

Appendix A. Comments and Responses

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Scoping Letter

November 17, 2020

RE: Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment, Montrose and Gunnison Counties, Colorado

Dear Interested Persons, Organizations, and Agencies:

The United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) is proposing a project (Proposed Project) sponsored by the Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited that would occur in Montrose and Gunnison Counties, Colorado. The NRCS and Proposed Project sponsors are requesting comments from agencies and the public to inform the development of the Proposed Project and the analysis conducted in the Environmental Assessment (EA). The EA would evaluate the use of federal funds to stabilize and line approximately 1.5 miles of UVWUA open canal, pipe several miles of BPWCD laterals, replace a failing section of existing pipeline, rebuild the Cimarron Canal diversion structure, and install an electronic fish screen and temperature monitors in the Cimarron River.

The Proposed Project Action Area (Action Area) is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals that pose risks for damage to U.S. Route-50, local roads, agricultural land, and residential properties. BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields.

The Proposed Project purpose would be to conserve over 4,800 acre-feet of water annually, to reduce salt and selenium loading in waterways and to protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. Proposed Project implementation would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Design and construction would be estimated to occur from fall 2022 to spring 2025, pending environmental and engineering approvals. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season.

The NRCS will prepare an EA as required by the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), and the USDA NEPA implementing regulations. This EA will analyze the potential environmental impacts of the Proposed Project. As required by NEPA, if significant environmental impacts are identified, an Environmental Impact Statement (EIS) will be

prepared. If no significant impacts are identified as a result of implementing the Proposed Project, the NRCS will issue a Finding of No Significant Impact (FONSI).

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

Please submit all comments by January 15, 2021, to Autumn Foushee at afoushee@jub.com or via mail to:

Bostwick Park Water Conservancy District Watershed Project
c/o Autumn Foushee
392 E. Winchester St., Suite 300
Salt Lake City, UT 84107

Proposed Project information can be found at the USDA-NRCS website: <https://bit.ly/BostwickPark>.

If you have any further questions or clarifications regarding the Proposed Project, you may reach Autumn via email or at (385) 222-1436. Please include Autumn Foushee in all submitted comments for the EA.

However, for cultural resource concerns, you may also contact Craig Dengel at craig.dengel@usda.gov or via mail for clarifications or comments:

Bostwick Park Water Conservancy District Watershed Project
c/o Craig Dengel, State Cultural Resources Specialist
USDA-Natural Resources Conservation Service
PO Box 25426
Denver, CO 80225-0426

Agency representatives and the public are invited to attend a virtual public scoping meeting on Thursday, December 10, 2020 as part of the EA process to obtain information about the Proposed Project, ask questions, and submit comments and suggestions. Two virtual meeting options will be offered to accommodate schedules. Details are listed below:

Afternoon Virtual Scoping Meeting – A brief presentation will be provided prior to a question and answer session.

- Thursday, December 10, 2020
- 2:00 – 3:00 p.m.
- Online: Visit www.zoom.us/join and enter Meeting ID: 582 582 0012

Evening Virtual Scoping Meeting – A brief presentation will be provided prior to a question and answer session.

- Thursday, December 10, 2020
- 6:00 – 7:00 p.m.
- Online: Visit www.zoom.us/join and enter Meeting ID: 582 582 0012

Thank you for your interest in the Proposed Project and for your participation in this process.

A handwritten signature in blue ink that reads "Clint Evans". The signature is written in a cursive, flowing style.

CLINT EVANS
State Conservationist

Attachment: Project Location Exhibit

Cultural Consultation Letters



United States Department of Agriculture

Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

August 29, 2022

Betsy Chapoose,
Cultural Rights and Protection Director
Ute Indian Tribe of the Uintah and Ouray Reservation
P.O. Box 191
Fort Duchesne, Utah 84026

Request for Comment on a Proposed Agreement to Resolve for Adverse Effects to Historic Properties:
NRCS and Bostwick Park Water Conservancy District Flood Prevention, Agricultural Water Management,
and Fish and Wildlife Project in Montrose and Gunnison Counties, Colorado

Ms. Chapoose,

The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) as the lead federal agency is working in partnership with sponsoring local organizations (Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited) on the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. As the Project is utilizing federal funds through the NRCS's PL-566 program, preparation of a Watershed Plan and Environmental Assessment (Plan-EA) is being completed to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508. The NRCS and sponsoring local organizations are requesting tribal input to develop a Memorandum of Agreement (MOA) to resolve for adverse effects to historic properties associated with the Project.

Specifically, the Cimarron Canal, M&D Canal, and Vernal Mesa Ditch have, in consultation with the SHPO and other consulting parties, been determined eligible for listing in the National Register of Historic Places under Criterion A, and that **the Project will result in an adverse effect to these historic properties**. All sites identified are

The proposed Project includes modifications to and stabilization of approximately 1.5 miles of UVWUA open canal, piping several miles of BPWCD laterals, replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure, and installing an electronic fish screen and temperature monitors in the Cimarron River. The project's Area of Potential Effects (APE) is defined as a 200-foot (ft.)-wide (60-meter) corridor centered on the existing canals. Along the Montrose and Delta Canal, the survey corridor will be widened to 400 ft. to provide additional area to excavate, contour, and stabilize the downhill slope of the canal. In all, the cultural resources inventory covered 465.6 acres, consisting of 295.5 acres of private land, 158.8 acres of Bureau of Reclamation (BOR) land, 10.9 acres of Bureau of Land Management Uncompahgre Field Office (BLM-UFO) land, and 0.4 acres of local land at Cerro Summit. The APE also includes 50.25 acres of staging areas.

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NRCS requests comments from your Tribe on the proposed terms for mitigation in the attached MOA. I appreciate you taking the time to review this and look forward to your comments. Should you have additional questions or concerns regarding this project, please feel free to contact me by phone at (719) 749-8596 or via email at craig.dengel@usda.gov.

Sincerely,

CRAIG DENGEL Digitally signed by CRAIG
DENGEL
Date: 2022.08.29 16:49:24 -06'00'

Craig Dengel
NRCS State Cultural Resource Specialist

Enclosures:

A – Memorandum of Agreement Among the Natural Resources Conservation Service, the Bostwick Park Water Conservancy District, and the Colorado State Historic Preservation Officer Regarding the Bostwick Park Water Conservancy District Watershed Plan Project Located in Montrose and Gunnison Counties, Colorado

Table 1. Summary of Sites Documented for the BWWCD Project.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible; contributing segment	Mitigate prior to work
5MN1855.9	BOR	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	BLM-UFO	Prehistoric lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN7708.3	Private	Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
5MN11655.2	Private	Ranger Road	Unevaluated; noncontributing segment	No further work
5MN12106.4	Private	Historical transmission line	Needs data; noncontributing segment	No further work
5MN12931.1	Private	Cimarron Road	Not eligible; noncontributing segment	No further work
5MN12932.1	Private	County Road P77	Needs data; noncontributing	No further work
5MN12933	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12934	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work



United States Department of Agriculture

Natural Resources Conservation Service
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January 13, 2022

Betsy Chapoose
Cultural Rights and Protection Department
Ute Indian Tribe of the Uintah and Ouray Reservation
P.O. Box 191
Fort Duchesne, Utah 84026

Request for Comment: Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy District in Montrose and Gunnison Counties, Colorado

Ms. Chapoose,

The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) as the lead federal agency is working in partnership with sponsoring local organizations (Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited) on the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. As the Project is utilizing federal funds through the NRCS's PL-566 program, preparation of a Watershed Plan and Environmental Assessment (Plan-EA) is being completed to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508. The NRCS and sponsoring local organizations are requesting tribal input in preparation of the Plan-EA for the Project.

The proposed Project includes modifications to and stabilization of approximately 1.5 miles of UVWUA open canal, piping several miles of BPWCD laterals, replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure, and installing an electronic fish screen and temperature monitors in the Cimarron River. Because the Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals, one purpose of the Project is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would also conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Design and construction would be estimated to occur from fall 2022 to spring 2025, pending environmental and engineering approvals. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season.

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The proposed project Area of Potential Effect (APE) includes all work and staging areas needed for the project, totaling 465 acres. The APE was surveyed by Alpine Archaeological Consultants, Inc. in August and September of 2021. Seventeen sites or site segments were documented during survey, which are summarized in Table 1 below. NRCS has determined that eleven sites/segments are either not eligible for listing in the National Register of Historic Places (NRHP) or as non-supporting segments of historic linear sites. No additional work is proposed for these. However, NRCS has identified six canal segments that are supporting portions of significant cultural resources and proposed project work will result in an Adverse Effect to these resources. NRCS invites your participation in the development of a proposed Memorandum of Agreement (MOA) to mitigate these adverse effects.

NRCS requests concurrence for the NRHP determinations and project impacts for this project. I appreciate you taking the time to review this and look forward to your comments. Should you have additional questions or concerns regarding this project, please feel free to contact me by phone at (719) 749-8596 or via email at craig.dengel@usda.gov.

Sincerely,

Craig Dengel Digitally signed by Craig Dengel
Date: 2022.01.13 14:05:51 -07'00'

Craig Dengel
NRCS State Cultural Resource Specialist

Enclosures:

A – Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy District in, Montrose and Gunnison Counties, Colorado

cc: (w/ encl)

Jeremy Omvig, Area 1 CRS, NRCS, Montrose, CO

Kristen Bowen, Environmental & Cultural Group Chief, Bureau of Reclamation, Durango, CO

cc: (w/o encl)

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Lexie (Yoder) Conley, J-U-B Engineers, Inc.

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January 13, 2022

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Indian Tribe
P.O. Box 468
Towaoc, CO 81334

Request for Comment: Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy District in Montrose and Gunnison Counties, Colorado

Mr. Knight,

The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) as the lead federal agency is working in partnership with sponsoring local organizations (Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited) on the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. As the Project is utilizing federal funds through the NRCS's PL-566 program, preparation of a Watershed Plan and Environmental Assessment (Plan-EA) is being completed to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508. The NRCS and sponsoring local organizations are requesting tribal input in preparation of the Plan-EA for the Project.

The proposed Project includes modifications to and stabilization of approximately 1.5 miles of UVWUA open canal, piping several miles of BPWCD laterals, replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure, and installing an electronic fish screen and temperature monitors in the Cimarron River. Because the Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals, one purpose of the Project is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would also conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Design and construction would be estimated to occur from fall 2022 to spring 2025, pending environmental and engineering approvals. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season.

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August 29, 2022

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Cultural Rights and Protection Director
Ute Indian Tribe of the Uintah and Ouray Reservation
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Request for Comment on a Proposed Agreement to Resolve for Adverse Effects to Historic Properties:
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Specifically, the Cimarron Canal, M&D Canal, and Vernal Mesa Ditch have, in consultation with the SHPO and other consulting parties, been determined eligible for listing in the National Register of Historic Places under Criterion A, and that **the Project will result in an adverse effect to these historic properties**. All sites identified are

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Craig Dengel
NRCS State Cultural Resource Specialist

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United States Department of Agriculture

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August 29, 2022

Chairman Melvin J. Baker
Southern Ute Indian Tribe of the Southern Ute Reservation
P.O. Box 737
Ignacio, Colorado 81137

Request for Comment on a Proposed Agreement to Resolve for Adverse Effects to Historic Properties:
NRCS and Bostwick Park Water Conservancy District Flood Prevention, Agricultural Water Management,
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Chairman Baker,

The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) as the lead federal agency is working in partnership with sponsoring local organizations (Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited) on the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. As the Project is utilizing federal funds through the NRCS's PL-566 program, preparation of a Watershed Plan and Environmental Assessment (Plan-EA) is being completed to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508. The NRCS and sponsoring local organizations are requesting tribal input to develop a Memorandum of Agreement (MOA) to resolve for adverse effects to historic properties associated with the Project.

Specifically, the Cimarron Canal, M&D Canal, and Vernal Mesa Ditch have, in consultation with the SHPO and other consulting parties, been determined eligible for listing in the National Register of Historic Places under Criterion A, and that **the Project will result in an adverse effect to these historic properties**. All sites identified are

The proposed Project includes modifications to and stabilization of approximately 1.5 miles of UVWUA open canal, piping several miles of BPWCD laterals, replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure, and installing an electronic fish screen and temperature monitors in the Cimarron River. The project's Area of Potential Effects (APE) is defined as a 200-foot (ft.)-wide (60-meter) corridor centered on the existing canals. Along the Montrose and Delta Canal, the survey corridor will be widened to 400 ft. to provide additional area to excavate, contour, and stabilize the downhill slope of the canal. In all, the cultural resources inventory covered 465.6 acres, consisting of 295.5 acres of private land, 158.8 acres of Bureau of Reclamation (BOR) land, 10.9 acres of Bureau of Land Management Uncompahgre Field Office (BLM-UFO) land, and 0.4 acres of local land at Cerro Summit. The APE also includes 50.25 acres of staging areas.

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NRCS requests comments from your Tribe on the proposed terms for mitigation in the attached MOA. I appreciate you taking the time to review this and look forward to your comments. Should you have additional questions or concerns regarding this project, please feel free to contact me by phone at (719) 749-8596 or via email at craig.dengel@usda.gov.

Sincerely,

Craig Dengel
Digitally signed by Craig
Dengel
Date: 2022.08.29 16:52:33
-06'00'

Craig Dengel
NRCS State Cultural Resource Specialist

Enclosures:

A – Memorandum of Agreement Among the Natural Resources Conservation Service, the Bostwick Park Water Conservancy District, and the Colorado State Historic Preservation Officer Regarding the Bostwick Park Water Conservancy District Watershed Plan Project Located in Montrose and Gunnison Counties, Colorado

Table 1. Summary of Sites Documented for the BWWCD Project.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible; contributing segment	Mitigate prior to work
5MN1855.9	BOR	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	BLM-UFO	Prehistoric lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN7708.3	Private	Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
5MN11655.2	Private	Ranger Road	Unevaluated; noncontributing segment	No further work
5MN12106.4	Private	Historical transmission line	Needs data; noncontributing segment	No further work
5MN12931.1	Private	Cimarron Road	Not eligible; noncontributing segment	No further work
5MN12932.1	Private	County Road P77	Needs data; noncontributing	No further work
5MN12933	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12934	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work



United States Department of Agriculture

Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

August 29, 2022

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Indian Tribe
P.O. Box 468
Towaoc, CO 81334

Request for Comment on a Proposed Agreement to Resolve for Adverse Effects to Historic Properties: NRCS and Bostwick Park Water Conservancy District Flood Prevention, Agricultural Water Management, and Fish and Wildlife Project in Montrose and Gunnison Counties, Colorado

Mr. Knight,

The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) as the lead federal agency is working in partnership with sponsoring local organizations (Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited) on the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. As the Project is utilizing federal funds through the NRCS's PL-566 program, preparation of a Watershed Plan and Environmental Assessment (Plan-EA) is being completed to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508. The NRCS and sponsoring local organizations are requesting tribal input to develop a Memorandum of Agreement (MOA) to resolve for adverse effects to historic properties associated with the Project.

Specifically, the Cimarron Canal, M&D Canal, and Vernal Mesa Ditch have, in consultation with the SHPO and other consulting parties, been determined eligible for listing in the National Register of Historic Places under Criterion A, and that **the Project will result in an adverse effect to these historic properties**. All sites identified are

The proposed Project includes modifications to and stabilization of approximately 1.5 miles of UVWUA open canal, piping several miles of BPWCD laterals, replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure, and installing an electronic fish screen and temperature monitors in the Cimarron River. The project's Area of Potential Effects (APE) is defined as a 200-foot (ft.)-wide (60-meter) corridor centered on the existing canals. Along the Montrose and Delta Canal, the survey corridor will be widened to 400 ft. to provide additional area to excavate, contour, and stabilize the downhill slope of the canal. In all, the cultural resources inventory covered 465.6 acres, consisting of 295.5 acres of private land, 158.8 acres of Bureau of Reclamation (BOR) land, 10.9 acres of Bureau of Land Management Uncompahgre Field Office (BLM-UFO) land, and 0.4 acres of local land at Cerro Summit. The APE also includes 50.25 acres of staging areas.

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NRCS requests comments from your Tribe on the proposed terms for mitigation in the attached MOA. I appreciate you taking the time to review this and look forward to your comments. Should you have additional questions or concerns regarding this project, please feel free to contact me by phone at (719) 749-8596 or via email at craig.dengel@usda.gov.

