 15, 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: Class III Cultural Resource Survey of the Natural Resources Conservation Service's  
DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Small:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

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EMILY FIFE  
State Conservationist

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Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's  
DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Smith:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

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Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's  
DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. St. Clair:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

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



November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Ms. Timbimboo-Madsen:

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November 15, 2021

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

Reference: Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah

Dear Mr. Warner:

Included in this submission are a cultural resources report titled *Class III Cultural Resource Survey of the Natural Resources Conservation Service's DCWCD PL-566 Project in Duchesne County Utah*, and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to Duchesne County for a series of proposed projects to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed projects will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses. The project area totals 666.3 acres that occur on private property (467.3 acres) and Ute Indian Tribal land (199 acres). Approval of the projects and issuance of federal funding by the NRCS constitutes an undertaking per the National Historic Preservation Act (NHPA) and its implementing regulations at 36 CFR 800 for the consideration of historic properties in project planning and implementation, as such, the proposed project area is subject to review.

Pedestrian inventory of the Area of Potential Effects (APE) was conducted between April and May 2021 by Principal Investigator, Jody Patterson of Montgomery Archaeological Consultants (MOAC), under State of Utah PPCO Permit No 167. The APE was intensively inventoried in transects spaced approximately 50 feet (15 meters) apart. Fieldwork was completed under authority of UDSH Project No. U21MQ0113, Ute Tribal Permit No. A21-363, and under the direction of NRCS.

Archaeological inventory resulted in the identification of 14 previously documented archaeological sites (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392, and 42DC3485) of which seven were updated (42DC375, 42DC376, 42DC1328, 42DC2013, 42DC2793, 42DC3084, and 42DC3485) and the documentation of 20 newly identified archaeological sites (42DC4248-42DC4267) within 100 feet of the project area. Of these 34 sites, 17 (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3029, 42DC3030, 42DC3059, 42DC3081, 42DC3084, 42DC3100, 42DC3112, 42DC3392,

42DC3485, 42DC4249, 42DC4250, 42DC4251, 42DC4267 are eligible for National Register of Historic Places (NRHP) listing.

Applying the Criteria of Adverse Effects per 36 CFR 800.5.a.1, the NRCS has determined that proposed physical disturbances to 12 NRHP eligible canals, (42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267) as a result of proposed 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 sites 42DC375, 42DC376, 42DC1328, 42DC2793, 42DC3030, 42DC3059, 42DC3081, 42DC3485, 42DC4249, 42DC4250, 42DC4251, and 42DC4267 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 NHPA. As the lead agency, NRCS requests State Historic Preservation Office 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)

Kristi Westwood, Acting State Conservationist for Field Operations, NRCS, Ogden, Utah  
Clayton Schmitz, State Resources Conservationist, NRCS, Salt Lake City, Utah  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, Utah  
Leslie Warta, Environmental Compliance Specialist, NRCS, Salt Lake City, Utah  
Norm Evenstad, Water Resources, NRCS, Salt Lake City, Utah



United States Department of Agriculture

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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

May 20, 2022

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

RE: Formal request to be a Cooperating Agency in the development of the East Duchesne Watershed Plan-Environmental Assessment (Plan-EA) for proposed improvements in Duchesne County, Utah.

Dear Betsy Chapoose:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Ute Indian Tribe of the Uintah & Ouray Reservation become a cooperating agency in the planning and development of the East Duchesne Watershed Plan-EA. Information on the Plan-EA can be found at <https://bit.ly/eastduchesneplan-ea>.

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 our 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, 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](mailto:derek.hamilton@usda.gov) or 801/524-4560.

Sincerely,

NORM EVENSTAD  
Asst. State Conservationist - Water Resources

Enclosure

cc:  
Ammon Boswell, Area Conservationist, NRCS, Ogden, UT  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, UT  
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

# **Advisory Council on Historic Preservation**



November 13, 2023

Tara Hoffmann, MA  
Water Resources Cultural Resources Specialist  
NRCS State Office  
125 South State Street, room 4010  
Salt Lake City, UT 84138-1100

Ref: *Duchesne County Water Efficiency Project*  
*Duchesne County, Utah*  
*ACHP Project Number: 20214*

Dear Ms. Hoffman:

On October 27, 2023, 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 Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), 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 Utah 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 36 CFR § 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 NHPA.

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

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

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](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

**From:** [Hoffmann, Tara - FPAC-NRCS, UT](#)  
**To:** [e106](#)  
**Cc:** [Seibert, Erika - FPAC-NRCS, DC](#); [Carrig, Charles - FPAC-NRCS, AR](#); ["aclark@achp.gov"](mailto:aclark@achp.gov)  
**Subject:** Utah NRCS Notification of Adverse Effects  
**Date:** Friday, October 27, 2023 4:48:00 PM  
**Attachments:** e106\_DCWCD\_Utah.pdf  
DCWCD\_Consultation.zip  
DCWCD\_CulturalReports.zip

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Good Afternoon,

Attached is notification of adverse effects to 13 historic canals being partially piped or lined as part of the Duchesne County Water Efficiency Project in Duchesne County, Utah. Also included is all Section 106 consultation (letters and emails) with the Utah SHPO, BIA, the Ute Indian Tribe of the Uintah and Ouray Reservation (Ute) THPO, and other applicable Tribes. A summary Tribal consultation table is also included that documents all Tribal consultation completed to date. Additionally attached are two cultural resources reports completed as part of Section 106 compliance.

Of note, the APE of this project falls within the exterior boundaries of the Ute Indian Reservation. Over the course of the multi-year development of the Draft Plan Environmental Assessment for this project, the Ute Tribe established their Tribal Historic Preservation Office and THPO. By 2022, the Ute THPO had assumed National Historic Preservation Act authority over all land within the exterior boundary of the Ute Reservation. As such, the Ute THPO will be a signatory to the Memorandum of Agreement rather than the Utah SHPO. If clarification is needed, please contact me and I can provide additional information.

Cheers,

Tara

Tara S. Hoffmann, MA  
Water Resources Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266



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

Send to: [e106@achp.gov](mailto:e106@achp.gov)

Please review the instructions at [www.achp.gov/e106-email-form](http://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

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

Duchesne County Water Efficiency Project, Duchesne 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):

Duchesne County, Utah. Located on Private and Tribal Trust Land within the exterior boundaries of the Ute Tribe of the Uintah and Ouray (Ute) Reservation. Because the entirety of the APE (including Private land) is located within the exterior boundaries of the Ute Reservation, the Ute Tribal Historic Preservation Officer has assumed all National Historic Preservation Act (NHPA) authority as of 2022. Prior to 2022, the Utah State Historic Preservation Office retained NHPA oversight. As such, the project will affect historic properties located on Tribal lands.

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](mailto:achp@achp.gov) ☐ [www.achp.gov](http://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  
 Water Resources Cultural Resources Specialist  
 Salt Lake City, Utah  
[Tara.hoffmann@usda.gov](mailto: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 proposed project's purpose is to improve irrigation water delivery and efficiency and conserve water in Duchesne County, Utah. Specifically, the proposed project will consist of lining segments of the Yellowstone Feeder and Gray Mountain Canals and the piping of the South Boneta Canal, Bluebell Lateral, North I Ditch, South I Ditch, F Canal, C Canal, Duchesne Feeder Canal, Midview Lateral, Lateral No. 5, Red Cap Canal, and few associated lateral ditches to reduce or eliminate water losses.