Sincerely,

Craig Dengel Digitally signed by Craig Dengel
Date: 2022.08.29 16:55:06 -06'00'

Craig Dengel
NRCS State Cultural Resource Specialist

Enclosures:

A – Memorandum of Agreement Among the Natural Resources Conservation Service, the Bostwick Park Water Conservancy District, and the Colorado State Historic Preservation Officer Regarding the Bostwick Park Water Conservancy District Watershed Plan Project Located in Montrose and Gunnison Counties, Colorado

Table 1. Summary of Sites Documented for the BWWCD Project.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible; contributing segment	Mitigate prior to work
5MN1855.9	BOR	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	BLM-UFO	Prehistoric lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN7708.3	Private	Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
5MN11655.2	Private	Ranger Road	Unevaluated; noncontributing segment	No further work
5MN12106.4	Private	Historical transmission line	Needs data; noncontributing segment	No further work
5MN12931.1	Private	Cimarron Road	Not eligible; noncontributing segment	No further work
5MN12932.1	Private	County Road P77	Needs data; noncontributing	No further work
5MN12933	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12934	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work



Natural Resources Conservation Service
Post Office Box 25426
Denver, Colorado 80225-0426

SENT VIA EMAIL ONLY

September 5, 2024

Chairman Durell Cooper
Apache Tribe of Oklahoma 158 Tribal Way
Durellcooper05@gmail.com

RE: Section 106 Consultation: Cimarron-Lower Uncompahgre Watershed Project in Montrose and Gunnison Counties, Colorado

Dear Chairman Durell Cooper:

The U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS) as lead federal agency is initiating consultation with the Apache Tribe of Oklahoma under Title 54 U.S. C. 306108, commonly known as Section 106 of the National Historic Preservation Act, and its implementing regulations found at 36 CFR Part 800, for the Cimarron-Lower Uncompahgre Watershed Plan Environmental Assessment (Plan-EA). The Bostwick Park Water Conservancy District (BPWCD), the Uncompahgre Valley Water Users Association (UVWUA), the Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited propose to complete the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado.

The NRCS, is funding a Plan-EA. The proposed Project includes:

- modifications to and stabilization of approximately 1.5 miles of UVWUA open canal,
- piping several miles of BPWCD laterals,
- replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure,
- and installing an electronic fish screen and temperature monitors in the Cimarron River.

The Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals. Therefore, a Project goal is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies.

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Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season. The 465-acre Area of Potential Effects (APE) includes all project and staging areas.

Alpine Archaeological Consultants, Inc. surveyed the APE in August and September of 2021. Seventeen sites or site segments were documented during survey are summarized in the table below.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible: contributing segment	Mitigate prior to work
5MN1855.9	Bureau of Reclamation	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	Bureau of Land Management-Uncompahgre Field Office (BLM -UFO)	Lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
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5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
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5MN12934	Private	Lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work

Four isolated finds were also recorded. NRCS has determined that eleven sites/segments are either not eligible for listing in the National Register of Historic Places (NRHP) or are non-

supporting segments of linear sites. No additional work is proposed for these resources. However, NRCS has identified six canal segments that are supporting portions of significant cultural resources. NRCS has determined that the proposed project will adversely affect six historic canal segments (5GN.6371.1, 5MN.1855.9, 5MN.4808.5-6, 5MN.7708.3, 5MN.10323.2) pursuant to 36 CFR 800.6. NRCS proposes to mitigate impacts to these resources by documenting the canal segments and interpreting them in a website focused on their history.

The NRCS initiated consultation under Section 106 on January 13, 2022, and executed a Memorandum of Agreement (MOA) on August 28, 2023. The Plan-EA has not been finalized and no work has initiated on this project. During a 2024 internal review NRCS became aware of additional consulting parties. The MOA is being amended and can address any comments from your Tribe.

The NRCS is initiating consultation with your Tribe and would appreciate your review and any comments you have on this project, including potential impacts to any unidentified Native American Sacred Sites, Traditional Cultural Properties, or other cultural resources that you may be aware of within the project area. In addition, NRCS requests comments from your Tribe on the enclosed Memorandum of Agreement. If you have any concerns about this proposed project and/or its potential impacts on cultural resources, please provide us with your feedback within 30 days of receiving this letter.

The NRCS appreciates your time reviewing this project and your comments. If we may be of further assistance, please reach out to Katherine Arntzen at (970) 694-0289 or katherine.arntzen@usda.gov. For the hearing impaired, please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

CLINTON EVANS Digitally signed by CLINTON EVANS
Date: 2024.09.05 09:50:54 -06'00'

CLINTON EVANS
State Conservationist

Enclosures
Enclosure 1 – Cultural Resources Report
Enclosure 2 -- MOA

cc:

Mr. Marland Toyekoyah, Apache Tribe of Oklahoma, apacheta20@gmail.com;
marland.toyekoyah@apachetribe.org

Todd Boldt, Assistant State Conservationist of Water Resources, NRCS, todd.boldt@usda.gov
Blongshia Cha, Watershed Program Specialist, NRCS, blongshia.cha@usda.gov



Natural Resources Conservation Service
Post Office Box 25426
Denver, Colorado 80225-0426

SENT VIA EMAIL AND U.S. MAIL

September 5, 2024

Chairman Mark Woommavovah
Comanche Nation of Oklahoma
P.O. Box 908
Lawton, OK 73502

RE: Section 106 Consultation: Cimarron-Lower Uncompahgre Watershed Project in Montrose and Gunnison Counties, Colorado

Dear Chairman Mark Woommavovah:

The U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS) as lead federal agency is initiating consultation with the Comanche Nation of Oklahoma under Title 54 U.S. C. 306108, commonly known as Section 106 of the National Historic Preservation Act, and its implementing regulations found at 36 CFR Part 800, for the Cimarron-Lower Uncompahgre Watershed Plan Environmental Assessment (Plan-EA). The Bostwick Park Water Conservancy District (BPWCD), the Uncompahgre Valley Water Users Association (UVWUA), the Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited propose to complete the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado.

The NRCS, is funding a Plan-EA. The proposed Project includes:

- modifications to and stabilization of approximately 1.5 miles of UVWUA open canal,
- piping several miles of BPWCD laterals,
- replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure,
- and installing an electronic fish screen and temperature monitors in the Cimarron River.

The Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals. Therefore, a Project goal is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream

municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season. The 465-acre Area of Potential Effects (APE) includes all project and staging areas.

Alpine Archaeological Consultants, Inc. surveyed the APE in August and September of 2021. Seventeen sites or site segments were documented during survey are summarized in the table below. Four isolated finds were also documented.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible: contributing segment	Mitigate prior to work
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5MN3183	Bureau of Land Management- Uncompahgre Field Office (BLM -UFO)	Lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
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5MN12940	Private	Historical artifact scatter	Not eligible	No further work

NRCS has determined that eleven sites/segments are either not eligible for listing in the National Register of Historic Places (NRHP) or are non-supporting segments of linear sites. No additional work is proposed for these resources. However, NRCS has identified six canal segments that are supporting portions of significant cultural resources. NRCS has determined that the proposed project will adversely affect six historic canal segments (5GN.6371.1, 5MN.1855.9, 5MN.4808.5-6, 5MN.7708.3, 5MN.10323.2) pursuant to 36 CFR 800.6. NRCS proposes to mitigate impacts to these resources by documenting the canal segments and interpreting them in a website focused on their history.

The NRCS initiated consultation under Section 106 on January 13, 2022, and executed a Memorandum of Agreement (MOA) on August 28, 2023. The Plan-EA has not been finalized and no work has initiated on this project. During a 2024 internal review NRCS became aware of additional consulting parties. The MOA is being amended and can address any comments from your Tribe.

The NRCS is initiating consultation with your Tribe and would appreciate your review and any comments you have on this project, including potential impacts to any unidentified Native American Sacred Sites, Traditional Cultural Properties, or other cultural resources that you may be aware of within the project area. In addition, NRCS requests comments from your Tribe on the enclosed Memorandum of Agreement. If you have any concerns about this proposed project and/or its potential impacts on cultural resources, please provide us with your feedback within 30 days of receiving this letter.

The NRCS appreciates your time reviewing this project and your comments. If we may be of further assistance, please reach out to Katherine Arntzen at (970) 694-0289 or katherine.arntzen@usda.gov. For the hearing impaired, please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

CLINTON EVANS
Digitally signed by CLINTON EVANS
Date: 2024.09.05 09:51:52 -06'00'

CLINTON EVANS
State Conservationist

Enclosures
Enclosure 1 – Cultural Resources Report
Enclosure 2 -- MOA

cc:

Martina Minthorn, Tribal Historic Preservation Officer, Comanche Nation, Oklahoma,
martina.minthorn@comanchenation.com
Todd Boldt, Assistant State Conservationist of Water Resources, NRCS, todd.boldt@usda.gov
Blongshia Cha, Watershed Program Specialist, NRCS, blongshia.cha@usda.gov



Natural Resources Conservation Service
Post Office Box 25426
Denver, Colorado 80225-0426

SENT VIA U.S. MAIL

September 5, 2024

President Jeffrey Stiffarm
Fort Belknap Indian Community of the Fort
Belknap Reservation of Montana
158 Tribal Way
Harlem, MT 59526

RE: Section 106 Consultation: Cimarron-Lower Uncompahgre Watershed Project in Montrose and Gunnison Counties, Colorado

Dear President Stiffarm:

The U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS) as lead federal agency is initiating consultation with the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana under Title 54 U.S. C. 306108, commonly known as Section 106 of the National Historic Preservation Act, and its implementing regulations found at 36 CFR Part 800, for the Cimarron-Lower Uncompahgre Watershed Plan Environmental Assessment (Plan-EA). The Bostwick Park Water Conservancy District (BPWCD), the Uncompahgre Valley Water Users Association (UVWUA), the Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited propose to complete the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado.

The NRCS, is funding a Plan-EA. The proposed Project includes:

- modifications to and stabilization of approximately 1.5 miles of UVWUA open canal,
- piping several miles of BPWCD laterals,
- replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure,
- and installing an electronic fish screen and temperature monitors in the Cimarron River.

The Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals. Therefore, a Project goal is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial

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infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season. The 465-acre Area of Potential Effects (APE) includes all project and staging areas.

Alpine Archaeological Consultants, Inc. surveyed the APE in August and September of 2021. Seventeen sites or site segments were documented during survey are summarized in the table below. Four isolated finds were also documented.

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The NRCS is initiating consultation with your Tribe and would appreciate your review and any comments you have on this project, including potential impacts to any unidentified Native American Sacred Sites, Traditional Cultural Properties, or other cultural resources that you may be aware of within the project area. In addition, NRCS requests comments from your Tribe on the enclosed Memorandum of Agreement. If you have any concerns about this proposed project and/ or its potential impacts on cultural resources, please provide us with your feedback within 30 days of receiving this letter.

The NRCS appreciates your time reviewing this project and your comments. If we may be of further assistance, please reach out to Katherine Arntzen at (970) 694-0289 or katherine.arntzen@usda.gov. For the hearing impaired, please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

CLINTON
EVANS
CLINTON EVANS
State Conservationist

Digitally signed by CLINTON
EVANS
Date: 2024.09.05 09:53:38
-06'00'

Enclosures
Enclosure 1 – Cultural Resources Report
Enclosure 2 -- MOA

cc:

Michael Blackwolf, Fort Belknap Indian Community
Todd Boldt, Assistant State Conservationist of Water Resources, NRCS, todd.boldt@usda.gov
Blongshia Cha, Watershed Program Specialist, NRCS, blongshia.cha@usda.gov

Natural Resources Conservation Service
Post Office Box 25426
Denver, Colorado 80225-0426

SENT VIA EMAIL ONLY

September 5, 2024

RE: Section 106 Consultation: Cimarron-Lower Uncompahgre Watershed Project in Montrose and Gunnison Counties, Colorado

Dear Interested Parties:

The U.S. Department of Agriculture, NRCS is analyzing the cultural resource effects of the Cimarron-Lower Uncompahgre Watershed Plan Environmental Assessment (Plan-EA) in Montrose and Gunnison Counties, Colorado under the National Historic Preservation Act (NHPA) Section 106 process and its implementing regulations 36 CFR 800. The NRCS pursuant to 36 CFR 800.3 is notifying potentially interested parties of the proposed project. The NRCS would like to provide potentially interested parties an opportunity to participate in the project as a consulting party to the NHPA Section 106 process.

Additional information regarding the proposed project is as follows:

Description of the Undertaking

The Bostwick Park Water Conservancy District (BPWCD), the Uncompahgre Valley Water Users Association (UVWUA), the Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited propose to complete the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. The NRCS, is funding a Plan-EA for the Project. The proposed Project includes:

- modifications to and stabilization of approximately 1.5 miles of UVWUA open canal,
- piping several miles of BPWCD laterals,
- replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure,
- and installing an electronic fish screen and temperature monitors in the Cimarron River.

The Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals. Therefore, a Project goal is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream

municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season. The 465-acre Area of Potential Effects (APE) includes all project and staging areas.

Summary Description of the Identified Sites and Undertaking Effects

Alpine Archaeological Consultants, Inc. surveyed the APE in August and September of 2021. Seventeen sites or site segments were documented during survey are summarized in the table below.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible; contributing segment	Mitigate prior to work
5MN1855.9	Bureau of Reclamation	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	Bureau of Land Management-Uncompahgre Field Office (BLM-UFO)	Lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN7708.3	Private	Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
5MN11655.2	Private	Ranger Road	Unevaluated; noncontributing segment	No further work
5MN12106.4	Private	Historical transmission line	Needs data; noncontributing segment	No further work
5MN12931.1	Private	Cimarron Road	Not eligible; noncontributing segment	No further work
5MN12932.1	Private	County Road P77	Needs data; noncontributing	No further work
5MN12933	Private	Lithic scatter	Not eligible	No further work
5MN12934	Private	Lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work

NRCS has determined that eleven sites/segments are either not eligible for listing in the National Register of Historic Places (NRHP) or are non-supporting segments of linear sites. No additional work is proposed for these resources. However, NRCS has identified six canal segments that are supporting portions of significant cultural resources. NRCS has determined that the proposed project will adversely affect six historic canal segments (5GN.6371.1, 5MN.1855.9, 5MN.4808.5-6, 5MN.7708.3, 5MN.10323.2) pursuant to 36 CFR 800.6. NRCS proposes to mitigate impacts to these resources by documenting the canal segments and interpreting them in a website focused on their history.

The NRCS initiated consultation under Section 106 on January 13, 2022, and executed a Memorandum of Agreement (MOA) on August 28, 2023. The Plan-EA has not been finalized and no work has initiated on this project. During a 2024 internal review NRCS became aware of additional consulting parties including your organization. The MOA is being amended and can address any comments from your organization.

Identical letters have been sent to all parties identified on the enclosed list. Please notify NRCS within 30 days of receipt of this letter if you have any concerns or comments about the project, or if you would like to participate in the Section 106 process. For additional information, please don't hesitate to reach out to Katherine Arntzen at (970) 694-0289 or katherine.arntzen@usda.gov. For the hearing impaired, please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

CLINTON EVANS

Digitally signed by CLINTON
EVANS
Date: 2024.09.05 09:58:12 -06'00'

CLINTON EVANS
State Conservationist

Enclosure – Project Area Map

cc:

Todd Boldt, Assistant State Conservationist for Water Resources, todd.boldt@usda.gov

Blongshia Cha, Watershed Program Specialist, Blongshia.cha@usda.gov

Identical Letters Sent To:

Montrose County Commissioners: KCaddy@montrosecounty.net, RRash@montrosecounty.net,
SHansen@montrosecounty.net

Montrose County Historical Society and Museum, info@montrosethistry.org

Gunnison County Commissioners: EKSmith@gunnisoncounty.net,

JHouck@gunnisoncounty.net, LDaniels@gunnisoncounty.net

Gunnison County Historic Preservation Commission, c/o Mike Pelletier
mpelletier@gunnisoncounty.org



Natural Resources Conservation Service
Post Office Box 25426
Denver, Colorado 80225-0426

SENT VIA EMAIL ONLY

September 5, 2024

President Buu Nygren
Navajo Nation
President.buunygren@navajo-nsn.gov

RE: Section 106 Consultation: Cimarron-Lower Uncompahgre Watershed Project in Montrose and Gunnison Counties, Colorado

Dear President Buu Nygren:

The U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS) as lead federal agency is initiating consultation with the Navajo Nation under Title 54 U.S. C. 306108, commonly known as Section 106 of the National Historic Preservation Act, and its implementing regulations found at 36 CFR Part 800, for the Cimarron-Lower Uncompahgre Watershed Plan Environmental Assessment (Plan-EA). The Bostwick Park Water Conservancy District (BPWCD), the Uncompahgre Valley Water Users Association (UVWUA), the Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited propose to complete the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado.

The NRCS, is funding a Plan-EA. The proposed Project includes:

- modifications to and stabilization of approximately 1.5 miles of UVWUA open canal,
- piping several miles of BPWCD laterals,
- replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure,
- and installing an electronic fish screen and temperature monitors in the Cimarron River.

The Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals. Therefore, a Project goal is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies.

Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season. The 465-acre Area of Potential Effects (APE) includes all project and staging areas.

Alpine Archaeological Consultants, Inc. surveyed the APE in August and September of 2021. Seventeen sites or site segments were documented during survey are summarized in the table below. Four isolated finds were also documented.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible: contributing segment	Mitigate prior to work
5MN1855.9	Bureau of Reclamation	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	Bureau of Land Management-Uncompahgre Field Office	Lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN7708.3	Private	Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
5MN11655.2	Private	Ranger Road	Unevaluated; noncontributing segment	No further work
5MN12106.4	Private	Historical transmission line	Needs data; noncontributing segment	No further work
5MN12931.1	Private	Cimarron Road	Not eligible; noncontributing segment	No further work
5MN12932.1	Private	County Road P77	Needs data; noncontributing	No further work
5MN12933	Private	Lithic scatter	Not eligible	No further work
5MN12934	Private	Lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work

NRCS has determined that eleven sites/segments are either not eligible for listing in the National Register of Historic Places (NRHP) or are non-supporting segments of linear sites. No additional work is proposed for these resources. However, NRCS has identified six canal

segments that are supporting portions of significant cultural resources. NRCS has determined that the proposed project will adversely affect six historic canal segments (5GN.6371.1, 5MN.1855.9, 5MN.4808.5-6, 5MN.7708.3, 5MN.10323.2) pursuant to 36 CFR 800.6. NRCS proposes to mitigate impacts to these resources by documenting the canal segments and interpreting them in a website focused on their history.

The NRCS initiated consultation under Section 106 on January 13, 2022, and executed a Memorandum of Agreement (MOA) on August 28, 2023. The Plan-EA has not been finalized and no work has initiated on this project. During a 2024 internal review NRCS became aware of additional consulting parties. The MOA is being amended and can address any comments from your Tribe.

The NRCS is initiating consultation with your Tribe and would appreciate your review and any comments you have on this project, including potential impacts to any unidentified Native American Sacred Sites, Traditional Cultural Properties, or other cultural resources that you may be aware of within the project area. In addition, NRCS requests comments from your Tribe on the enclosed Memorandum of Agreement. If you have any concerns about this proposed project and/or its potential impacts on cultural resources, please provide us with your feedback within 30 days of receiving this letter.

The NRCS appreciates your time reviewing this project and your comments. If we may be of further assistance, please reach out to Katherine Arntzen at (970) 694-0289 or katherine.arntzen@usda.gov. For the hearing impaired, please call the Federal Relay System at (800) 877-8339 (TTY).

Sincerely,

CLINTON EVANS

Digitally signed by CLINTON
EVANS
Date: 2024.09.05 10:00:31 -06'00'

CLINTON EVANS
State Conservationist

Enclosures
Enclosure 1 – Cultural Resources Report
Enclosure 2 -- MOA

cc:

Mr. Richard Begay, Tribal Historic Preservation Officer, Navajo Nation, r.begay@navajo-nsn.gov

Todd Boldt, Assistant State Conservationist of Water Resources, NRCS, todd.boldt@usda.gov
Blongshia Cha, Watershed Program Specialist, NRCS, blongshia.cha@usda.gov

SHPO Concurrence Letter

January 13, 2022

Dawn DiPrince
State Historic Preservation Officer
History Colorado Center
1200 Broadway
Denver, CO 80203

Request for Comment: Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy District in Montrose and Gunnison Counties, Colorado

Ms. DiPrince,

The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) as the lead federal agency is working in partnership with sponsoring local organizations (Bostwick Park Water Conservancy District (BPWCD) as the Signatory Sponsor, and co-sponsored by Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited) on the Bostwick Park Water Conservancy District Watershed Project (Project) in Montrose and Gunnison Counties, Colorado. As the Project is utilizing federal funds through the NRCS's PL-566 program, preparation of a Watershed Plan and Environmental Assessment (Plan-EA) is being completed to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500-1508. The NRCS and sponsoring local organizations are requesting tribal input in preparation of the Plan-EA for the Project.

The proposed Project includes modifications to and stabilization of approximately 1.5 miles of UVWUA open canal, piping several miles of BPWCD laterals, replacing a failing section of existing pipeline, rebuilding the Cimarron Canal diversion structure, and installing an electronic fish screen and temperature monitors in the Cimarron River. Because the Project area is prone to significant storm events during the irrigation season, which could result in flooding, overtopping, and breaching of canals, one purpose of the Project is to mitigate the risk of damage to U.S. Route-50, local roads, agricultural land, and residential properties. Additionally, BPWCD and UVWUA estimate annual water losses of 939.6 acre-feet and 3,880 acre-feet, respectively, due to seepage from earthen canals. These water losses lead to high dissolved selenium and salt loading within the Lower Gunnison Watershed and increase maintenance costs and contribute to water shortages for irrigation users, which can affect crop yields. The proposed Project would also conserve over 4,800 acre-feet of water annually, reduce salt and selenium loading in waterways, and protect transportation, residential and commercial infrastructure from potential landslides and flood risks in the Lower Gunnison Watershed. As an added benefit, implementation of the Project would improve water quality for downstream municipal and agricultural users and improve aquatic habitat in receiving waterbodies. Design and construction would be estimated to occur from fall 2022 to spring 2025, pending environmental and engineering approvals. Construction activities associated with any irrigation systems would occur between October and April, which is outside of the typical irrigation season.

The proposed project Area of Potential Effect (APE) includes all work and staging areas needed for the project, totaling 465 acres. The APE was surveyed by Alpine Archaeological Consultants, Inc. in August and September of 2021. Seventeen sites or site segments were documented during survey, which are summarized in Table 1 below. NRCS has determined that eleven sites/segments are either not eligible for listing in the National Register of Historic Places (NRHP) or as non-supporting segments of historic linear sites. No additional work is proposed for these. However, NRCS has identified six canal segments that are supporting portions of significant cultural resources and proposed project work will result in an Adverse Effect to these resources. NRCS invites your participation in the development of a proposed Memorandum of Agreement (MOA) to mitigate these adverse effects.

NRCS requests concurrence for the NRHP determinations and project impacts for this project. I appreciate you taking the time to review this and look forward to your comments. Should you have additional questions or concerns regarding this project, please feel free to contact me by phone at (719) 749-8596 or via email at craig.dengel@usda.gov.

Sincerely,

Craig Dengel
NRCS State Cultural Resource Specialist

Enclosures:

A – Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy District in, Montrose and Gunnison Counties, Colorado

cc: (w/ encl)

Jeremy Omvig, Area 1 CRS, NRCS, Montrose, CO

Kristen Bowen, Environmental & Cultural Group Chief, Bureau of Reclamation, Durango, CO

cc: (w/o encl)

Krystal Phillips, Colorado State Biologist, NRCS, Denver, CO

Lexie (Yoder) Conley, J-U-B Engineers, Inc.

Table 1. Summary of Sites Documented for the BWWCD Project.

Site No.	Ownership	Site Name or Type	NRHP Eligibility Determination	Management Determination
5GN6371.1	Private	Cimarron Canal	Eligible: contributing segment	Mitigate prior to work
5MN1855.9	BOR	M&D Canal	Eligible; contributing segment	Mitigate prior to work
5MN3183	BLM-UFO	Prehistoric lithic scatter	Not Eligible	No further work
5MN4808.5	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN4808.6	Private	Cimarron Canal	Eligible, contributing segment	Mitigate prior to work
5MN7708.3	Private	Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN7708.4	Private	West Lateral/Vernal Mesa Ditch	Eligible; noncontributing segment	No further work
5MN10323.2	BLM-UFO and private	East Lateral/Vernal Mesa Ditch	Eligible; contributing segment	Mitigate prior to work
5MN10817.1	Private	State Highway 347	Not eligible; noncontributing segment	No further work
5MN11655.2	Private	Ranger Road	Unevaluated; noncontributing segment	No further work
5MN12106.4	Private	Historical transmission line	Needs data; noncontributing segment	No further work
5MN12931.1	Private	Cimarron Road	Not eligible; noncontributing segment	No further work
5MN12932.1	Private	County Road P77	Needs data; noncontributing	No further work
5MN12933	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12934	Private	Prehistoric lithic scatter	Not eligible	No further work
5MN12939	Private	Historical artifact scatter	Not eligible	No further work
5MN12940	Private	Historical artifact scatter	Not eligible	No further work

Craig Dengel
State Cultural Resource Specialist
Natural Resources Conservation Service
Denver Federal Center
P.O. Box 25426
Denver, CO 80225-0426

RE: Request for Comment: Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy District in Montrose and Gunnison Counties, Colorado (HC# 80879)

Dear Mr. Dengel,

Thank you for your correspondence dated January 13, 2022 and received by our office on January 14, 2022 requesting review of the above referenced undertaking under Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR 800.

The provided documentation includes the results of a class III cultural resource inventory completed in preparation for the undertaking. After review of the provided documentation, we provide the following statements regarding the eligibility of cultural resources for listing on the National Register of Historic Places (NRHP):

- We concur that 5GN.6371.1, 5MN.1855.9, 5MN.4808.5, 5MN.4808.6, 5MN.7708.3, and 5MN.10323.2 support the eligibility of their respective resources for listing on the NRHP.
- We concur that 5MN.3183, 5MN.10817.1, 5MN.11655.2, 5MN.12933, 5MN.12934, 5MN.12939, and 5MN.12940 are not eligible for the NRHP.
- We concur that 5MN.7708.4, 5MN.12106.4, 5MN.12931.1, and 5MN.12932.1 do not support the eligibility of their respective resources for the NRHP.
- We concur that isolated finds 5MN.12935-12938 are not eligible for the NRHP.

Based on the documentation provided, we concur that your finding of adverse effect [36 CFR 800.5(d)(2)] to historic properties is appropriate for the subject undertaking. We look forward to working with you to develop a memorandum of agreement pursuant to 36 CFR 800.6 to avoid, minimize, or mitigate adverse effects associated with the subject undertaking.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for the opportunity to comment. If you have any questions, please contact Matthew Marques, Section 106 Compliance Manager, at (303) 866-4678, or matthew.marques@state.co.us.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer

Tribal Concurrence Letters



Southern Ute Indian Tribe

Cultural Preservation Department
Tribal Historic Preservation Office
Phone: (970) 563-2983 Fax: (970) 563-1098
P.O. Box 737
Ignacio, CO 81137



February 25, 2022

ATTN: Dept. of Agriculture | USDA | Natural Resources CS
PO Box 25426
Denver Colorado 80225

Dear Craig Dengel,

We have reviewed your Consultation Request per the National Historic Preservation Act regarding the **Class III Cultural Resources Inventory for the Bostwick Park Water Conservancy project** and offer the following response as indicated by the box that is checked.

☐ **DEFER**

☐ **NO EFFECT:** I have determined that there are no properties of religious and cultural significance to the Southern Ute Indian Tribe that are listed on the National Register within the area of potential effect or that the proposed project will have no effect on any such properties that may be present.

Comments:

☐ **NO ADVERSE EFFECT:** I have identified properties of cultural and religious significance within the area of effect that I believe are eligible for listing in the National Register, for which there would be no adverse effect as a result of the proposed project.

Comments:

☒ **ADVERSE EFFECT:** I have identified properties of cultural and religious significance within the area of potential effect (APE) that are eligible for listing in the National Register. I believe the proposed project would cause an adverse effect on these properties.

Comments:

☐ **REQUEST FOR ADDITIONAL INFORMATION:** The Southern Ute Indian Tribe requests additional information on the planned site for its impact on properties of religious and cultural importance to the Tribe as follows:
We accept your invitation to consult on the development of the MOA. We want to ensure that the potential for subsurface deposits are taken into consideration with respect to the agreement document.

Please respond to Shelly Thompson at sthompson@southernute-nsn.gov and Xavier Watts at xwatts@southernute-nsn.gov and refer to *SUCPD_FY2022_NEPA_NHPA_0003* in future correspondence with this office so that administrative record is accurately managed.

Toghoyaqh,

A handwritten signature in black ink, appearing to read "Mark J. Baker". The signature is written in a cursive, flowing style.

Acting THP Deputy Officer, Southern Ute Indian Tribe
THPO, Cultural Preservation Department

SHPO Memorandum of Agreement Consultation Letter



Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

June 16, 2022

Dawn DiPrince
State Historic Preservation Officer
History Colorado Center
1200 Broadway
Denver, CO 80203

Reference: NRCS Colorado and Bostwick Park Water Conservancy District Watershed Plan Project in Montrose and Gunnison Counties, Colorado (History Colorado No. 80879)

Ms. DiPrince:

The Natural Resources Conservation Service (NRCS) as the lead agency is working in partnership with Bostwick Park Water Conservancy District (BPWCD), Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited to implement the BPWCD Flood Prevention, Agricultural Water Management, and Fish and Wildlife Project. Through consultation with your office, the Cimarron Canal (5GN.6371.1, 5MN.4808.5, 5MN.4808.6), M&D Canal (5MN.1855.9), and Vernal Mesa Ditch (5MN.7708.3, 5MN10323.2) have been determined to be supporting segments of resources that are eligible for listing in the National Register of Historic Places under Criterion A, and that the Project will result in an adverse effect to these historic properties.

Enclosed for your review and comments is a Memorandum of Agreement to resolve for adverse effects to historic properties on the Bostwick Park Water Conservancy District Watershed Plan Project. The NRCS and partners would like to invite the Colorado Office of Archaeology & Historic Preservation to participate in consultation on the development and implementation of this Memorandum of Agreement.

We greatly appreciate the time and effort your staff put in toward the development of this MOA. If you have any questions, comments, or concerns, please contact Craig Dengel, State Cultural Resources Specialist, at office: 720-544-2840; cell: 719-749-8596 or craig.dengel@co.usda.gov, at your earliest possible convenience.

Sincerely,

Craig Dengel
State Cultural Resources Specialist

Enclosures: Lower Gunnison Supplemental EA MOA for Signature



June 28, 2022

Mr. Craig Dengel
State Cultural Resources Specialist
USDA - Natural Resources Conservation Service
Denver Federal Center, Building 56, Room 2400
Denver, CO 80225-0426

Ref: *Bostwick Park Water Conservancy District Flood Prevention, Agricultural Water Management,
and Fish and Wildlife Project
Montrose and Gunnison Counties, Colorado
ACHP Project Number: 18470*

Dear Mr. Dengel:

On June 16, 2022, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

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

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

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Alexis Clark at (202) 517-0208 or by e-mail at aclark@achp.gov and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

Final Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
AMONG
THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

WHEREAS, the Natural Resources Conservation Service (NRCS) as the lead Federal agency is working in partnership with Bostwick Park Water Conservancy District (BPWCD), Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited to implement the BPWCD Flood Prevention, Agricultural Water Management, and Fish and Wildlife Project. Through the provisions of the Watershed and Flood Prevention Operations Programs (WFPO), the proposed project would stabilize and line approximately 1.5 miles of UVWUA open canal, pipe several miles of BPWCD laterals, replace a failing section of existing pipeline on the Vernal Mesa Ditch, and install temperature monitors in the Cimarron River. The proposed project would address agricultural water management, including water conservation and salt and selenium loading, and enhance fish and wildlife habitat. (hereafter referred to as the “Project”); and

WHEREAS, the NRCS is providing funding through the Watershed and Flood Prevention Operations Program (WFPO), thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 USC 306108, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the NRCS in consultation with the Colorado State Historic Preservation Officer (SHPO) has defined the Project’s Area of Potential Effects (APE) as a 200-foot (ft.)-wide (60-meter) corridor centered on the existing canals. Along the Montrose and Delta Canal, the survey corridor will be widened to 400 ft. to provide additional area to excavate, contour, and stabilize the downhill slope of the canal. In all, the inventory covered 465.6 acres, consisting of 295.5 acres of private land, 158.8 acres of Bureau of Reclamation (BOR) land, 10.9 acres of Bureau of Land Management Uncompahgre Field Office (BLM-UFO) land, and 0.4 acres of local land at Cerro Summit. The APE also includes 50.25 acres of staging areas; as indicated in the map included in Appendix A; and

WHEREAS, the Cimarron Canal, M&D Canal, and Vernal Mesa Ditch have, in consultation with the SHPO, been determined eligible for listing in the National Register of Historic Places under Criterion A, and that the Project will result in an adverse effect to these historic properties; and

WHEREAS, BPWCD, as a primary proponent for this Project, has participated in the consultation, and has accepted the invitation to participate in the Memorandum of Agreement (Agreement) as an invited signatory; and

WHEREAS, the Bureau of Reclamation (BOR), as a primary proponent for this Project, has participated in the consultation, and has accepted the invitation to participate in the Agreement as a Concurring Party; and

WHEREAS, the Bureau of Land Management (BLM), as a primary proponent for this Project, has participated in the consultation, and has accepted the invitation to participate in the Agreement as a Concurring Party; and

WHEREAS, the NRCS has consulted with the Cimarron Canal and Reservoir Company, owner of the Cimarron Canal; and the Uncompahgre Valley Water Users Association, operator of the M&D Canal, and the (BOR), owner of the M&D Canal structure, via letters sent November 17, 2020. Each has been invited to sign this Agreement as Concurring Parties and the invitation has been accepted; and

WHEREAS, the NRCS has consulted with the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, and the Ute Indian Tribe - Uintah & Ouray Reservation, via letters sent November 17, 2020, and as of signing this Agreement, only the Southern Ute Indian Tribe responded; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the NRCS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

NOW, THEREFORE, pursuant to Section 106 of the NHPA, the NRCS, BPWCD, and the SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties. Execution of this Agreement by NRCS, BPWCD, and the SHPO and implementation of its terms evidence that the NRCS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

STIPULATIONS

The NRCS shall ensure that the following measures are carried out:

I. MITIGATION

- A.** NRCS shall develop, host, and maintain an interactive website intended to document the history and development of agricultural irrigation in Montrose and Gunnison Counties and other surrounding areas in western Colorado. NRCS shall publish the website and maintain such as open and free for the larger public for a period of no less than five (5) years following initial publication of the final, approved website content (see Stipulation I.B below). The website shall initially focus on the Cimarron Canal and M&D Canal, and Vernal Mesa Ditch, but will be designed to allow the incorporation of other irrigation-related resources as part of future potential mitigation projects.
- B.** NRCS shall develop all content for the website described in Stipulation I.A. NRCS shall make all draft information, photographs, maps, images, etc. available to SHPO, BOR, BLM, and BPWCD for a review period of no less than thirty (30) calendar days. All parties to this Agreement shall have the opportunity to provide comments and edits and approve the website's final content. NRCS shall provide draft content in either digital format or as links to the draft website along with an appropriate comment matrix document in .docx (Word) format. All parties shall provide comments to NRCS via email. NRCS shall consider all comments and edits provided by the parties and shall make all efforts to include such in the final website content as deemed appropriate by NRCS. NRCS shall notify and provide a link to the website to all parties when the final, approved website has been published for public access.
- C.** NRCS shall publish the final, approved website content within no less than twelve (12) months of the execution of this Agreement.
- D.** The website will be in ArcGIS Story Map format and will be targeted towards the general public as well as historic researchers. The website will include, at minimum, the following elements:
 - a.** A history of the Cimarron Canal (5GN.6371 and 5MN.4808) and M&D Canal (5MN.1855), and Vernal Mesa Ditch (5MN.7708 and 5MN.10323) and their role in the agricultural development in the region.
 - b.** Historic and modern images and maps of the ditches, including the segments of Cimarron Canal (5GN.6371.1, 5MN.4808.5, 5MN.4808.6) and M&D Canal (5MN.1855.9), and

Vernal Mesa Ditch (5MN.7708.3 and 5MN.10323.2).