Permits on Ute Indian Tribe lands would require BIA ROW permits for utility ROWs and road ROW permits for any work within Tribe/BIA maintained roadways. The Bureau of Indian Affairs (BIA) has a trust responsibility to protect and preserve the Ute Tribe's land, assets, and resources while promoting tribal self-governance pursuant to 25 U.S.C. §§ 323-328 and its implementing regulations at 25 CFR Part 169. The BIA would decide whether to conditionally approve grants of easement and associated Right-of-Way agreements between the Ute Tribe and the Duchesne Water Conservancy District (the project Sponsor) for the portion of the Project where measures are located on the Reservation. Such conditional approval does not supplant other applicable requirements under 25 CFR Part 169. Final approval is conditioned upon consent to the ROW by the Ute Tribe; this condition will uphold the Ute Tribe's authority to develop terms and conditions surrounding the use and occupation of Reservation Trust lands.

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

The APE totals 694.2 acres and is located within the exterior boundaries of Ute Reservation. Of the 694.2 acres, 471.2 acres are located on Private property and 223 acres are on Tribal trust land. As of 2022, the Ute THPO has assumed NHPA authority over all land within the exterior boundaries of the reservation. The APE is located near the rural communities of Altonah, Bluebell, Boneta, Arcadia, Ioka, Upalco, Bridgeland, and Monarch. Most of the project area has been developed and cultivated. Modern disturbances to the project area include roads, utility lines, residential buildings, oil and gas development, and agriculture.

The APE consists of a series of linear corridors along and adjacent to the canals as well as wider areas for use in construction staging and project-related features.

**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 other agencies in Utah to identify cultural resources that could be affected by the undertaking. Two separate surveys were completed under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, State of Utah Antiquities Permit (Survey) No. U22MQ0612 and 0613, and Ute Tribal Permit No. A23-363. The APE was surveyed by the archaeologist walking parallel transects spaced no more than 15 m (49 ft) apart. Ground visibility was fair to good. Continued on next page.



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.

Twenty cultural resource sites were identified within the APE. Table 1 below summarizes the cultural resources sites located at each proposed project site:

**Table 1. Documented Historic/Cultural Sites within the APE**

<b>Feature Name/ID</b>	<b>NRHP Status</b>	<b>Description</b>
<b>Site 1 (Yellowstone Feeder Canal)</b>		
Yellowstone Feeder Canal / 42DC2793	Eligible Criteria A & C	Irrigation canal constructed by the CCC between 1935 and 1941
<b>Site 2 (Coyote Canal)</b>		
Coyote Canal / 42DC4248	Not Eligible	Irrigation canal constructed by the CCC between 1935 and 1941
<b>Site 3 (South Boneta Canal)</b>		
South Boneta Canal / 42DC2013	Not Eligible	Irrigation canal constructed around 1910 by the South Boneta Irrigation Company.
<b>Site 4 (Dry Gulch Class B Canal System)</b>		
F Canal / 42DC3485	Eligible Criterion A	Irrigation canal constructed in 1910 by the Farmers Irrigation Company.
Bluebell Lateral / 42DC4249	Eligible Criterion A	Irrigation lateral constructed in 1913 by the Farmers Irrigation Company.
North I Ditch / 42DC4250	Eligible Criterion A	Irrigation ditch constructed in the 1910s around the same time as the F Canal and Bluebell Lateral.
South I Ditch / 42DC4251	Eligible Criterion A	Irrigation ditch constructed in the 1910s around the same time as the F Canal and Bluebell Lateral.
Lake Fork No. 1 Canal / 42DC3392	Eligible Criterion A	Irrigation canal constructed around 1910 by the Dry Gulch Irrigation Company.
Possible Sawmill / 42DC4252	Not Eligible	Small sawmill in operation during the early 1900s.
Square-notched Cabin / 42DC4253	Not Eligible	Log cabin constructed around 1915.
Trash Scatter / 42DC4254	Not Eligible	Domestic debris dated between 1944 and 1955.
Log Cabin / 42DC4255	Not Eligible	Log cabin constructed sometime after 1936.
Log Shed, Corral/Pen, and Chute / 42DC4256	Not Eligible	Log shed and corral constructed before 1962.
Corral / 42DC4257	Not Eligible	Corral and animal pen likely used in the 1950s.
<b>Site 5 (Dry Gulch Class C Canal System)</b>		

Feature Name/ID	NRHP Status	Description
Class C Canal / 42DC1328	Eligible Criterion A	Irrigation canal constructed by the Dry Gulch Irrigation Company between 1905 and 1907.
Cabin / 42DC4258	Not Eligible	Partially complete cabin constructed sometime after 1923.
South Lateral Lake Fork Canal / 42DC4267	Eligible Criterion A	Irrigation lateral constructed in 1906 by the Dry Gulch Irrigation Company.
<b>Site 6 (Red Cap Extension Canals/Laterals)</b>		
Lateral No. 5 / 42DC3059	Eligible Criterion A	Irrigation lateral constructed by the CCC between 1937 and 1939
Duchesne Feeder Canal / 42DC376	Eligible Criteria A & C	Irrigation canal constructed by the CCC between 1937 and 1939.
Midview Ditch / 42DC3029	Eligible Criterion A	Irrigation ditch constructed by the CCC between 1939 and 1939.
Midview Lateral / 42DC3030	Eligible Criteria A & C	Irrigation lateral constructed by the CCC between 1939 and 1939.
Red Cap Canal / 42DC3081	Eligible Criterion A	Irrigation canal constructed in the 1890s under the Uintah Indian Irrigation Project.
Moon Lake Canal / 42DC3084	Eligible Criteria A & C	Irrigation canal constructed by the CCC between 1937 and 1939
Historic Structure and Trash Scatter / 42DC3100	Eligible Criterion D	Irrigation canal constructed by the CCC between 1937 and 1939.
Abandoned Residence / 42DC3112	Eligible Criterion C	Abandoned residence constructed in the early 1900's
Corral / 42DC4259	Not Eligible	Corral with and interior pen constructed between 1923 and 1953.
Abandoned Residence / 42DC4260	Not Eligible	Single level residence constructed between 1958 and 1962.
Lateral Ditch / 42DC4261	Not Eligible	Irrigation lateral ditch constructed around 1938.
Lateral Ditch / 42DC4262	Not Eligible	Irrigation lateral ditch constructed around 1938.
Corral / 42DC4263	Not Eligible	Large corral constructed between 1968 and 1976.
Lateral Ditch / 42DC4264	Not Eligible	Irrigation lateral ditch constructed around 1938.
Trash Scatter / 42DC4265	Not Eligible	Domestic trash scatter dated between 1942 and 1969.
<b>Site 7 (Gray Mountain Canal)</b>		
Gray Mountain Canal / 42DC375	Eligible Criterion A	Irrigation canal constructed in 1907 as part of the Uintah Indian Irrigation Project.
Trash Scatter / 42DC4266	Not Eligible	Domestic debris dated between 1935 and 1950s.

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

Table 2 below provides a summary of the undertaking's effects on historic properties. Refer to attached cultural resources reports for more detailed information.