- c. A brief discussion of the importance of agriculture and irrigation as well as the development of such within the State of Colorado. The focus of this discussion will be on the Western Slope region of Colorado, with consideration of larger national and state trends and development of agriculture and irrigation in the Western United States.
 - d. Links to additional information, source materials, libraries, archives, and/or other websites that provide further context about agriculture and irrigation within the State of Colorado.
- E. NRCS will publicize the website in a variety of ways, including, but not limited to the following:
- a. Inclusion in NRCS email newsletters sent to conservation partners across the State.
 - b. Posting notices at local NRCS offices and Water Conservation Districts.
 - c. Informing organizations dedicated to historic research and water use, such as the local area museums. This will include the Montrose Historical Society and Museum of the Mountain West.
- F. NRCS shall prepare a report of all final, approved content prepared for the Story Map for this Agreement. The report will be published in two formats: 1) as a digital PDF file; and 2) printed on archival quality paper. Copies of the report in both digital and paper formats will be provided free of charge to the SHPO and the Montrose Historical Society and the Museum of the Mountain West.
- G. All work, research, recording, documentation, etc. intended to fulfill Stipulation I of this Agreement shall be completed by qualified professionals meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards for the applicable field (see 48 FR 44716, September 29, 1983, and 62 FR 33708, June 20, 1997). NRCS may hire a consultant to complete any work, research, or documentation required for this Agreement so long as the consultant meets the aforementioned professional qualification standards.

II. POST-REVIEW DISCOVERIES

If historic properties or artifacts are discovered or unanticipated effects on historic properties or artifacts are found, the NRCS shall implement the discovery plan included as Appendix B of this Agreement.

III. DISPUTE RESOLUTION

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

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

copy of such written response.

- C. It will be the responsibility of the NRCS to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute.

IV. AMENDMENTS

This Agreement 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.

V. DURATION AND TERMINATION

- A. This Agreement takes effect upon completion of signature by NRCS and all signatories to this agreement. If the terms of this Agreement have not been implemented within five (5) years from the date of its execution, then this Agreement shall be considered null and void. In such an event, the NRCS shall notify the Signatories to this Agreement and, if it chooses to continue with the Project, then it shall reinitiate review of and consultation on the Project in accordance with 36 CFR 800.3 through 800.7.
- B. In the event that the NRCS does not carry out the terms of this Agreement, the Signatories shall consult to seek an amendment to this Agreement and proceed in accordance with 36 CFR 800.6(c)(8) and Stipulation IV above.
- C. Any Signatory to this Agreement may terminate this Agreement 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 CFR 800.6(c)(8) to execute a new agreement in accordance with 36 CFR 800.6 (c)(1); or request, take into account, and respond to comments of the ACHP under 36 CFR 800.7(a).

VI. USDA STIPULATIONS

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

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

NATURAL RESOURCES CONSERVATION SERVICE

Clint Evans, Colorado State Conservationist

Date: _____

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

COLORADO STATE HISTORIC PRESERVATION OFFICER

Patrick A. Eidman

Digitally signed by Patrick A. Eidman

Date: 2023.07.21 14:22:11 -06'00'

(for) Dawn DiPrince, Colorado State Historic Preservation Officer

SIGNATORY PAGE

**MEMORANDUM OF AGREEMENT
AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

BOSTWICK PARK WATER CONSERVANCY DISTRICT

 Date 04/02/2023
Allen Distel, President

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

BUREAU OF RECLAMATION, WESTERN COLORADO AREA OFFICE



Ed Warner

2023.04.17 12:30:04 -06'00'

Date: _____

Ed Warner, Area Manager

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

BUREAU OF LAND MANAGEMENT, UNCOMPAHGRE FIELD OFFICE

SUZANNE COPPING Digitally signed by SUZANNE COPPING
Date: 2023.05.01 17:25:03 -06'00'

Date: _____

Suzanne Copping, Field Manager

CONCURRING PARTY

**MEMORANDUM OF AGREEMENT
AMONG**

**THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO**

BUREAU OF LAND MANAGEMENT, GUNNISON FIELD OFFICE



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KAMINSKY

Date: 2023.05.08 16:23:53 -06'00'

Date: _____

Jon Kaminsky, Field Manager

CONCURRING PARTY

MEMORANDUM OF AGREEMENT
AMONG
THE NATURAL RESOURCES CONSERVATION SERVICE,
THE BOSTWICK PARK WATER CONSERVANCY DISTRICT,
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING THE
BOSTWICK PARK WATER CONSERVANCY DISTRICT WATERSHED PLAN PROJECT LOCATED IN
MONTROSE AND GUNNISON COUNTIES, COLORADO

CIMARRON CANAL AND RESERVOIR COMPANY

Allen Distel Date: 06/06/2023
Allen Distel, President

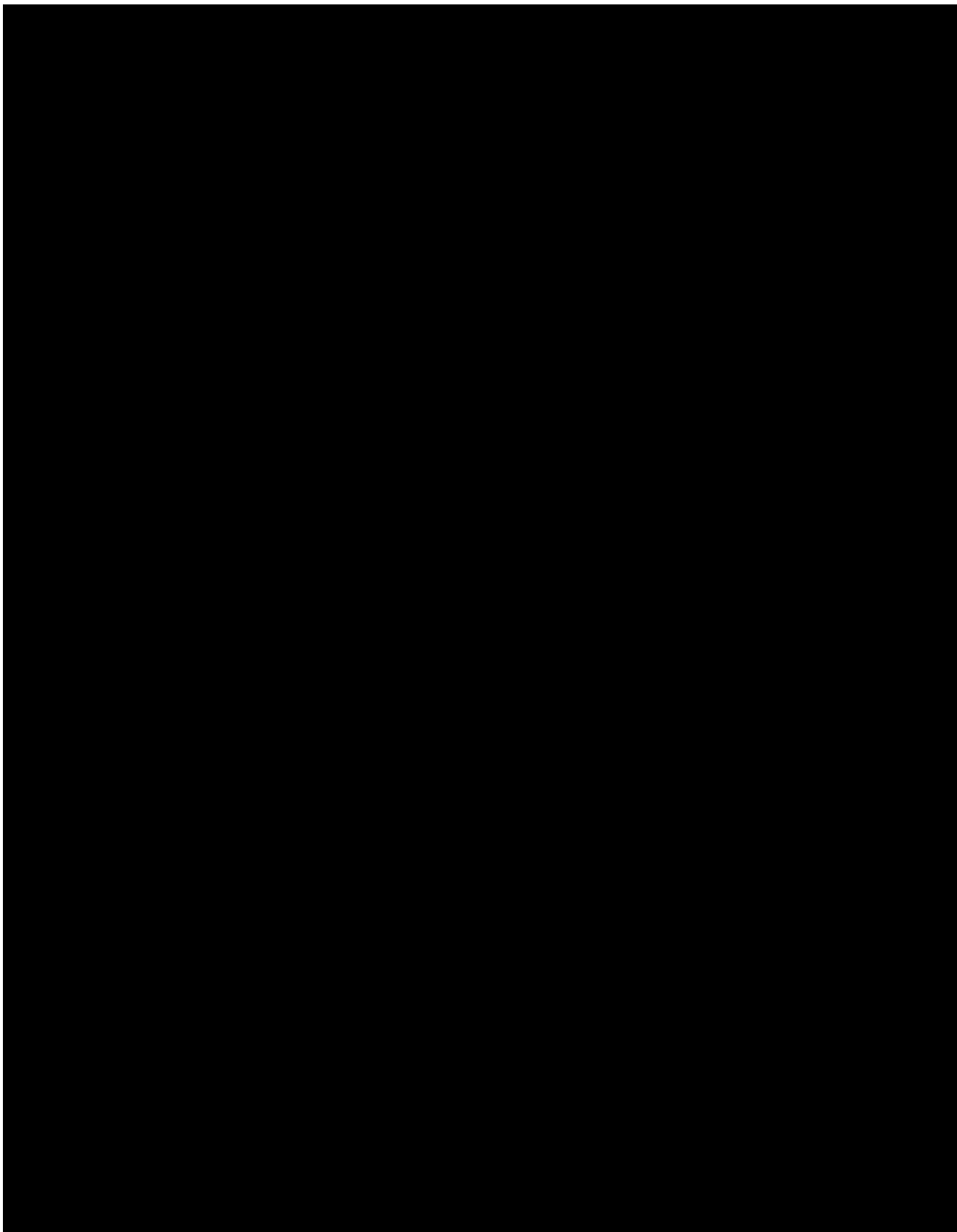
UNCOMPAHGRE VALLEY WATER USERS ASSOCIATION

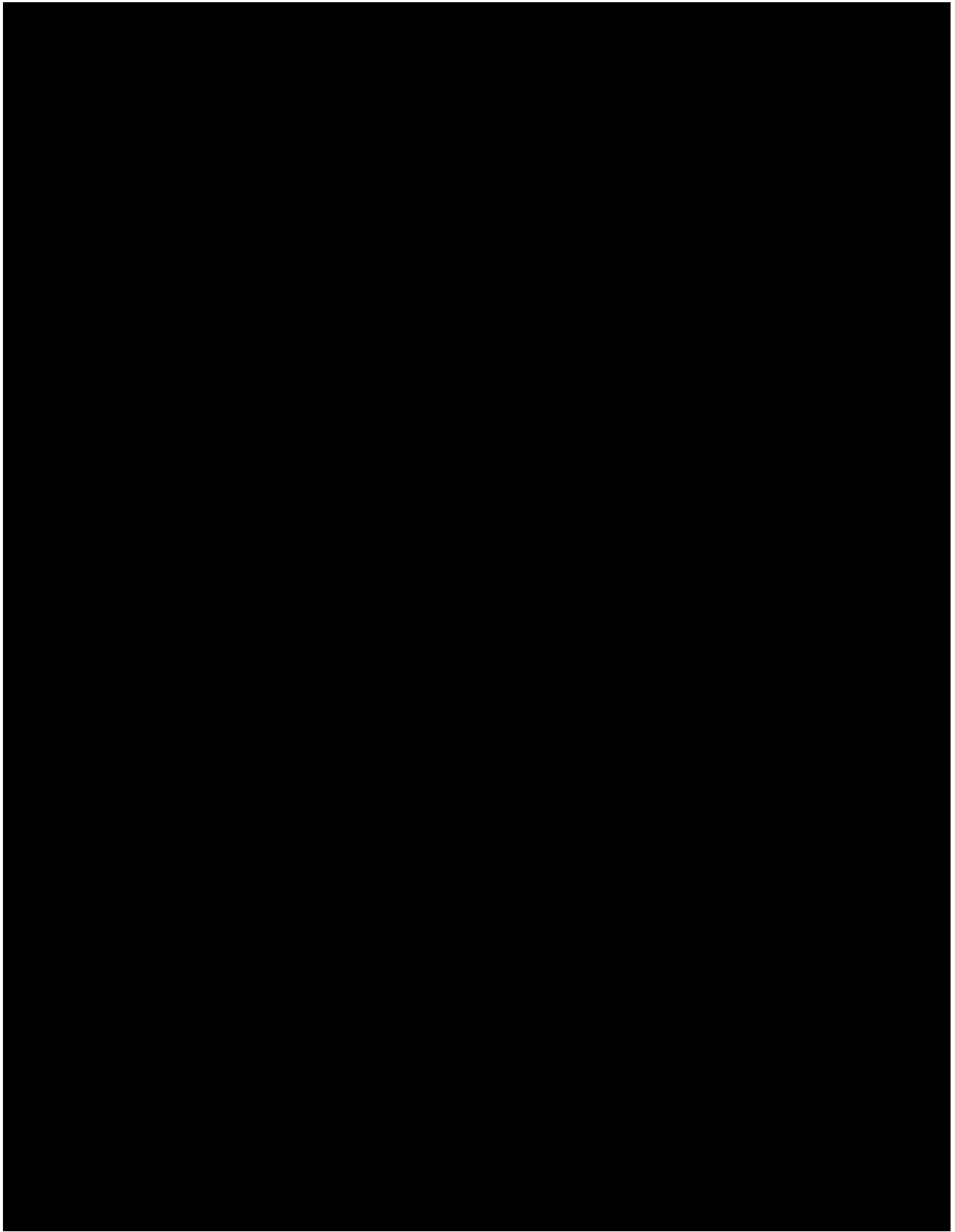
Steve A. Pope Date: June 6th 2023
Steve Pope, Manager

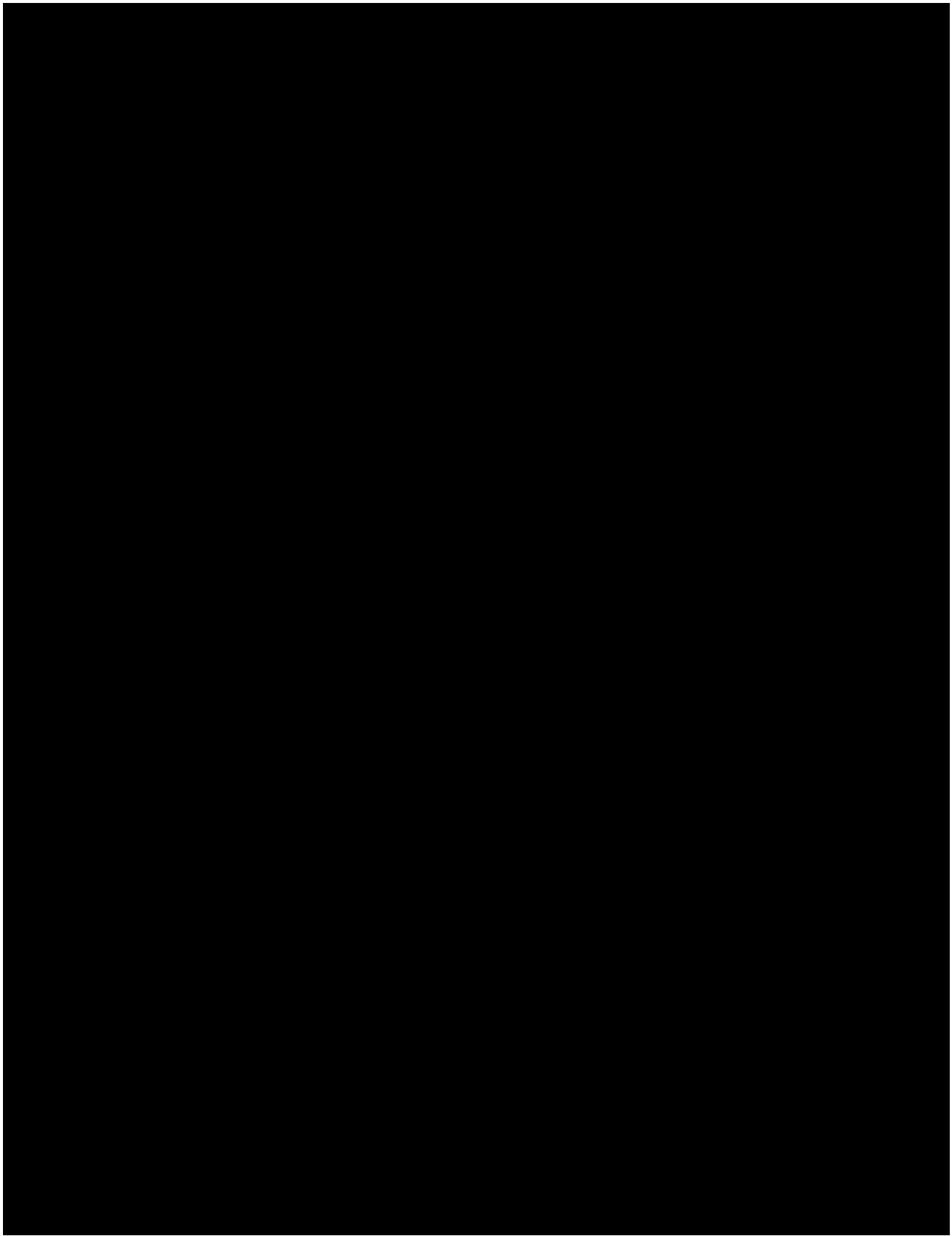
APPENDIX A

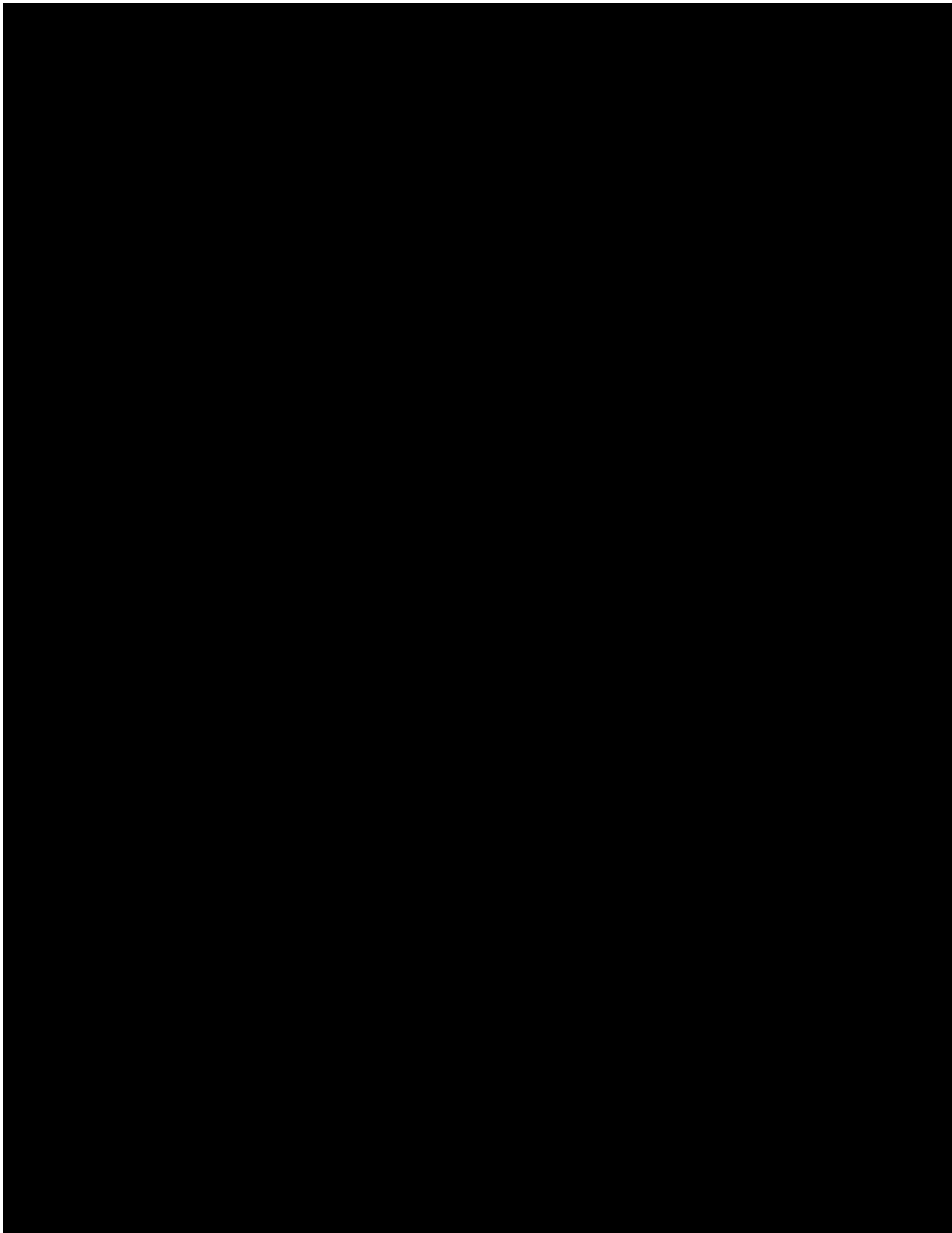
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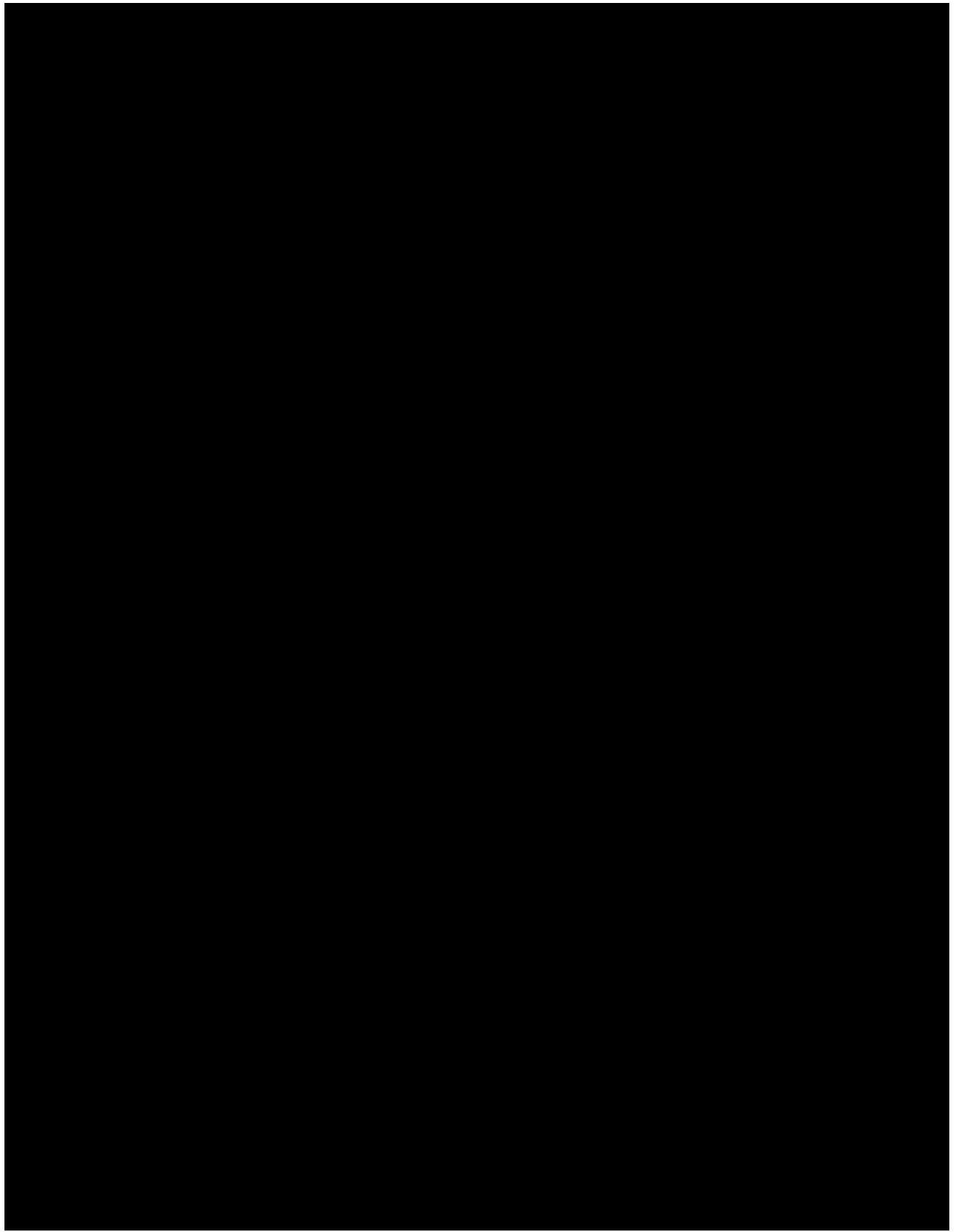
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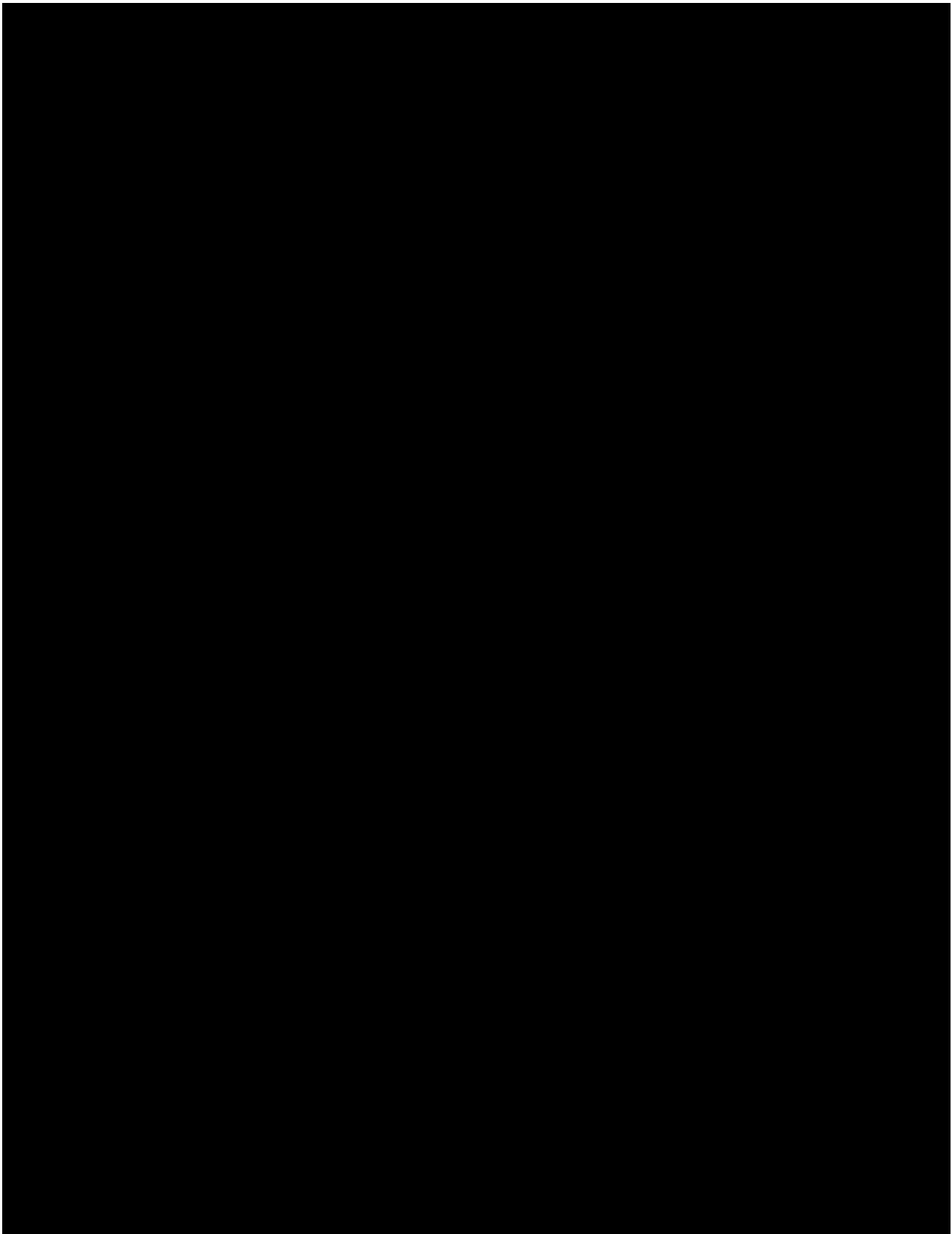