**Table 2. Summary of Effects to Historic / Cultural Sites**

Site No.	Site Type	NRHP Status	Effects Determination / Association to Project Area
<b>Site 1 (Yellowstone Feeder Canal)</b>			
42DC2793	Yellowstone Feeder Canal	Eligible Criteria A & C	Adverse Effect / Canal will be lined in the Project area
<b>Site 4 (Dry Gulch Class B Canal System)</b>			
42DC3485	F Canal	Eligible Criterion A	Adverse Effect / Canal will be replaced by a buried pipe in the Project area
42DC4249	Bluebell Lateral	Eligible Criterion A	Adverse Effect / Lateral will be replaced by a buried pipe in the Project area
42DC4250	North I Ditch	Eligible Criterion A	Adverse Effect / Ditch will be replaced by a buried pipe in the Project area
42DC4251	South I Ditch	Eligible Criterion A	Adverse Effect / Ditch will be replaced by a buried pipe in the Project area
<b>Site 5 (Dry Gulch Class C Canal System)</b>			
42DC1328	Class C Canal	Eligible Criterion A	Adverse Effect / Canal will be replaced by a buried pipe in the Project area
42DC4267	South Lateral Lake Fork Canal	Eligible Criterion A	Adverse Effect / Adjacent to C Canal that would be replaced by a buried pipe in the Project area
<b>Site 6 (Red Cap Extension Canals/Laterals)</b>			
42DC3059	Lateral No. 5	Eligible Criterion A	Adverse Effect / Lateral will be replaced by a buried pipe in the Project area
42DC376	Duchesne Feeder Canal	Eligible Criteria A & C	Adverse Effect / Canal will be replaced by a buried pipe in the Project area
42DC3029	Midview Ditch	Eligible Criterion A	No Adverse Effect / Not impacted by undertaking
42DC3030	Midview Lateral	Eligible Criteria A & C	Adverse Effect / Lateral will be replaced by a buried pipe in the Project area
42DC3081	Red Cap Canal	Eligible Criterion A	Adverse Effect / Canal will be replaced by a buried pipe in the Project area
<b>Site 7 (Gray Mountain Canal)</b>			
42DC375	Gray Mountain Canal	Eligible Criterion A	Adverse Effect / Canal will be lined in the Project area
<b>Other Historic Properties</b>			
42DC3084	Moon Lake Canal	Eligible Criteria A & C	No Adverse Effect / Not impacted by undertaking
42DC3100	Historic Structure and Trash Scatter	Eligible Criterion D	No Adverse Effect / Within Project area, but is 20 feet from proposed undertaking and separated by an existing fence

Site No.	Site Type	NRHP Status	Effects Determination / Association to Project Area
42DC3112	Abandoned Residence	Eligible Criterion C	No Adverse Effect / Extends 6 feet into the Project area, but will be avoided by a minimum of 15 feet, with avoidance fencing along the boundary intersecting the Project area during construction
42DC3392	Lake Form No. 1 Canal	Eligible Criterion A	No Adverse Effect / Replacement of a non-original diversion structure would be performed

**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 piping and or lining of 13 historic canals as shown in Table 2 above, which would result in direct damage to the integrity of the canals, the NRCS has determined that the proposed project would result in *Adverse Effects to Historic Properties*. These historic canals were recommended eligible by Montgomery to the National Register of Historic Places for their association with the settlement of the area (Criterion A), and/or for their unique methods of construction (Criterion C). The piping or lining of the canals would cause direct damage to their integrity and therefore their eligibility to the NRHP.

The NRCS is currently in consultation with the Ute THPO and other stakeholders to develop mitigation strategies and develop a Memorandum of Agreement (MOA).

**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, BIA, Tribal consultation letters, Tribal consultation emails, and a Tribal consultation summary table documenting all tribal consultation to date. Consultation is ongoing with the Ute Tribe as they will be a signatory to the MOA.

### 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 Shoshone-Bannock Tribes of the Fort Hall Reservation, the Eastern Shoshone Tribe of the Wind River Reservation, Wyoming, and the Northwest Band of the Shoshone Nation regarding known historic properties or places of traditional religious and cultural importance near the APE. The tribal scoping letters were submitted on October 8, 2019. No responses were received.

Once the cultural resources inventories were complete by Montgomery, the two cultural resources reports were submitted to the Utah SHPO in letters dated December 1, 2021, and May 8, 2023, respectively (attached). The SHPO concurred with the NRCS's determinations of site eligibility and determination of *Adverse Effect to Historic Properties* on December 2, 2021, and May 12, 2023. Letters were also sent to the Ute THPO, the BIA, Shoshone-Bannock Tribes of the Fort Hall Reservation, Eastern Shoshone Tribe of the Wind River Reservation, Wyoming, and Northwest Band of the Shoshone Nation on November 15, 2021, and May 8, 2023. At the time of the May 8, 2023 consultation, the Ute THPO had assumed all NHPA authority within the exterior boundaries of the

Ute Reservation. No responses were received. A follow-up consultation email was sent to the Ute THPO on August 30, 2023. No response was received. During October 2023, additional follow-up consultation emails were sent by the NRCS to the same Tribes, and all Tribes were also contacted via telephone. The Shoshone-Bannock Tribe responded via email and deferred to the Ute Tribe for all future consultation. The NRCS spoke with the Ute THPO via telephone regarding the project and development of an MOA. The Ute THPO concurred with the project effects and proposed to move forward with development of an MOA via email. Refer to the attached Tribal Consultation Table for detailed dates regarding Tribal consultation. As consultation continues, the table will be finalized and incorporated into the Environmental Assessment.

To resolve the adverse effects to the 13 historic canals, the NRCS is currently drafting a MOA and is in active consultation with the Ute THPO as they have assumed all NHPA authority as a signatory. The NRCS is also in consultation with the Duchesne County Water Conservancy District (as the project Sponsor), the Bureau of Indian Affairs, and multiple irrigation companies in drafting mitigation measures. Draft mitigation stipulations proposed include drone flyovers of the canals, an informational brochure, and historical contexts of the canals. The Ute Tribe has requested the drone flyovers not occur over Tribal Trust land. MOA negotiations are moving forward with successful collaboration between the NRCS and all consultation parties.

**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 early 2024.

[Duchesne County Water Conservancy District \(DCWCD\) - East Watershed Plan | Natural Resources Conservation Service \(usda.gov\)](#)

**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 Report with maps, Tribal consultation table

# **Utah Division of Wildlife Resources**

## Bobbi Preite

---

**From:** Pat Rainbolt <patrainbolt@utah.gov>  
**Sent:** Monday, October 24, 2022 9:44 AM  
**To:** Bobbi Preite  
**Subject:** Re: FW: DWR Crucial/Substantial Habitat Planning

Hi Bobbi,,,,I've reviewed the maps and the only area of concern for big game crucial winter range is the area around Site 1 (Yellowstone Feeder Canal). Having said that, the surface of Site 1 appears to be Ute Tribal Lands and the State does not have jurisdiction for implementing avoidance measures on tribal lands. We would normally recommend no new construction activities in this area from Nov 1- April 15.



**Pat Rainbolt**  
Northeast Region Habitat Program Manager  
M: (435) 790-2280  
E: [patrainbolt@utah.gov](mailto:patrainbolt@utah.gov)

Utah Department of Natural Resources  
Division of Wildlife Resources



[wildlife.utah.gov](http://wildlife.utah.gov)

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On Wed, Oct 12, 2022 at 10:36 AM Bobbi Preite <[bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com)> wrote:

Hi Pat,

I am following up from the email correspondence below. I wanted to make sure you received the data forwarded to you from Rose and also check on avoidance and minimization measures that may be required in substantial and crucial habitats from the species in the email chain below.

Thanks,

Bobbi Preite | President and Senior Environmental Consultant

**Adaptive Environmental Planning, LLC**

2976 East State Street, Ste 120 #431, Eagle, Idaho 83616

208-514-8729 | [bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com) | [www.adaptiveenviro.com](http://www.adaptiveenviro.com)

---

**From:** Rose Fedelleck <[rosefedelleck@utah.gov](mailto:rosefedelleck@utah.gov)>  
**Sent:** Friday, October 7, 2022 9:49 AM  
**To:** Bobbi Preite <[bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com)>  
**Subject:** Re: DWR Crucial/Substantial Habitat Planning

You're welcome! You may not hear from him until next week I believe he is out for the Holiday weekend.

Hope you have a great one :)

[Rose Fedelleck](#)

[Utah Wildlife Resources NE Region](#)

[Office Manager](#)

[Desk 435-247-1550 Office 435-781-9453](#)

[....and into the mountains I will go, to lose my mind and find my soul.](#)

On Thu, Oct 6, 2022 at 1:40 PM Bobbi Preite <[bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com)> wrote:

Sounds great, thank you!

Bobbi Preite | President and Senior Environmental Consultant

**[Adaptive Environmental Planning, LLC](#)**

2976 East State Street, Ste 120 #431, Eagle, Idaho 83616

208-514-8729 | [bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com) | [www.adaptiveenviro.com](http://www.adaptiveenviro.com)

---

**From:** Rose Fedelleck <[rosefedelleck@utah.gov](mailto:rosefedelleck@utah.gov)>  
**Sent:** Thursday, October 6, 2022 12:11 PM



**To:** Bobbi Preite <[bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com)>  
**Subject:** Re: DWR Crucial/Substantial Habitat Planning

Hello Bobbi,

Sorry I missed your call! I have given your contact information to our Habitat Manager, Pat Rainbolt. He will give you a call asap.

Let me know if you have any other questions.

Rose

[Rose Fedelleck](#)

[Utah Wildlife Resources NE Region](#)

[Office Manager](#)

[Desk 435-247-1550 Office 435-781-9453](#)

[....and into the mountains I will go, to lose my mind and find my soul.](#)

On Thu, Oct 6, 2022 at 10:00 AM Bobbi Preite <[bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com)> wrote:

I am working on an Environmental Assessment (EA) for NRCS in Duchesne County, Utah for a proposed irrigation water conservation project. The proposed measures intersect mapped substantial and/or crucial habitat for the following wildlife species. We would like to include any avoidance or minimization measures in the EA, if required by DWR. Does DWR have any restrictions in work windows or other applicable construction constraints within any of these substantial or crucial wildlife habitats? If you are not the person to answer this, can you please direct me to the appropriate staff to answer this question? I can also provide a SHP or KMZ file of the Project area if needed.

- Black Bear
- California Quail
- Chukar
- Dusky Grouse
- Elk
- Moose
- Mule Deer
- Ringneck Pheasant

Thanks,

Bobbi Preite | President and Senior Environmental Consultant

**Adaptive Environmental Planning, LLC**

2976 East State Street, Ste 120 #431, Eagle, Idaho 83616

208-514-8729 | [bobbi@adaptiveenviro.com](mailto:bobbi@adaptiveenviro.com) | [www.adaptiveenviro.com](http://www.adaptiveenviro.com)

# **Canal Company Stakeholders**

## Bobbi Preite

---

**From:** Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>  
**Sent:** Friday, November 17, 2023 11:48 AM  
**To:** Rodgera54@gmail.com; kcucw@ubtanet.com; drycgulch@ubtanet.com; footballdan55@yahoo.com; Kenneth.asay@bia.gov  
**Cc:** Bobbi Preite  
**Subject:** NRCS Duchesne Memorandum of Agreement- mitigation of cultural resources  
**Attachments:** DRAFTDuchesne\_MOA.docx

All,

As part of the East Duchesne Watershed Plan- Environmental Assessment, you all know we are piping many miles of historic canals. Due to the fact that these canals served an important role in the early settlement of the area, they are eligible for the National Register of Historic Places. And as such, NRCS is required to mitigate for adverse effects to these historic canals. To mitigate, we have developed a Memorandum of Agreement (MOA) with specific stipulations that must be carried out in order for the EA to reach a Finding of No significant Impact. The MOA will be primarily between NRCS and the Ute Tribe, but as canal owners/managers/water user associations, we also need you to be involved with the development of the MOA. Cost share of the mitigation is also tied to the purpose of the project.

I have attached the Draft MOA for your review, and if you could review and let me know what questions/comments you have within the next 30 days that would be much appreciated. We can also set up a meeting to answer any questions and discuss the agreement. A draft of the MOA will be included in the draft EA that we will submit to our National Water Management Center to keep the EA moving forward.

Once all of us signatories agree to the MOA, it will go through our Grants and Agreement division, and we can sign it, and then when we request construction funds, the MOA funds will be tied to those, and the stipulations can be carried out by the cultural resources consultant. The Yellowstone Feeder Canal had a similar MOA when it was piped (including drone flyovers).

Thanks,

Tara

Tara S. Hoffmann, MA  
Water Resources Cultural Resources Specialist/Tribal Liaison  
USDA Natural Resources Conservation Service  
Salt Lake City, UT  
385.258.1266

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# Scoping Report



United States  
Department of  
Agriculture

Natural Resources  
Conservation Service

# Scoping Report

## East Duchesne Watershed Plan- EA

Duchesne County, Utah

June 2022



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Appendix A. Scoping Notice Materials

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# 1. Introduction

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566), the East Duchesne Watershed Plan Project in Duchesne 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 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 the DCWCD for implementation of the alternative selected by the DCWCD.

## 1.1. 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

### 2.1. Schedule

The following dates outline the milestones for the scoping announcement and activities that occurred in preparation for the formal preliminary scoping period. The preliminary scoping comment period opened on October 15, 2019, and closed on November 14, 2019.

- August 15, 2019: Kick-off meeting with the NRCS and sponsor project team
- October 8, 2019: Scoping letters were sent to stakeholders and to tribal contacts.
- October 10, 2019: Stakeholder meeting with sponsor, agencies, and other stakeholders
- **October 15, 2019: Opening of formal public comment period**; scoping notice and public meeting details were published to the NRCS project and Utah RDCC websites, flyers were mailed to agencies and stakeholders, and notice was published in *The Uintah Basin Standard*.
- October 22, 2019: Notice published again in *The Uintah Basin Standard*.
- October 30, 2019: Public scoping meeting was held in the DCWCD offices in Roosevelt, Utah
- **November 14, 2019: Close of formal public comment period**
- December 9, 2020: Tribal scoping letters were mailed to 8 tribal contacts
- May 23, 2022: Cooperating agency letters were mailed to the Bureau of Indian Affairs (BIA), the Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the Ute Indian Tribe.

## 2.2. Kick-off Meeting

A kick-off meeting with the NRCS, and sponsor project team was held at the DCWCD offices in Roosevelt at 1:00 p.m. on August 15, 2019. The meeting included discussions of the scope of the project and potential projects, identified additional stakeholders, and reviewed data collection strategies.

## 2.3. Mailing List

A project mailing list was compiled by the NRCS, Jones & DeMille Engineering, and the stakeholders to identify the entities that would receive scoping materials directly. Form letters are included in Appendix A.