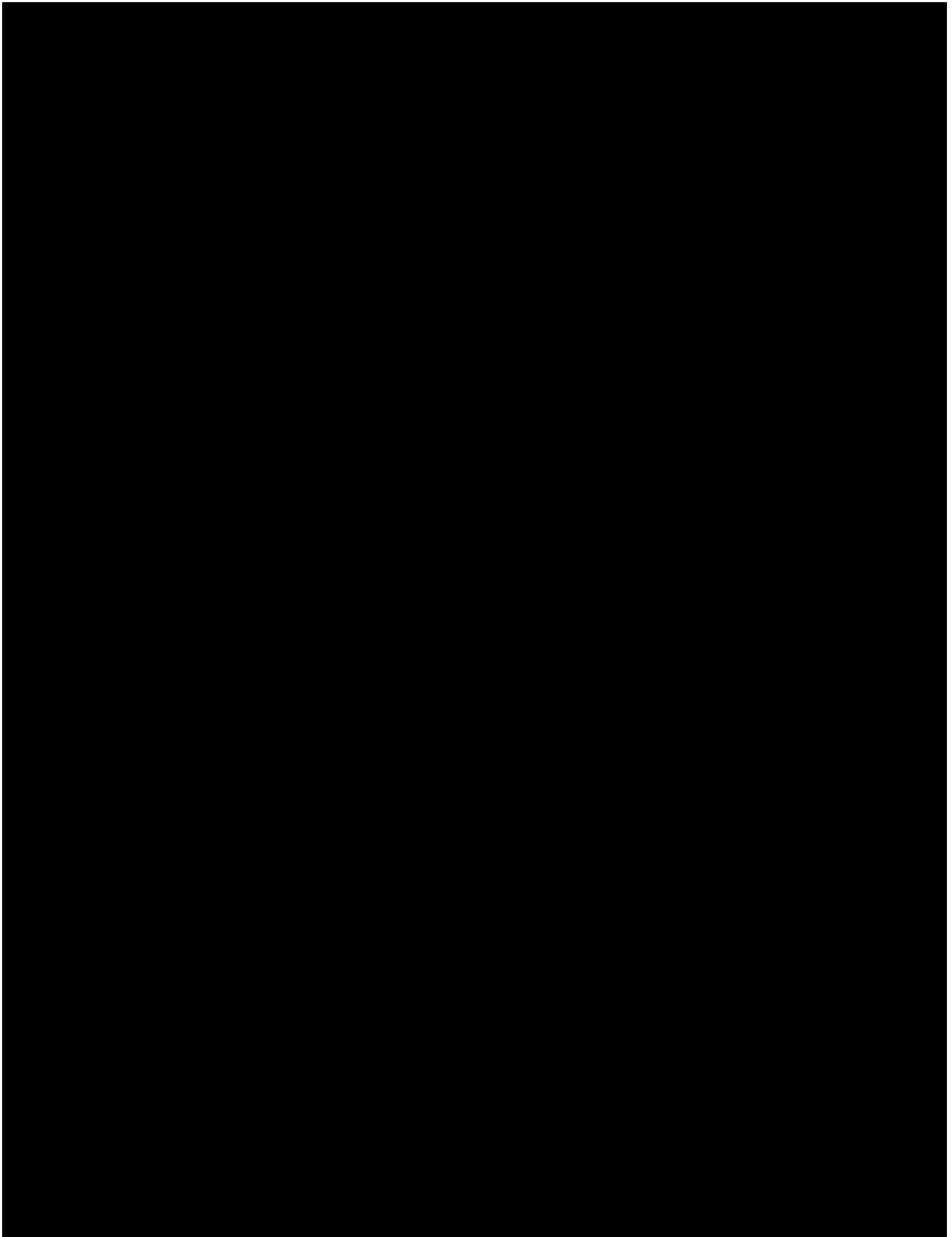


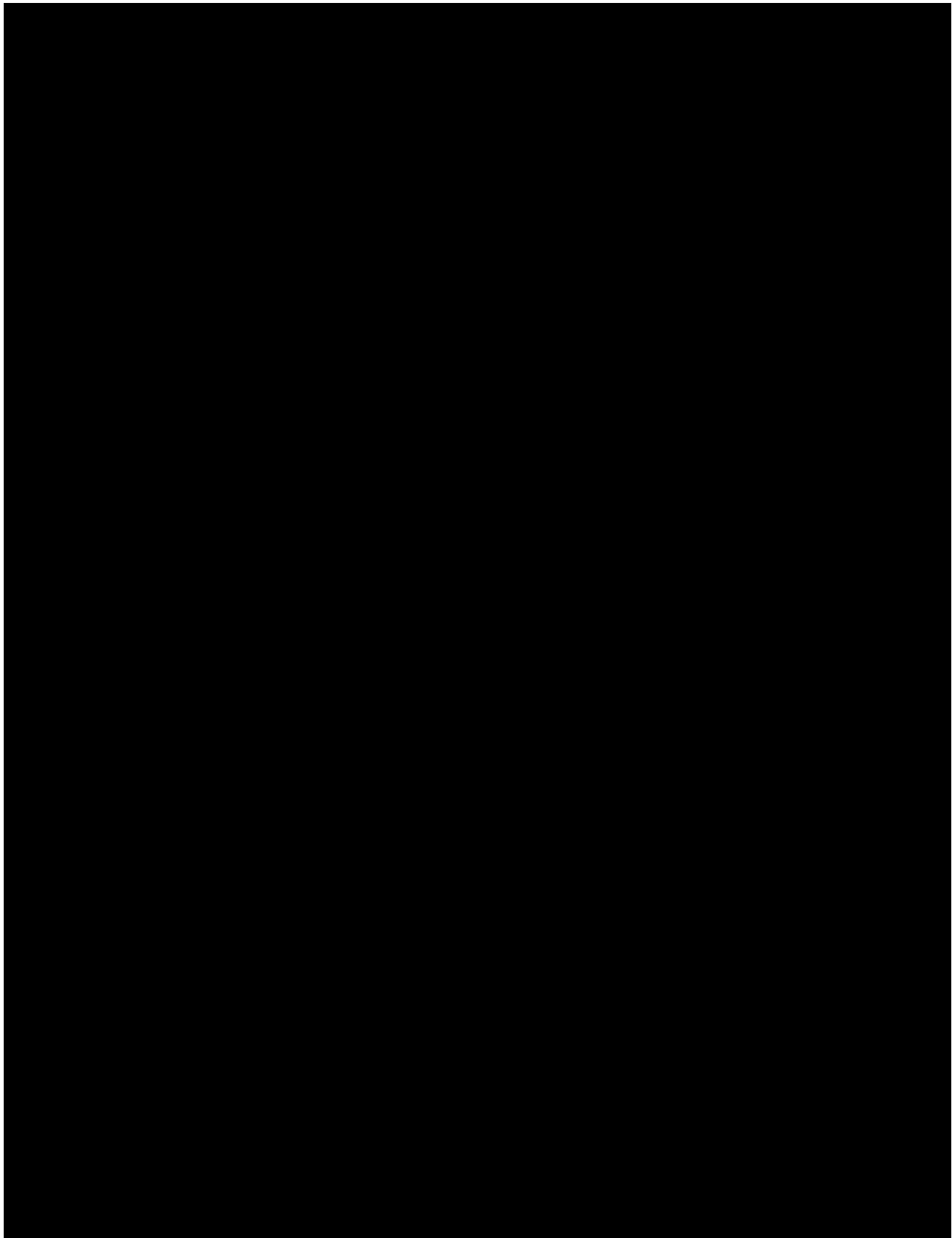












APPENDIX B

POST-REVIEW DISCOVERY PLAN

PLAN AND PROCEDURES FOR THE POST-REVIEW DISCOVERY OF CULTURAL RESOURCES

THE BPWCD FLOOD PREVENTION, AGRICULTURAL WATER MANAGEMENT, AND FISH & WILDLIFE WATERSHED PLAN PROJECT LOCATED IN MONTROSE COUNTY, COLORADO

I. INTRODUCTION

Natural Resources Conservation Service (NRCS) is working in partnership with Bostwick Park Water Conservancy District (BPWCD), Uncompahgre Valley Water Users Association (UVWUA), Cimarron Canal and Reservoir Company (CC&RC), and Trout Unlimited to implement the BPWCD Flood Prevention, Agricultural Water Management, and Fish & Wildlife Watershed Plan Project. Through the provisions of the Watershed and Flood Prevention Operations Programs (WFPO), the Proposed Project would stabilize and line approximately 1.5 miles of UVWUA open canal, pipe several miles of BPWCD laterals, replace a failing section of existing pipeline, and install temperature monitors in the Cimarron River. The Proposed Project would address agricultural water management, including water conservation and salt and selenium loading, and enhance fish and wildlife habitat. The following Post-Review Discovery Plan outlines procedures to follow, in accordance with state and federal laws, if cultural resource materials are discovered during construction.

II. RECOGNIZING CULTURAL RESOURCES

A cultural resource discovery could be prehistoric or historic. Examples include, but are not limited to:

- An accumulation of shell, burned rocks, or other food related materials
- An area of charcoal or very dark stained soil with artifacts,
- Stone tools or waste flakes (i.e. an arrowhead, or stone chips),
- Clusters of tin cans or bottles, logging or agricultural equipment that appears to be older than 50 years,
- Buried railroad tracks, decking, or other industrial materials.

When in doubt, assume the material is a cultural resource.

III. UNANTICIPATED DISCOVERIES PROCEDURES

- A.** In the events that previously unidentified cultural resources are identified during project implementation, the following steps shall be taken:

- a. Construction will be immediately halted in the area of the discovery, and measures taken to protect the resource until such time that an NRCS Cultural Resources Specialist (CRS) or qualified professional inspects the work site.
 - b. Notify the NRCS. Contact the Area 1 CRS: Jeremy Omvig, 970-964-3593, jeremy.omvig@usda.gov
 - c. The NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the project sponsor, concerned Indian tribes, the Colorado State Historic Preservation Office (SHPO), the NRCS CRS shall establish a protective buffer zone surrounding the discovery.
 - d. All NRCS contacts with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the NRCS State Conservationist.
 - e. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
 - f. The NRCS CRS shall notify the Colorado SHPO and, if appropriate, the Federal land managing agency no later than 48 hours after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible, and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the Colorado SHPO, Federal land managing agency, and technical experts not employed by the NRCS.
 - g. The Colorado SHPO shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
 - h. NRCS Colorado shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
 - i. NRCS Colorado shall provide a report to the Colorado SHPO of the actions when they are completed.
- B.** The project is located on both federal and private lands. On federal land the requirements under the Native American Graves Protection and Repatriation Act (NAGPRA) apply (43 CFR Part 10). For all discoveries, the kinds of objects considered and referred to as NAGPRA items as defined in 43 CFR 10.2 (d) include: human remains, funerary objects, sacred objects, and objects of cultural patrimony. The requirements under State Law Colorado Revised Statute (CRS) for the Unmarked Human Graves Colorado Statute (CRS 24-80-1301-1305) applies if the human remains are on private lands. Additionally, the process described in the 2008 guidelines titled "Process for consultation, Transfer, and Reburial of culturally Unidentifiable Native American Human Remains and Associated Funerary Objects Originating from Inadvertent Discoveries on Colorado State and Private Lands" would be followed to ensure appropriate treatment for such discoveries.

The following steps shall be taken if human remains or suspected human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered in the project area during planning or during implementation:

- a. Stop all work in the immediate vicinity of the remains.
- b. Immediately notify the NRCS CRS and appropriate project manager.

- c. Mark the area in which the remains or objects are located, as well as a minimum buffer area, with a radius of 30 meters (100 feet) surrounding the remains or objects. The buffer area may be larger if more remains or objects in the area are anticipated or, in the case of slopes or cut banks, where work located nearby may impact the site of the remains or objects. It is imperative that the remains or objects are protected from possible impacts while the appropriate parties are contacted to determine next steps.
- d. Approaches for protecting the remains or objects from the elements include covering them with a tarp or other material, shoring up cut banks or trench walls so that no further exposure occurs, and making sure that no water will collect on or around the remains.
- e. If remains are found that may not be human but are suspected to be, a qualified specialist must be called in for identification. The following contacts will be coordinated with immediately:

NRCS State Cultural Resource Specialist
Craig Dengel
(719) 749-8596

Montrose County Sheriff
970-249-9110

Montrose County Coroner
970-249-7755

- f. If the coroner determines that the remains are archeological and not of forensic interest, the coroner will notify the Colorado State Archaeologist (Holly Norton, (303) 866-2736/holly.norton@state.co.us) of the discovery as well as consulting tribes. Notifications can be made by phone or email and should include a detailed description of the nature and extent of the remains and an accurate and precise legal location.
- g. Planning and construction activities at the site can recommence only after the completion of the requirements of CRS 24-80-1301 et seq. on private and state lands or 43 CFR 10 on federal lands are complete.

Cooperating Agency Letters and Responses

November 17, 2020

Stephanie Connolly, District Manager
Bureau of Land Management
Colorado Southwest District Office
2465 S. Townsend Ave.
Montrose, CO 81401

RE: Formal request to be a Cooperating Agency in the development of the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (Plan-EA) for proposed measures in the Cimarron River and Lower Uncompahgre Watershed, in Montrose and Gunnison Counties, Colorado.

Dear Ms. Connolly:

In accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Land Management consider being a cooperating agency in the planning and development of the Bostwick Park Water Conservancy District Watershed Plan-EA. The enclosed agency scoping notice includes Proposed Project information and details on a virtual public scoping meeting scheduled for December 10, 2020. Two virtual meeting options will be offered to accommodate schedules; an afternoon meeting held from 2:00 – 3:00 p.m., and an evening meeting held from 6:00 – 7:00 p.m.

The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities as part of the Watershed Protection and Flood Prevention Act (Public Law 83-566) requirements for financial assistance of this Proposed Project. As your agency may also have NEPA compliance responsibilities concerning this Proposed Project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and other federal agencies, and meet NEPA's intent of reducing duplication and delay between agencies.

This request is being made because your agency was identified as having special expertise or jurisdiction by law related to this Proposed 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 why your agency cannot participate. Please note that a copy of a response declining to be a cooperating agency must also be submitted to the CEQ in accordance with 40 CFR Section 1501.6(c).

Thank you for your timely assistance and cooperation with this Proposed Project. If you have any questions or comments, please contact Todd Boldt, NRCS Resource Conservationist and Emergency Watershed Protection (EWP) Program Coordinator, at todd.boldt@usda.gov or at (970) 215-9897.



CLINT EVANS
State Conservationist

November 17, 2020

Chad Stewart, Forest Supervisor
GMUG National Forest Supervisor's Office
2250 South Main St.
Delta, CO 81416

RE: Formal request to be a Cooperating Agency in the development of the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (Plan-EA) for proposed measures in the Cimarron River and Lower Uncompahgre Watershed, in Montrose and Gunnison Counties, Colorado.

Dear Mr. Stewart:

In accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Forest Service consider being a cooperating agency in the planning and development of the Bostwick Park Water Conservancy District Watershed Plan-EA. The enclosed agency scoping notice includes Proposed Project information and details on a virtual public scoping meeting scheduled for December 10, 2020. Two virtual meeting options will be offered to accommodate schedules; an afternoon meeting held from 2:00 – 3:00 p.m., and an evening meeting held from 6:00 – 7:00 p.m.

The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities as part of the Watershed Protection and Flood Prevention Act (Public Law 83-566) requirements for financial assistance of this Proposed Project. As your agency may also have NEPA compliance responsibilities concerning this Proposed Project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and other federal agencies, and meet NEPA's intent of reducing duplication and delay between agencies.

This request is being made because your agency was identified as having special expertise or jurisdiction by law related to this Proposed 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 why your agency cannot participate. Please note

that a copy of a response declining to be a cooperating agency must also be submitted to the CEQ in accordance with 40 CFR Section 1501.6(c).

Thank you for your timely assistance and cooperation with this Proposed Project. If you have any questions or comments, please contact Todd Boldt, NRCS Resource Conservationist and Emergency Watershed Protection (EWP) Program Coordinator, at todd.boldt@usda.gov or at (970) 215-9897.

A handwritten signature in blue ink, reading "Clint Evnas".

CLINT EVNAS
State Conservationist

A large, handwritten signature in blue ink, reading "Clint Evnas".

November 17, 2020

Mike Reynolds, Regional Director
National Park Service
Regions 6, 7, and 8
12795 West Alameda Parkway
Denver, CO 80225

RE: Formal request to be a Cooperating Agency in the development of the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (Plan-EA) for proposed measures in the Cimarron River and Lower Uncompahgre Watershed, in Montrose and Gunnison Counties, Colorado.

Dear Mr. Reynolds:

In accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the National Park Service consider being a cooperating agency in the planning and development of the Bostwick Park Water Conservancy District Watershed Plan-EA. The enclosed agency scoping notice includes Proposed Project information and details on a virtual public scoping meeting scheduled for December 10, 2020. Two virtual meeting options will be offered to accommodate schedules; an afternoon meeting held from 2:00 – 3:00 p.m., and an evening meeting held from 6:00 – 7:00 p.m.

The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities as part of the Watershed Protection and Flood Prevention Act (Public Law 83-566) requirements for financial assistance of this Proposed Project. As your agency may also have NEPA compliance responsibilities concerning this Proposed Project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and other federal agencies, and meet NEPA's intent of reducing duplication and delay between agencies.

This request is being made because your agency was identified as having special expertise or jurisdiction by law related to this Proposed 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 why your agency cannot participate. Please note that a copy of a response declining to be a cooperating agency must also be submitted to the CEQ in accordance with 40 CFR Section 1501.6(c).

Thank you for your timely assistance and cooperation with this Proposed Project. If you have any questions or comments, please contact Todd Boldt, NRCS Resource Conservationist and Emergency Watershed Protection (EWP) Program Coordinator, at todd.boldt@usda.gov or at (970) 215-9897.



CLINT EVANS
State Conservationist

November 17, 2020

Lesley McWhirter, Environmental Planning Group Chief
Bureau of Reclamation
Western Colorado Area Office, Upper Colorado Basin
445 W. Gunnison Ave., Suite 221
Grand Junction, Colorado 81501

RE: Formal request to be a Cooperating Agency in the development of the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (Plan-EA) for proposed measures in the Cimarron River and Lower Uncompahgre Watershed, in Montrose and Gunnison Counties, Colorado.

Dear Ms. McWhirter:

In accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Reclamation consider being a cooperating agency in the planning and development of the Bostwick Park Water Conservancy District Watershed Plan-EA. The enclosed agency scoping notice includes Proposed Project information and details on a virtual public scoping meeting scheduled for December 10, 2020. Two virtual meeting options will be offered to accommodate schedules; an afternoon meeting held from 2:00 – 3:00 p.m., and an evening meeting held from 6:00 – 7:00 p.m.

The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities as part of the Watershed Protection and Flood Prevention Act (Public Law 83-566) requirements for financial assistance of this Proposed Project. As your agency may also have NEPA compliance responsibilities concerning this Proposed Project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and other federal agencies, and meet NEPA's intent of reducing duplication and delay between agencies.

This request is being made because your agency was identified as having special expertise or jurisdiction by law related to this Proposed 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 why your agency cannot participate. Please note that a copy of a response declining to be a cooperating agency must also be submitted to the CEQ in accordance with 40 CFR Section 1501.6(c).

Thank you for your timely assistance and cooperation with this Proposed Project. If you have any questions or comments, please contact Todd Boldt, NRCS Resource Conservationist and Emergency Watershed Protection (EWP) Program Coordinator, at todd.boldt@usda.gov or at (970) 215-9897.



CLINT EVANS
State Conservationist

November 17, 2020

Travis Morse, Regulatory Project Manager
U.S. Army Corps of Engineers
Sacramento District – Grand Junction Field Office
400 Rood Avenue, Room 224
Grand Junction, CO 81501

RE: Formal request to be a Cooperating Agency in the development of the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (Plan-EA) for proposed measures in the Cimarron River and Lower Uncompahgre Watershed, in Montrose and Gunnison Counties, Colorado.

Dear Mr. Morse:

In accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Army Corps of Engineers consider being a cooperating agency in the planning and development of the Bostwick Park Water Conservancy District Watershed Plan-EA. The enclosed agency scoping notice includes Proposed Project information and details on a virtual public scoping meeting scheduled for December 10, 2020. Two virtual meeting options will be offered to accommodate schedules; an afternoon meeting held from 2:00 – 3:00 p.m., and an evening meeting held from 6:00 – 7:00 p.m.

The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities as part of the Watershed Protection and Flood Prevention Act (Public Law 83-566) requirements for financial assistance of this Proposed Project. As your agency may also have NEPA compliance responsibilities concerning this Proposed Project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and other federal agencies, and meet NEPA's intent of reducing duplication and delay between agencies.

This request is being made because your agency was identified as having special expertise or jurisdiction by law related to this Proposed 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 why your agency cannot participate. Please note that a copy of a response declining to be a cooperating agency must also be submitted to the CEQ in accordance with 40 CFR Section 1501.6(c).

Thank you for your timely assistance and cooperation with this Proposed Project. If you have any questions or comments, please contact Todd Boldt, NRCS Resource Conservationist and Emergency Watershed Protection (EWP) Program Coordinator, at todd.boldt@usda.gov or at (970) 215-9897.



CLINT EVANS
State Conservationist

November 17, 2020

Ann Timberman, Colorado Field Office Supervisor
U.S. Fish & Wildlife, Ecological Services Field Office
Grand Junction Field Office
445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501-5711

RE: Formal request to be a Cooperating Agency in the development of the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (Plan-EA) for proposed measures in the Cimarron River and Lower Uncompahgre Watershed, in Montrose and Gunnison Counties, Colorado.