Project notification letters were sent to 29 contacts with the following organizations on October 15, 2019:

- Altamont Town
- Ballard City
- Bureau of Indian Affairs (BIA) Irrigation
- Dry Gulch Class B Bluebell Canal
- Dry Gulch Irrigation Company – Class B
- Dry Gulch Irrigation Company – Class E
- Dry Gulch Irrigation Company – Class K2
- Dry Gulch Irrigation Company (DGIC)
- Lake Fork Western Canal Company
- Moon Lake Water Users Association
- Myton City
- South Boneta Canal
- U.S. Army Corps of Engineers
- U.S. Bureau of Reclamation

- U.S. Fish and Wildlife Service
- Uintah Basin Irrigation Company
- Uintah Indian Irrigation Project O&M Company
- Utah Department of Agriculture
- Utah Division of Wildlife Resources
- Ute Tribe Business Committee
- Ute Tribe Water Commission

A tribal scoping letter was mailed to 8 tribal members with 7 tribes on December 9, 2020:

- Betsy Chapoose – Ute Indian Tribe of the Uintah & Ouray Reservation
- Carolyn Smith – Shoshone-Bannock Tribes of the Fort Hall Reservation
- Darren B. Parry – Chairman, Northwest Band of the Shoshone Nation
- Joshua Mann – Chairman, Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
- Luke Duncan – Chairman, Ute Indian Tribe of the Uintah and Ouray Reservation, Utah
- Lynette Bell – THPO, Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
- Nathan Small – Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes of the Fort Hall Reservation
- Patti Timbimboo-Madsen – Northwest Band of the Shoshone Nation

## 2.4. Notice

Public notice of the project and scoping meeting was distributed widely prior to the October 30 public scoping meeting. The official scoping comment period opened on October 15, 2019, and closed on November 14, 2019. The public notice was published in *The Uintah Basin Standard* on October 15 and 22. The public notice was also posted to the NRCS website (<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp/?cid=nrcseprd1497629>), and mailed to each designated entity on the project mailing list on November 9. The notice invited all interested members of the relevant agencies and general public to participate in the respective meetings, and provided details for submitting comments by email, mail, fax, or phone. The scoping notice materials are attached as Appendix A.

## 2.5. State Clearinghouse Notification

Notice of the project was published to the State of Utah's Resource Development Coordinating Committee (RDCC) Project Management System website on October 15, 2019 (<http://rdcc.utah.gov/plpco/public/viewProject.action?projectId=71143>). A screenshot of the notice is included in Appendix A.

## 2.6. Agency/stakeholder scoping meeting

A stakeholder meeting that included representatives from some of the local canal companies, Bureau of Indian Affairs, Utah Department of Agriculture and Food, U.S. Army Corps of Engineers, and other potentially interested entities was held on October 10, 2019, in the

DCWCD offices. The meeting included discussions of the scope of the analysis and potential additional project measures.

## 2.7. Public Scoping Meeting

A public scoping meeting was held on Wednesday, October 30, 2019, from 5 to 7 p.m. in the DCWCD offices in Roosevelt, Utah. 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 (Norm Evenstad) and Jones and DeMille Engineering (Jenna Jorgensen and Eric Major). The presentation was followed by an open question session where attendees were encouraged to review maps and discuss specific concerns with the presentation team. Representatives from DCWCD (Clyde Watkins) were also in attendance. At least 27 people attended the public meeting. The meeting materials and attendee roster are attached as Appendix B.

## 3. Comments

The formal open public comment period was from October 15 to November 14, 2019. Comments could be submitted in person at the meeting or by email, mail, fax, phone, or comment card. Comments were received from six commenters during the scoping period; five on comment cards during the public meeting and one letter on October 29, 2019. The comments are included as Appendix C.

## 4. Summary of Identified Issues

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

- Pressurized pipeline irrigation system
- Prevention of water loss
- Minimization of pipeline footprint
- Appropriate pipeline locations
- Use of renewable energy to pressurize pipeline system
- Remaining the existing rights-of-way
- Stabilization and reclamation of hillsides on tribal land
- Flooding of residence due to canals

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

- Cooperating Agency Invitation Letter
- Agency Fact Sheet
- Stakeholder Notice Letter
- Public Fact Sheet
- Tribal Letter
- Tribal Fact Sheet
- Screenshot of RDCC Notice
- Affidavit of Publication



United States Department of Agriculture

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Natural Resources  
Conservation Service

Utah State Office

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Salt Lake City, UT 84138

Ph: 801-524-4550  
Fax: 844-715-4928  
[www.ut.nrcs.usda.gov](http://www.ut.nrcs.usda.gov)

May 20, 2022

RE: Formal request to be a Cooperating Agency in the development of the East Duchesne Watershed Plan-Environmental Assessment (Plan-EA) for proposed improvements in Duchesne County, Utah.

Dear

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Indian Affairs become a cooperating agency in the planning and development of the East Duchesne Watershed Plan-EA. Information on the Plan-EA can be found at <https://bit.ly/eastduchesneplan-ea>.

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 our 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, 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](mailto:derek.hamilton@usda.gov) or 801/524-4560.

Sincerely,

NORM EVENSTAD  
Asst. State Conservationist - Water Resources

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT  
Jeremy Maycock, District Conservationist, NRCS, Roosevelt, UT  
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

# Duchesne County Water Conservancy District (DCWCD) Watershed Plan

Duchesne County, Utah



## Program Information

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), in cooperation with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566) improvements to address water use, agricultural operations, and flood damage reduction in Duchesne County, Utah.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public.

Authorized PL-566 purposes include:

- Flood prevention
- Watershed protection
- Public recreation
- Public fish and wildlife
- Agricultural water management
- Municipal and industrial water supply
- Water quality management

All comments should be directed to:

Jenna Jorgensen  
 Jones & DeMille Engineering  
 1535 S. 100 W. Richfield, UT 84701  
 Phone: (435) 896-8266  
 Email: [jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)

## Project Information

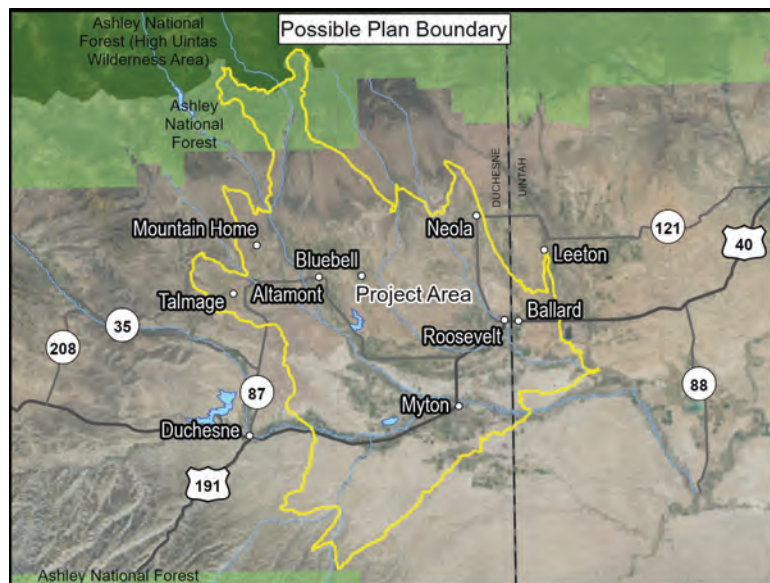
The DCWCD has identified these primary goals:

### 1. Improve agricultural operations

- Yellowstone Feeder Canal
- Gray Mountain Canal Rehabilitation
- DGIC Bluebell Canal Rehabilitation
- UIIP Arcadia Farms Pipeline
- DGIC Class C Canal Enclosure
- Lake Fork Western Canal
- South Boneta Canal
- UBIC Pleasant Valley Canal Pipeline
- MLWUA Coyote Canal Rehabilitation

### 2. Reduce community flood damage

- Ballard City Flood Control
- Myton City Flood Control
- Altamont City Flood Control



Control of noxious weeds will also be considered as part of the project.



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125 South State Street  
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Salt Lake City, UT 84138

Ph: 801-524-4550  
Fax: 844-715-4928  
[www.ut.nrcs.usda.gov](http://www.ut.nrcs.usda.gov)

October 8, 2019

**Re: Duchesne County Water Conservancy District (DCWCD) Watershed Plan**

Dear

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566) improvements to address water use, agricultural operations, and flood damage reduction in Duchesne County, Utah.

The primary goals of the project are to improve agricultural operations and reduce community flood damage.

1. Improve agricultural operations
  - Yellowstone Feeder Canal
  - Gray Mountain Canal Rehabilitation
  - DGIC Bluebell Canal Rehabilitation
  - UIIP Arcadia Farms Pipeline
  - DGIC Class C Canal Enclosure
  - Lake Fork Western Canal
  - South Boneta Canal
  - UBIC Pleasant Valley Canal Pipeline
  - MLWUA Coyote Canal Rehabilitation
2. Reduce community flood damage
  - Ballard City Flood Control
  - Myton City Flood Control
  - Altamont City Flood Control

Control of noxious weeds will also be considered as part of the project.

The USDA-NRCS will hold a public scoping meeting to provide information about the proposed project and to collect comments. At this time, the agency is requesting comments on the project to identify issues and resource concerns. Written comments are due within 30 days, post-marked by November 14, 2019.



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

Wednesday, October 30, 2019  
5:00 PM to 7:00 PM  
DCWCD Office  
275 W. 800 S.  
Roosevelt, Utah

Comments may be mailed or emailed to the following address or submitted during the public scoping meeting. Comments must be received by **November 14, 2019**.

Jenna.j@jonesanddemille.com

Jones & DeMille Engineering  
Attn: Jenna Jorgensen  
1535 S. 100 W.  
Richfield, UT 84701  
Phone: (435) 896-8266

Sincerely,

A handwritten signature in blue ink, appearing to read 'NE', is written over the word 'Sincerely,'.

NORM EVENSTAD

Water Resources Coordinator

Encl: Project Fact Sheet

# Duchesne County Water Conservancy District (DCWCD) Watershed Plan

Duchesne County, Utah



## Program Information

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), in cooperation with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566) improvements to address water use, agricultural operations, and flood damage reduction in Duchesne County, Utah.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public.

## Project Information

The DCWCD has identified these primary goals:

### 1. Improve agricultural operations

- Yellowstone Feeder Canal
- Gray Mountain Canal Rehabilitation
- DGIC Bluebell Canal Rehabilitation
- UIIP Arcadia Farms Pipeline
- DGIC Class C Canal Enclosure
- Lake Fork Western Canal
- South Boneta Canal
- UBIC Pleasant Valley Canal Pipeline
- MLWUA Coyote Canal Rehabilitation

### 2. Reduce community flood damage

- Ballard City Flood Control
- Myton City Flood Control
- Altamont City Flood Control

Control of noxious weeds will also be considered as part of the project.



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### Public Scoping Meeting

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

Wednesday, October 30, 2019

5:00 pm to 7:00 pm

DCWCD Offices: 275 W. 800 S. Roosevelt, UT

All comments should be directed to:

Jenna Jorgensen

Jones & DeMille Engineering

1535 S. 100 W. Richfield, UT 84701

Phone: (435) 896-8266

Email: [jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)

Comments may be mailed, emailed, or submitted during the public scoping meeting. Comments must be received by **November 14, 2019**.



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Fax: 844-715-4928  
[www.ut.nrcs.usda.gov](http://www.ut.nrcs.usda.gov)

December 9, 2020

**Reference: Duchesne County Water Conservancy District (DCWCD) Watershed Plan**

Dear

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566), the DCWCD Watershed Plan in Duchesne County, Utah.

The primary goals of the project are to improve agricultural operations through lining or piping canals within Duchesne County.

In cooperation with the DCWCD, 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. 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.

You will be invited to attend a public meeting where the project and associated resource concerns will be discussed when the Draft Plan-EA is published; we anticipate the meeting to be held in the fall of 2021. The meeting will be held to provide information about the proposed project and to collect comments.

The participation of Tribes, agencies, organizations, and the public is a vital component of the project, providing those who are interested in or potentially affected by the proposed project an opportunity to share their comments, ideas, and concerns regarding

December 9, 2020

Page 2

actions during the NEPA process. You are encouraged to attend the public meeting and express your comments, ideas, and concerns.

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.

If you have any questions, comments, or concerns, please contact Shelley A. Szeghi, Area Cultural Resources Specialist, at (801) 597-4552, or email at [Shelley.Szeghi@usda.gov](mailto:Shelley.Szeghi@usda.gov). We look forward to receiving your comments and discussing this project further.

Sincerely,

  
EMILY FIFE  
NRCS State Conservationist

Enclosure  
- Project Fact Sheet

cc:

Jenna Jorgensen, Environmental Coordinator, Jones & DeMille Engineering, Richfield, UT

Chet Fitzgerald, Assistant State Conservationist for Field Operations, NRCS, Ogden, Utah

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

Leslie Warta, NEPA Coordinator, NRCS, Salt Lake City, UT

Shelley Szeghi, North Area State Cultural Resources Specialist, Ogden, UT

# Duchesne County Water Conservancy District (DCWCD) Watershed Plan

## Fact Sheet



### Program Information

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in cooperation with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is considering proposed improvements within Duchesne County. Improvements under consideration will address watershed protection and agricultural water management.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public.

### Project Information

The DCWCD has identified the primary goals of agricultural water management and watershed protection through improvements to the following systems:

- Yellowstone Feeder Canal
- Gray Mountain Canal
- DGIC Class B Canal
- UIIP Arcadia Farms Pipeline
- DGIC Class C Canal
- South Boneta Canal
- Coyote Canal

### Project Area Overview







Projects

Government  
Agency Login

Utah.gov

Main PLPCO Site

## View Project

### Project #71143

#### Key Info:

Sponsor: Other/Federal Government

Title of Action: Duchesne County Water Conservancy District - PL566 Watershed Plan-EA

Federal ID: Duchesne County Water Conservancy District - PL566 Watershed Plan-EA

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

Project Start Date: 11/15/2022

Location: Duchesne County - Eastern

Location/Supplemental Attachment:

DCWCD Scoping Fact Sheet.pdf

DCWCD Fact Sheet.pdf

DCWCD scoping General letter\_signed.pdf

Counties: Duchesne

Has local government been contacted? Yes

Date Local Government was Contacted: 01/17/2019

Acquisition: No

Date of Acquisition: N/A

Have the state representative and state senator been contacted? No

#### Project abstract:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566) improvements to address water use, agricultural operations, and flood damage reduction in Duchesne County, Utah.

The primary goals of the project are to improve agricultural operations and reduce community flood damage.

##### 1. Improve agricultural operations

Yellowstone Feeder Canal

Gray Mountain Canal Rehabilitation

DGIC Bluebell Canal Rehabilitation

UIIP Arcadia Farms Pipeline

DGIC Class C Canal Enclosure

Lake Fork Western Canal

South Boneta Canal

UBIC Pleasant Valley Canal Pipeline

MLWUA Coyote Canal Rehabilitation

##### 2. Reduce community flood damage

Ballard City Flood Control

Myton City Flood Control

Altamont City Flood Control

Control of noxious weeds will also be considered as part of the project.