Dear Ms. Timberman:

In accordance with the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Fish and Wildlife Service consider being a cooperating agency in the planning and development of the Bostwick Park Water Conservancy District Watershed Plan-EA. The enclosed agency scoping notice includes Proposed Project information and details on a virtual public scoping meeting scheduled for December 10, 2020. Two virtual meeting options will be offered to accommodate schedules; an afternoon meeting held from 2:00 – 3:00 p.m., and an evening meeting held from 6:00 – 7:00 p.m.

The EA is being prepared to fulfill NRCS's NEPA compliance responsibilities as part of the Watershed Protection and Flood Prevention Act (Public Law 83-566) requirements for financial assistance of this Proposed Project. As your agency may also have NEPA compliance responsibilities concerning this Proposed Project or other future projects that may be evaluated in this EA, preparation of this EA should also assist in fulfilling environmental review requirements for your agency and other federal agencies, and meet NEPA's intent of reducing duplication and delay between agencies.

This request is being made because your agency was identified as having special expertise or jurisdiction by law related to this Proposed 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 why your agency cannot participate. Please note that a copy of a response declining to be a cooperating agency must also be submitted to the CEQ in accordance with 40 CFR Section 1501.6(c).

Thank you for your timely assistance and cooperation with this Proposed Project. If you have any questions or comments, please contact Todd Boldt, NRCS Resource Conservationist and Emergency Watershed Protection (EWP) Program Coordinator, at todd.boldt@usda.gov or at (970) 215-9897.



CLINT EVANS
State Conservationist



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
UNCOMPAHGRE FIELD OFFICE
2465 South Townsend
Montrose, CO 81401
blm.gov/colorado

In Reply Refer To: 2800

Clinton Evans
Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM. 2604
P.O. Box 25426
Denver, CO 80225-0426

Dear Mr. Evans:

Thank you for your letter of August 20, 2020 inviting the Bureau of Land Management (BLM) to participate as a cooperating agency in the development of the Supplemental Watershed Plan Environmental Assessment (EA) for the Lower Gunnison Plan. Because portions of the projects proposed in the EA are located on or cross BLM, NEPA compliance will be required by our agency. BLM has special expertise in surface resource management on these lands and the surrounding area, as well as understanding potential cumulative environmental impacts in this area.

BLM accepts your invitation and designates Jedd Sondergard as the primary point of contact on behalf of the Uncompahgre and Gunnison field offices for our cooperation in development of the EA. Jedd may be reached at (970) 240-5342 or jsondergard@blm.gov. Because the BLM will need to write a decision to issue a right-of-way (ROW) for each of the proposed projects to be implemented on public land, we would like to discuss how best to meet our NEPA responsibilities through this cooperative process.

We look forward to participating with NRCS on the EA. If you have any questions, please contact me at (970) 240-5338.

Sincerely,

**SUZANNE
COPPING**

Digitally signed by
SUZANNE COPPING
Date: 2021.03.11
13:03:37 -07'00'

Suzanne Copping
Acting Field Manager



United States Department of the Interior

NATIONAL PARK SERVICE
INTERIOR REGIONS 6, 7 & 8
12795 W. Alameda Parkway
Lakewood, CO 80228



File Code: BLCA

Clint Evans, State Conservationist
Natural Resources Conservation Service
Denver Federal Center Bldg. 56, RM. 2604
Denver, CO 80225-0426

Dear Mr. Evans:

The National Park Service (NPS) office serving Interior Regions 6, 7, and 8 (Regional Office) appreciates and accepts the opportunity to become a cooperating agency under the National Environmental Policy Act for the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment in Montrose and Gunnison Counties, Colorado. Pursuant to 40 CFR 1501.8, NPS acceptance of the Natural Resource Conservation Service (NRCS) invitation to become a cooperating agency will allow NPS to contribute valuable information and data to the environmental review process while assisting to inform decisions in design and identification of alternatives. As such, the NPS looks forward to working as a cooperating agency on this project to continue our commitment to the efforts of local partners.

The National park unit potentially affected by the proposed project is Black Canyon of the Gunnison National Park. Through the Organic Act, the NPS is charged with protecting park resources for the enjoyment of future generations. We hope to provide special expertise regarding the unique resources within the park that may relate to this proposed project, and appreciate the opportunity to review and collaborate with the NRCS on administrative drafts and/or development of alternatives prior to public comment.

We appreciate your invitation, and believe this will ensure that issues relevant to the natural and cultural resources under NPS stewardship are analyzed in the Environmental Assessment process as appropriate. Please contact Kim Hartwig, Chief of Resource Stewardship and Science at Black Canyon of the Gunnison National Park (Kim_Hartwig@nps.gov, 970-641-2337) for further information.

Sincerely,

**MICHAEL
REYNOLDS** Digitally signed by
MICHAEL REYNOLDS
Date: 2021.03.26
16:12:19 -06'00'

Michael T. Reynolds
Regional Director, National Park Service Regional Office
Department of the Interior Regions 6, 7, and 8

cc:

Kate Hammond, Deputy Regional Director, NPS Regional Office serving Interior Regions 6, 7, and 8

Karen Skaar, External Review Coordinator, NPS Regional Office serving Interior Regions 6, 7, and 8



United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Western Colorado Area Office
445 West Gunnison Avenue, Suite 221
Grand Junction, CO 81501

IN REPLY REFER TO:

WCG-LMcWhirter
2.1.4.17

DEC 2 2020

Mr. Clint Evans
State Conservationist
USDA Natural Resources Conservation Service
Building 56, Room 2604
P.O. Box 25426
Denver, CO 80225-0426

Subject: Cooperating Agency Invitation – Bostwick Park Water Conservancy District
Watershed Plan Environmental Assessment

Dear Mr. Evans:

The Bureau of Reclamation accepts your invitation to participate as a cooperating agency in the Bostwick Park Water Conservancy District Watershed Plan Environmental Assessment (EA). The level of our participation is subject to availability of staff.

The point of contact for the EA will be Lesley McWhirter, Environmental & Planning Group Chief for our office. Lesley can be reached by email at lmcwhirter@usbr.gov or by phone at (970) 248-0608.

Thank you, and we look forward to working with you.

Sincerely,

Ed Warner
Area Manager

cc: Todd Boldt
Resource Conservationist
Natural Resources Conservation Service
todd.boldt@usda.gov

WCG-Tom Fowlds, WCG-Mark Wernke, WCG-Reece Carpenter, WCG-JWard



United States
Department of
Agriculture

Forest
Service

Grand Mesa, Uncompahgre and
Gunnison National Forests

2250 South Main Street
Delta, CO 81416
970-874-6600
TDD: 970-874-6660
Fax: 970-874-6698

File Code: 6270
Date: December 10, 2020

Clint Evans
State Conservationist
Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM 2604
P.O. Box 25426
Denver, CO 80225-0426

Dear Mr. Evans:

Thank you for formally requesting the U.S.D.A. Forest Service consider being a cooperating agency in the planning and development of the Bostick Park Water Conservancy District Watershed Plan-EA. The U.S.D.A. Forest Service accepts the invitation to be a cooperating agency in developing the Plan-EA.

Please contact Beth Anderson, Watershed Program Manager, at 970-275-7620 or beth.a.anderson@usda.gov if you have any questions.

Sincerely,

/s/Chad Stewart
CHAD STEWART
Forest Supervisor

cc: Beth Anderson, Todd Boldt



United States
Department of
Agriculture

Forest
Service

Grand Mesa, Uncompahgre and
Gunnison National Forests

2250 South Main Street
Delta, CO 81416
970-874-6600
TDD: 970-874-6660
Fax: 970-874-6698

File Code: 6270
Date: December 10, 2020

Clint Evans
State Conservationist
Natural Resources Conservation Service
Denver Federal Center
Bldg. 56, RM 2604
P.O. Box 25426
Denver, CO 80225-0426

Dear Mr. Evans:

Thank you for formally requesting the U.S.D.A. Forest Service consider being a cooperating agency in the planning and development of the Bostick Park Water Conservancy District Watershed Plan-EA. The U.S.D.A. Forest Service accepts the invitation to be a cooperating agency in developing the Plan-EA.

Please contact Beth Anderson, Watershed Program Manager, at 970-275-7620 or beth.a.anderson@usda.gov if you have any questions.

Sincerely,

CHAD STEWART
Forest Supervisor

cc: Beth Anderson, Todd Boldt



USACE Consultation

Lexie Conley

Subject: FW: RGP 5 Requests // Lower Uncompahgre and Cimarron River (23-512, 23-513, 23-514, and 23-515)
Attachments: RGP 5 Information Sheet.pdf

From: Adams, Tyler R CIV USARMY CESPA (USA) <Tyler.R.Adams@usace.army.mil>
Sent: Thursday, December 21, 2023 11:27 AM
To: Jason Lewis <jlewis@jub.com>
Cc: Autumn Davies <adavies@jub.com>; Crosson, S B (Brad) CIV USARMY CESPA (USA) <Steven.B.Crosson@usace.army.mil>
Subject: [EXTERNAL] RGP 5 Requests // Lower Uncompahgre and Cimarron River (23-512, 23-513, 23-514, and 23-515)

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Jason –

Sorry, for any confusion but I did not provide a verification letter based on the information you provided on October 12, 2023, the (x 4) projects qualified for a non-notifying (No PCN requirement) but reporting RGP 5 permit (see attached).

Reporting RGP 5 requirements: *For those activities conducted per a binding agreement with the USBR or USDA, a PCN is not required if the activity is part of a salinity or selenium control project, however you must submit (reporting) to the Corps a copy of:*

(1) the respective agency's documentation for compliance with the Endangered Species Act and National Historic Preservation Act and/or the lead Federal Agency NEPA document containing the same,

(2) a project description,

(3) project plans, and

(4) a location map.

The reporting documentation information must be provided at least 30 days prior to commencing activities in waters of the U.S. authorized by the RGP 5.

These documents were submitted to this office on October 12, 2023, and all required reporting requirements were satisfied.

Again, sorry for any confusion.

Respectfully,

Tyler R. Adams

Project Manager
Northwestern Colorado Branch
Albuquerque District
U.S. Army Corps of Engineers

Office: 970-243-1199 ext 1013

Cell: 970-549-6538
tyler.r.adams@usace.army.mil

From: SPA-RD-NM <SPA-RD-NM@usace.army.mil>

Sent: Wednesday, December 20, 2023 7:08 AM

To: Jason Lewis <jlewis@jub.com>; Autumn Davies <adavies@jub.com>; SPA-RD-CO <SPA-RD-CO@usace.army.mil>

Subject: RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Good morning, Jason,

This is being handled out of our Colorado office. I am going to CC their general inbox and they will be able to provide you with updates.

Thank you,

U.S. Army Corps of Engineers
Albuquerque District - Regulatory Division
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

From: Jason Lewis <jlewis@jub.com>

Sent: Tuesday, December 19, 2023 2:10 PM

To: Autumn Davies <adavies@jub.com>; SPA-RD-NM <SPA-RD-NM@usace.army.mil>

Subject: [Non-DoD Source] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Hi Shawn,

I wanted to follow up on this project.

Is there anything else you need from us to help move the process along?

Thanks,

Jason Lewis
Environmental Specialist/Biologist - Senior

From: Autumn Davies <adavies@jub.com>

Sent: Thursday, October 19, 2023 12:19 PM

To: SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Jason Lewis <jlewis@jub.com>

Subject: RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Shawn,

It finally came into our firewall and I was able to pull it out of SPAM. I have submitted those files now. Thanks so much for your persistence in helping us to get an upload link.

Thanks,
Autumn

AUTUMN FOUSHEE DAVIES
Natural Resources Technical Lead

J-U-B ENGINEERS, Inc.
cell 385 222 1436

From: SPA-RD-NM <SPA-RD-NM@usace.army.mil>
Sent: Thursday, October 19, 2023 9:29 AM
To: Jason Lewis <jlewis@jub.com>; SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Autumn Davies <adavies@jub.com>
Subject: [EXTERNAL] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

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I sent a new one to Autumn yesterday. If she is unable to upload it I will create another one.

Thank you,

Shawn F Uitvlugt
(505)315-5859
Regulatory Assistant
U.S. Army Corps of Engineers
Albuquerque District - Regulatory Division
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

From: Jason Lewis <jlewis@jub.com>
Sent: Thursday, October 19, 2023 8:50 AM
To: SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Autumn Davies <adavies@jub.com>
Subject: [Non-DoD Source] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Hi Shawn,

I have not seen an updated file transfer link. Can you send me a new one please. I tried to upload it to the old link you sent but that doesn't work.

Thanks,

Jason Lewis

Environmental Specialist/Biologist - Senior

From: SPA-RD-NM <SPA-RD-NM@usace.army.mil>

Sent: Friday, October 13, 2023 7:34 AM

To: Autumn Davies <adavies@jub.com>; SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Jason Lewis <jlewis@jub.com>

Subject: [EXTERNAL] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

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I have resent that request.

Thank you

Shawn F Uitvlugt

(505)315-5859

Regulatory Assistant

U.S. Army Corps of Engineers

Albuquerque District - Regulatory Division

4101 Jefferson Plaza, NE

Albuquerque, New Mexico 87109-3435



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

From: Autumn Davies <adavies@jub.com>

Sent: Thursday, October 12, 2023 8:22 PM

To: SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Jason Lewis <jlewis@jub.com>

Subject: [Non-DoD Source] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Ahh, It does look like that messed up! I'm sorry. Could you resend the request for Coal Hill and I will try that again.

Thanks so much for your assistance.

Best,

Autumn

AUTUMN FOUSHEE DAVIES
Natural Resources Technical Lead

J-U-B ENGINEERS, Inc.
cell 385 222 1436

From: SPA-RD-NM <SPA-RD-NM@usace.army.mil>
Sent: Thursday, October 12, 2023 2:46 PM
To: Autumn Davies <adavies@jub.com>; SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Jason Lewis <jlewis@jub.com>
Subject: [EXTERNAL] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

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Thank you, the only possible issue is that it looks like the same files were uploaded twice, once under Coal hill and once under Slide Point.

Shawn F Uitvlugt
(505)315-5859
Regulatory Assistant
U.S. Army Corps of Engineers
Albuquerque District - Regulatory Division
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

From: Autumn Davies <adavies@jub.com>
Sent: Thursday, October 12, 2023 1:51 PM
To: SPA-RD-NM <SPA-RD-NM@usace.army.mil>; Jason Lewis <jlewis@jub.com>
Subject: [Non-DoD Source] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Shawn,

These four requests are uploading and being transferred now. If you see any issues with the transfer, let me know and I will try again next week. I will be out of the office starting this afternoon.

Thanks so much for your assistance!

Best,

Autumn

AUTUMN FOUSHEE DAVIES
Natural Resources Technical Lead

J-U-B ENGINEERS, Inc.
cell 385 222 1436

From: SPA-RD-NM <SPA-RD-NM@usace.army.mil>
Sent: Thursday, October 12, 2023 12:08 PM
To: Jason Lewis <jlewis@jub.com>
Cc: Autumn Davies <adavies@jub.com>
Subject: [EXTERNAL] RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

External Email - This Message originated from outside J-U-B ENGINEERS, Inc.

Good afternoon,

I have entered the drop requests and they should come to both of you. Please let me know if you do not receive any of them.

Thank you,

Shawn F Uitvlugt
(505)315-5859
Regulatory Assistant
U.S. Army Corps of Engineers
Albuquerque District - Regulatory Division
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435



<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

From: Uitvlugt, Michael P CIV USARMY CESPA (USA) <Michael.P.Uitvlugt@usace.army.mil>
Sent: Thursday, October 12, 2023 12:00 PM
To: Jason Lewis <jlewis@jub.com>; SPA-RD-NM <SPA-RD-NM@usace.army.mil>
Cc: Autumn Davies <adavies@jub.com>
Subject: RE: File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Hi Jason and Autumn,

For all projects, please coordinate with our general inbox (SPA-RD-NM@usace.army.mil), this will ensure that the projects are all received, entered into our system, and sent to our supervisor for assignment. I will be on detail to the Nashville district starting next week and may not have much access to be able to access the files in a timely manner.

I've included our general inbox as a recipient to this email so you should receive requests for the four components of your project from our admin.

If you do not receive links to the SAFE site in a timely manner please email the general inbox to check on a status, you can also contact our admin at:

Shawn F Uitvlugt (505)315-5859

Regulatory Assistant

Thanks,
Mike

Michael Uitvlugt
Regulatory Project Manager
USACE, Albuquerque District
Regulatory Division
Work Cell: 505-985-2497

<https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/>

From: Jason Lewis <jlewis@jub.com>

Sent: Thursday, October 12, 2023 9:47 AM

To: Uitvlugt, Michael P CIV USARMY CESP (USA) <Michael.P.Uitvlugt@usace.army.mil>

Cc: Autumn Davies <adavies@jub.com>

Subject: [Non-DoD Source] File Transfer Link-Lower Uncompahgre and Cimarron River PL566 Project – RGP-5 Review Request

Morning Mike,

I tried to call and request a file transfer link for our Lower Uncompahgre and Cimarron River PL566 Project but was not able to get ahold of anyone. Our files are too large to send over email so I thought I would reach out to you since you sent me the link last time.