The USDA-NRCS will hold a public scoping meeting Wednesday, Oct. 30, 2019 at 5:00 to 7:00 pm (DCWCD Offices - 275 W., 800 S, Duchesne, UT), to provide information about the proposed project and to collect comments. At this time, the agency is requesting comments on the project to identify issues and resource concerns. Written comments are due within 30 days, post-marked by November 14, 2019.

See attached documents for general proposed project information.

#### Local government's response?

They are a stakeholder / sponsor for the project.

#### How is the local government(s) likely to be impacted?

Benefits for improved agricultural water management and efficiency. Benefit of improved storm water runoff control and coordination among local stakeholders.

Possible significant impacts likely to occur: 

Benefits for agricultural water management and area flood protection.

Consistency Review 

No Consistency Review Document

Record of Decision 

No Record of Decision Document

State Comments 

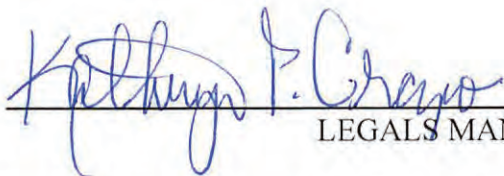
No State Comments

For further information please contact project sponsor.

# AFFIDAVIT OF PUBLICATION

County of Duchesne,  
STATE OF UTAH


I, KATHRYN P. CRAPO, on oath, say that I am the LEGALS MANAGER of the Uintah Basin Standard, a weekly newspaper of general circulation, published at Roosevelt, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 2 consecutive issues, and that the first publication was on the 15 day of October, 20 19, and that the last publication of such notice was in the issue of such newspaper dated the 22 day of October, 20 19, and that said notice was published on Utahlegals.com on the same day as the first newspaper publication and the notice remained on Utahlegals.com until the end of the scheduled run.

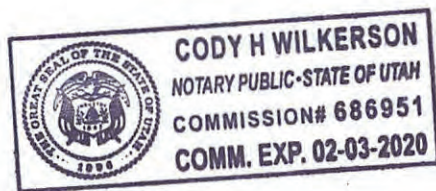
  
LEGALS MANAGER

Subscribed and sworn to before me on this

22 day of October, 20 19

by Kathryn P. Crapo.

  
Notary Public



## NOTICE

Duchesne County  
Water Conservancy  
District (DCWCD)  
Watershed Plan  
Project Information  
The United States

Department of Agriculture Natural Resources Conservation Service (NRCS), with the Duchesne County Water Conservancy District (DCWCD) as the project sponsor, is proposing to partially fund through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566) improvements to address water use, agricultural operations, and flood damage reduction in Duchesne County, Utah.

The USDA-NRCS will hold a public scoping meeting to provide information about the proposed project and to collect comments. At this time, the agency is requesting comments on the project to identify issues and resource concerns. Written comments are due within 30 days, post-marked by November 14, 2019.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to [jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)  
Public Scoping Meeting:

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

Wednesday, October 30, 2019  
5:00 PM to 7:00 PM

Duchesne County  
Water Conservancy  
District Office  
275 W. 800 S.  
Roosevelt, Utah  
How to Submit a Comment:

Comments may be mailed or emailed to the following address or submitted during the public scoping meeting. Comments must be received by November 14, 2019.

[jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)  
Jones & DeMille

Engineering

Attn: Jenna Jorgensen

1535 S. 100 W.  
Richfield, UT  
84701

Phone: (435) 896-8266

Published in the  
Uintah Basin Standard  
October 15 and 22, 2019.



## Appendix B. Scoping Meeting Materials

- Meeting Sign-in Sheet
- Meeting Display Boards

# Duchesne County Water Conservancy District (DCWCD) Watershed Plan Public Scoping Meeting

October 30, 2019



	Print Name	Organization	Title	Phone	Email
1	Shawn Keel	Attendant Town	Manager		
2	Jeff Baker	JDE			
3	Erik Rube	JDE	Graduate Engineer		
4	Ron Mitchell	MLWU LAKE FORK	BOARD M PRES		
5	Calvin Roberts	Class B			
6	Greg Miles	Duchesne County	Commissioner		
7	Kelly Crozier	DCWCD	Board Member		
8	GRANDMAN SNOW	SUNRISE ENG			
9	Doddie Snow	"			
10	Lawson Dily	LLIP. DUCED.			
11	Alarik F. Myrin	Irri gator of Awater Arcadia	Owner		
12	Radger Ames	Dry Gals	Director		
13	Eric Major	JDE	PM		
14	Clyde Wathins	DCWCD	Manager		

# Duchesne County Water Conservancy District (DCWCD) Watershed Plan Public Scoping Meeting

October 30, 2019



	Print Name	Organization	Title	Phone	Email
1	BEN Dunsmore	UTIF Rider			
2	AARON Dunsmore				
3	Wallace Dunsmore	Windward Ranch			
4	Dex Winterford	MUNDA			
5	Keith Hooper	DCWCD			
6	Barbara Keller				
7	Dave Evans				
8	Roger Evans				
9	Ryan Harrison				
10	Denise May	Utah Trigo Water Resources			
11	Ron Winterford	State Senate Secretary			
12	Norm Eversstad	NRECS	wrc		
13	Monique Robbins	FCE			
14					



United States  
Department of  
Agriculture

Duchesne County Water Conservancy District

# Duchesne County Water Conservancy District (DCWCD) Watershed Plan-EA



# Project Information

**Project:** The primary goals of the project are to improve agricultural operations and reduce community flood damage.

**1. Improve agricultural operations**

- Yellowstone Feeder Canal
- Gray Mountain Canal Rehabilitation
- DGIC Bluebell Canal Rehabilitation
- UIIP Arcadia Farms Pipeline
- DGIC Class C Canal Enclosure
- Lake Fork Western Canal
- South Boneta Canal
- UBIC Pleasant Valley Canal Pipeline
- MLWUA Coyote Canal Rehabilitation

**2. Reduce community flood damage**

- Ballard City Flood Control
- Myton City Flood Control
- Altamont City Flood Control

**Purpose and Need:** Proposed measures would address agricultural water management and flood prevention.

**Who is Proposing the Project?** Duchesne County Water Conservancy District (DCWCD)





Project Identified

1

Project Identified/  
proposed

2

Scoping & Issues  
Identification

\* Public comments &  
agency comments

3

Resource  
analysis &  
alternative  
comparison

4

Impact  
analysis &  
writing of  
Plan-EA

INCORPORATION OF COMMENTS

5

Draft Plan-EA

\* Public comments &  
agency comments

6

Final Plan-EA

7

NRCS  
Decision

INCORPORATION OF COMMENTS

Begin Construction

# We want to hear from you.

## Purpose of Scoping

- Introduce the proposed project
- Obtain public and interested parties' input
- Help determine the range and significance of issues to be addressed in the Plan-EA

## \* Opportunities to Comment

- **Written comments**  
Written comments at the scoping meeting
- **Email**  
Jenna Jorgensen  
[jenna.j@jonesanddemille.com](mailto:jenna.j@jonesanddemille.com)
- **Mail**  
Jenna Jorgensen  
Jones and DeMille Engineering  
1535 S. 100 W.  
Richfield, UT 84701

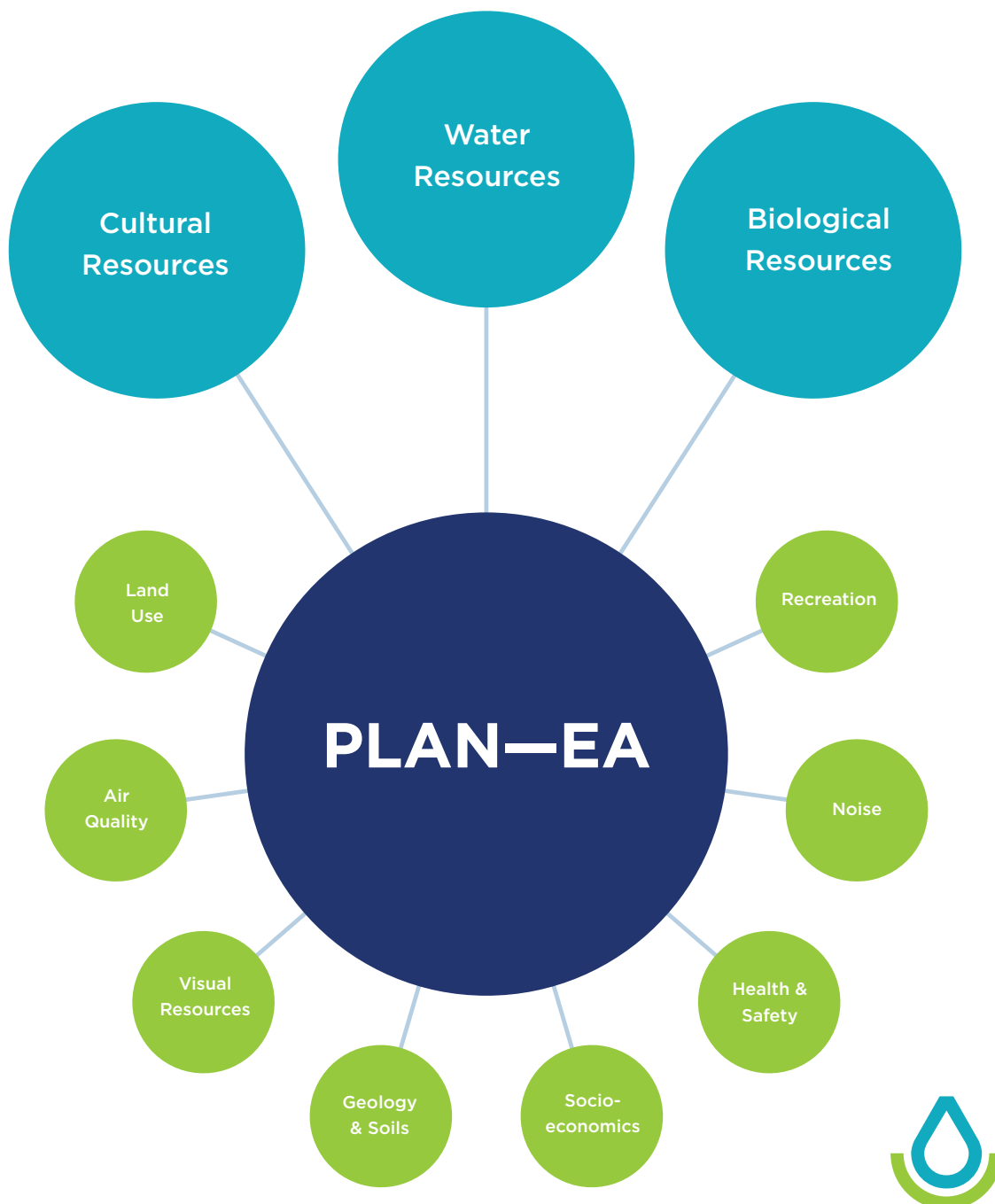




United States  
Department of  
Agriculture

Duchesne County Water Conservancy District

# RESOURCES CONSIDERED IN PLAN-EA



## Appendix C. Comments

Commenter	Comment Topic	Comment	Response
Lance Henderson (Uintah Basin Irrigation Company)	Gray Mountain Canal	<p>The Uintah Basin Irrigation Company (UBIC) is in favor of the DCWCD Water Shed Plan. UBIC believes that a lot of water can be saved and better managed in Duchesne County by piping or lining open canals with a benefit of better down stream water quality.</p> <p>UBIC delivers water to about 10,500 acres in Duchesne County on South Myton Bench and in Pleasant Valley. UBIC water is delivered to the Taylor Pipe line by UIIP's Gray Mountain 8 mile long open canal from the Duchesne River. In the past UBIC has been charged a 12 to 18 percent ditch loss by Gray Mountain. At maximum duty of 150cfs that loss equals 27cfs. UBIC pays Gray Mountain a O&amp;M each year along with 66% of any other expenses such as weed and moss control and repairs to the canal.</p> <p>UBIC is very much in favor of piping the 8 miles of Gray Mountain canal from the Duchesne River to the Taylor Pipe line, as this would reduce the water loss and reduce the yearly expenses on the canal. There would also be the benefit of pressurizing the system and reducing the pumping costs of the water users.</p> <p>UBIC feels that piping the Gray Mountain canal would save more water and stop more salts from entering the Duchesne River than the other proposed water shed projects. UBIC also has a proposed project to pipe 3 miles of open canal on South Myton Bench and is willing to drop this project at this time in order to use those funds on the Gray Mountain Canal.</p>	Measures to pipe or line the Gray Mountain Canal will be considered in the Plan-EA.



Commenter	Comment Topic	Comment	Response
Ben Dunsmore (UIIP Duchesne Feeder Ditch Rider)	Duchesne Feeder	<ul style="list-style-type: none"> <li>Start pipe at river or Mike Blazard to increase pressure. Look @ possible of hooking up to Dry Gulch @ the end of Duchesne Feeder.</li> <li>Pipe laterals</li> <li>Stock water pipe</li> <li>Deseret Run of before Zimmer Wash</li> </ul>	Measures to address agricultural water management associated with the Duchesne Feeder Canal will be considered in the Plan-EA.
Roger Evans	Red Cap Extension	Canal at present subs into basement of house year round. Worse in winter when stock water is present.	Concerns with groundwater seepage from the Red Cap Extension will be considered in the Plan-EA.
Dave Evans (Duchesne Feeder)	Duchesne Feeder	<ul style="list-style-type: none"> <li>Try to intercept each existing pipeline</li> <li>Work with the BIA to minimize pipeline length and ultimate placement</li> <li>Provide minimum 30 psi pressure to all shareholders at appropriate points of diversion as allowed by statute</li> <li>Explore possibility of using renewable energy to supply needed pressure</li> </ul>	Measures to address agricultural water management associated with the Duchesne Feeder Canal will be considered in the Plan-EA.
Ryan Harrison	Red Cap Extension	<ul style="list-style-type: none"> <li>Look into pressurizing pipeline (solar power) or go up canal to find pressure.</li> <li>Stay in old canal right of way if possible.</li> <li>Pipeline without pressure is worthless.</li> </ul>	Measures to address agricultural water management associated with the Red Cap Extension Canal will be considered in the Plan-EA.

Commenter	Comment Topic	Comment	Response
Dex Winterton (Moon Lake Water Users Association)	Coyote Canal	For MLWUA our priority is the Coyote Canal. It will not only benefit us and our users but will benefit the County Road Dept. and allow for long term stabilization and reclamation of the hillside on tribal property. This would be a great project. Also, I would give support to all other project on the list as well.	Measures to improve the Coyote Canal will be considered in the Plan-EA.