We will need four links since this project is broken up into separate components. I listed them below.

1. Coal Hill Piping
2. Slide Point Piping
3. Wells Basin Piping
4. West Lateral Piping

Please let me know how to move forward and include Autumn since I will be out of the office starting Today and returning Thursday the 19th.

Thanks,

Jason Lewis
Environmental Specialist/Biologist - Senior

J-U-B ENGINEERS, Inc.

400 Memorial Drive, Idaho Falls, Idaho 83402

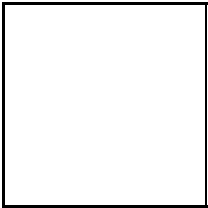
e jllewis@jub.com w www.jub.com

p 208 932-4486 c

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This email has been scanned for viruses and malware, and may have been automatically archived.





Regional General Permit 5

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

DITCH RELATED ACTIVITIES IN THE STATE OF COLORADO

EFFECTIVE: July 30, 2021

EXPIRES: July 30, 2024

The U.S. Army Corps of Engineers, Albuquerque and Omaha Districts, hereby issue Regional General Permit 5 for discharges of dredged or fill material into waters of the United States associated with ditch related activities in the state of Colorado.

ISSUING OFFICE: U.S. Army Corps of Engineers, Albuquerque and Omaha Districts

ACTION ID: SPA-2021-00064

AUTHORITIES: Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the U.S.

PURPOSE: The purpose of this Regional General Permit (RGP) is to authorize discharges into ditches that have minimal individual or cumulative adverse effects on the aquatic environment. For additional information regarding the application of exemptions, please refer to the *Memorandum to the Field on Exemptions from Regulation under Section 404(f)(1)(C) of the CWA for the Construction or Maintenance of Irrigation Ditches and for the Maintenance of Drainage Ditches* (Attachment A).

LOCATION: This RGP is applicable to waters of the U.S. within the state of Colorado, including tribal lands.

ACTIVITIES COVERED: The types of activities covered under this permit are those that result in discharges of dredged or fill material into jurisdictional irrigation and drainage ditches (ditches). Irrigation ditches convey irrigation water to or away from irrigated lands. Drainage ditches increase the drainage of a particular land area. To the extent that a Corps permit is required, activities authorized by this RGP include:

- Construction of irrigation ditches,
- Relocation/realignment of existing irrigation ditches,
- Converting existing ditches into pipes,
- Filling of existing ditches, and
- Lining or armoring existing ditches.

This RGP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the ditch related activity. In accordance with 33 CFR 322.2(f)(1), this RGP authorizes activities that are substantially similar in nature that would result in no more than minimal individual and cumulative adverse effects on the aquatic environment, when conducted under the terms and conditions of this permit.

TERMS: For activities requiring preconstruction notification (PCN), the discharge must not cause the loss of greater than 0.5 acre of wetland or 3 acres of non-wetland waters of the U.S. (i.e., ditches), unless: (1) the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects (see general conditions 1h and 10), or (2) is a part of a salinity or selenium control project per a binding agreement with U.S. Bureau of Reclamation (USBR) or U.S. Department of Agriculture (USDA). This RGP does not authorize discharges of dredged or fill material into ditches that are constructed in a stream or that entirely relocate a stream.

NOTIFICATION PROCEDURES: Activities conducted as part of a salinity or selenium control project per a binding agreement with USBR or USDA do not require notification. Per general condition 1 below, you must submit a PCN to the Corps for the following activities:

- (1) activities that result in the loss of 0.1 acre or more of wetland;
- (2) activities that result in the loss of 1 acre or more of non-wetland waters; or
- (3) activities conducted per a binding agreement with USBR or USDA that are not part of a salinity or selenium control project but that result in the loss of greater than 0.5 acre of wetland or greater than 3 acres of non-wetland waters.

See general conditions 6, 7, and 8 for additional notification requirements.

The prospective permittee shall not begin the activity until either:

- (1) he or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or,
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to General Condition 6 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to General Condition 7 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act and/or section 106 of the National Historic Preservation Act has been completed. If the proposed activity requires a written waiver to exceed specified limits of the RGP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed

under the RGP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

For those activities conducted per a binding agreement with the USBR or USDA, a PCN is not required if the activity is part of a salinity or selenium control project, however you must submit to the Corps a copy of: (1) the respective agency's documentation for compliance with the Endangered Species Act and National Historic Preservation Act and/or the lead Federal Agency NEPA document containing the same, (2) a project description, (3) project plans, and (4) a location map. These documents must be submitted to the local Corps office at least 30 days prior to commencing activities in waters of the U.S. authorized by this RGP.

Compensatory mitigation will not be required for activities conducted per a binding agreement with the USBR or USDA, since the purpose of such projects is to improve water quality and these activities would result in a net increase in aquatic resource functions and services.

For assistance in determining the appropriate Corps office, please contact one of the offices below or visit the Colorado Regulatory website at:

<https://www.nwo.usace.army.mil/Locations/District-Offices/Colorado/>.

Grand Junction Regulatory Office

(Albuquerque District)
400 Rood Ave., Room 224
Grand Junction, CO 81501
Phone: (970) 243-1199
SPA-RD-CO@usace.army.mil

Pueblo Regulatory Office

(Albuquerque District)
201 West 8th Street, Suite 350
Pueblo, CO 81003
Phone: (719) 543-9459
SPA-RD-CO@usace.army.mil

Durango Regulatory Office

(Albuquerque District)
1970 E 3rd Ave., Suite 109
Durango, CO 81301
Phone: (970) 259-1764
SPA-RD-CO@usace.army.mil

Denver Regulatory Office

(Omaha District)
9307 South Wadsworth Blvd.
Littleton, CO 80128-6901
Phone: (303) 979-4120
DenverRegulatoryMailbox@usace.army.mil

GENERAL CONDITIONS:

1. When a PCN is required, the following must be submitted to the appropriate Corps office. Where required, the prospective permittee cannot commence activities under this permit until the Corps has provided written verification that the activity may proceed under the RGP or 45 days has elapsed from the date of a complete PCN submittal, unless the Corps has determined that the activity may effect federally-listed threatened or endangered species or has the potential to effect historic properties eligible for the National Register of Historic Places. The contents of your PCN must include the following:

- a. Preconstruction Notification (PCN) Form (Attachment B);

- b. For projects resulting in the loss of greater than 0.1 acre of jurisdictional wetlands, a wetland delineation using the currently approved Corps delineation manual and any appropriate supplements to the manual;
- c. The name(s) of those federally listed species that might be affected by the proposed activity, or which utilize the designated critical habitat that might be affected by the proposed activity, or documentation demonstrating compliance with the Endangered Species Act (if other lead federal agency);
- d. If the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property;
- e. For each general condition of this RGP, a brief narrative describing how the activity would comply with the condition, or that the condition does not apply;
- f. Project plans showing all aspects of the proposed activity and the location of avoided and impacted waters of the U.S. Plan-view and cross-section plans shall be included. Both temporary (e.g., access, staging) and permanent impacts to waters of the U.S. shall be shown. Plans may be hand-drawn as long as they include approximate dimensions of all structures or work located in waters of the U.S.;
- g. A written statement explaining how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S.; and
- h. If applicable, a request for waiver of impact thresholds (i.e., to exceed the loss of 0.5 acre of jurisdictional wetland or 3 acres of non-wetland waters of the U.S.) must include rationale for how the activity will result in only minimal individual and cumulative adverse environmental effects (see also general condition 10 below).

2. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify the Corps of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

3. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity or sell the property associated with this permit. You may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from the Corps, which may require restoration of the area.

4. Work authorized under this permit may be inspected by the Corps at any reasonable time to assure that it is being or has been completed in compliance with the terms and conditions of this permit.

5. Fill material must be clean and free of contaminants. Fresh cement or concrete is not allowed in waters unless it is placed in sealed forms. Unsuitable fill material includes vehicle bodies, farm machinery, appliances and other metal objects, asphalt, biodegradable

construction debris, tires, and concrete with exposed rebar. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

6. Endangered Species:

- a. No activity is authorized under any RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. The effects of the action include the direct and immediate effects on listed species and critical habitat caused by the RGP activity and those indirect effects on listed species and critical habitat that are caused by the RGP activity and are reasonably certain to occur at a later in time.
- b. Federal agencies should follow their own procedures for complying with the requirements of the ESA. The federal permittee must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.
- c. For activities that might affect federally-listed endangered or threatened species or designated critical habitat, the non-federal applicant's notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The Corps will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-federal applicant of the Corps' determination within 45 days of receipt of a complete notification. In cases where the non-federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed.
- d. As a result of formal or informal consultation with the U.S. Fish and Wildlife Service (USFWS), the Corps may add species specific permit conditions to the RGP.
- e. Authorization of an activity by the RGP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to

engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

f. If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed RGP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the notification required by paragraph (c) of this general condition. The Corps will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed RGP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed RGP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the Corps does not need to conduct a separate ESA section 7 consultation for the proposed RGP activity. The Corps will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

g. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS or their World Wide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac>.

7. Historic Properties:

- a. In cases where the Corps determines that the activity may affect properties listed in or eligible for listing in the National Register of Historic Places (NRHP), the activity is not authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
- b. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Federal permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements. The Corps will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under Section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with Section 106.
- c. Non-federal permittees must identify in their notification which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic properties can be sought from the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), as appropriate, and the NRHP (see 33 CFR part 330.4(g)). When reviewing notification packages, the Corps will comply with the current procedures for addressing the requirements of Section 106 of the NHPA. The Corps shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the

Corps shall determine whether the proposed activity has the potential to cause an effect on historic properties. Where the non-federal applicant has identified historic properties which the federally authorized activity may have the potential to cause effects and so notified the Corps, the non-federal applicant shall not begin the activity until notified by the Corps that compliance under Section 106 of the NHPA has been completed.

d. The Corps will notify the prospective permittee within 45 days of receipt of a complete notification package whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR part 800.3(a)). If NHPA Section 106 consultation is required and will occur, the Corps will notify the non-federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for authorization from the Corps.

e. Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of the historic property, any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

f. If any previously unknown historic, cultural or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the Corps of what was found, and to the maximum extent practicable avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps will initiate the federal, tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the NRHP.

8. No additional certification actions under CWA Section 401 are necessary for this Regional General Permit. The Corps, State, or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

9. No activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

10. For losses of waters of the U.S. that require a PCN, compensatory mitigation at a minimum one-to-one ratio will be required for all wetland losses that exceed 0.1 acre or for losses of non-wetland waters (i.e., ditches) that exceed 3 acres, unless the Corps determines

in writing that either some other form of mitigation would be more environmentally appropriate, or the adverse environmental effects of the proposed activity are no more than minimal, or an activity-specific waiver of this requirement is approved (see also general condition 1h above).

11. If the permittee sells the property associated with this permit, the permittee must obtain the signature and mailing address of the new owner on the permit verification letter and forward a copy to the Corps to validate the transfer.

12. You shall return a signed Compliance Certification (Attachment C) to the appropriate local Corps office within 30 days after completion of the authorized work to inform the Corps regarding the need of this RGP.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of the Corps that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. The Corps may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

- c. Significant new information surfaces which the Corps did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by the Corps, and if you fail to comply with such directive, the Corps may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. The permit duration, as described above, establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from the Corps, such as a Nationwide Permit or Standard Individual Permit. The Corps will determine on a case-by-case basis whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. The Corps may include additional special conditions to a verification under this permit to ensure the activity has minimal impact.

PERMIT DURATION: This permit is valid for three years from issuance and will expire on July 30, 2024. The Corps may re-evaluate the terms and conditions of this permit at any time deemed necessary to protect the public interest. Activities verified by the Corps under this permit are valid until the date this RGP expires. In the event that this RGP expires when the project is under construction or under contract to begin construction, the applicant will have up to one year after the permit expiration to complete the work. In such case, the applicant must notify the Corps and submit sufficient evidence such as photos of work or proof of contract.

ATTACHMENTS:

- A. *Memorandum to the Field on Exemptions from Regulation under Section 404(f)(1)(C) of the CWA for the Construction or Maintenance of Irrigation Ditches and for the Maintenance of Drainage Ditches, July 24, 2020*
- B. PCN Form
- C. Compliance Certification

This permit becomes effective when the federal official, designated to act for the Secretary of the Army has signed below.



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-06'00'

Kelly Allen
Regulatory Division Chief
Albuquerque District

Date



Eric Laux
Regulatory Branch Chief
Omaha District

July 28, 2021

Date

USFWS Concurrence



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Colorado Ecological Services Field Office Western Team
445 W. Gunnison Ave Suite 240
Grand Junction, Colorado 81501



In Reply Refer to:
FWS/R6

FWS Project code: 2023-0073765

5/2/2023

Noe Marymor
Acting Environmental Compliance Specialist, Colorado State Office
USDA Natural Resources Conservation Service
Denver Federal Center Building 56 RM.2604
Denver, Colorado 80225

Dear Noe Marymor:

This responds to your March 2023 request for informal consultation with the U.S. Fish and Wildlife Service (Service), pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA). Your request is for the Natural Resources Conservation Service (NRCS) to meet ESA Section 7 consultation requirements for the Bostwick Park Water Conservancy District Agricultural Water Management and Fish and Wildlife Project.

The project will stabilize and line an estimated 1.5 miles of open canal in the Uncompahgre Valley Water Users Association, laterally pipe several miles within the Bostwick Park Water Conservancy District, replace failing pipeline, and install temperature monitors in the Cimarron River. Actions of the project will address flood risk, water conservation, and salt and selenium loading. Action areas are found within Gunnison and Montrose County and broken down into five elements areas: West and East Laterals, M&D Canal, Slide Point, and Coal Hill & Wells Basin. Only Slide Point and Coal Hill & Wells Basin were given determinations with potential species impacts. Therefore, only these locations will be assessed further.

Slide Point was given the determination of may affect, but not likely adversely affect, for the Gunnison Sage-grouse (GUSG; *Centrocercus minimus*) and its critical habitat. The project area is within designated Occupied critical habitat but was not found to have suitable habitat for the species. Conservation measures will ensure avoidance of impacts to nearby sagebrush and wet meadow habitat.

Coal Hill & Wells Basin was given the determination of may affect, but not likely adversely affect, for the GUSG and its critical habitat. The project area is within designated Occupied critical habitat but was not found to have suitable habitat for the species. Conservation measures

will ensure avoidance of impacts to nearby sagebrush and wet meadow habitat and will adhere to seasonal restrictions to avoid temporary disturbances to GUSG during sensitive life stages (March 15 – July 15).

Conservation measures are essential to ensuring that project disturbances do not create long term negative impacts to habitat. The following conservation measures outlined in the Biological Assessment will be critical to ensuring that the habitat is able to recover after the project takes place:

- Invasive species management
- Reseeding of disturbed areas with native seed mixes
- Seasonal restrictions to occupied habitat to avoid lekking, nesting, and brood-rearing life stages (March 15 – July 15)

After evaluating the proposed action and its likely effects, the Service concurs with NRCS' determination that the proposed action may affect, but is not likely to adversely affect, GUSG and its critical habitat. Based on your request and our response, our joint responsibilities under section 7 of the ESA have been satisfied. However, section 7 consultation must be reinitiated if: 1) new information reveals project impacts that may affect listed species or critical habitat in a manner or to an extent not previously considered, 2) this action is subsequently modified in a manner which was not considered in this assessment, or 3) a new species is listed, or critical habitat designated that may be affected by the proposed action.

Thank you for your consideration of threatened and endangered species. We appreciate your efforts to minimize disturbance to GUSG and its critical habitat. If you have any questions, please contact Whit Blair at whit_blair@fws.gov.

Sincerely,

JOHN
CLAYTON

Digitally signed by
JOHN CLAYTON
Date: 2023.05.02
08:56:25 -06'00'

J. Creed Clayton
Acting Western Team Supervisor
Colorado Field Office

Section 12 Consultation

January 25, 2024

Nathan Darnall
Western Colorado Supervisor
U.S. Fish and Wildlife Service
Western Colorado Ecological Services Field Office
445 West Gunnison Ave, Suite 240
Grand Junction, Colorado 81501-5711
GrandJunctionES@fws.gov

RE: Notification of Natural Resources Conservation Service (NRCS) Actions
Cimarron River-Lower Uncompahgre Watershed Project

In accordance with Section 12 of Pub. L. 83-566 the Natural Resources Conservation Services (NRCS) is notifying your Agency that we are investigating for a water resource project. The Bostwick Park Water Conservancy District requested NRCS assistance through the NRCS Watershed and Flood Protection Program (Public Law 83-566). This letter serves as formal notification that the project has been approved of assistance and NRCS will consult with U.S. Fish and Wildlife Service on technically and economically feasible works of improvement for wildlife purposes recommended. Please reply within 30 days of receiving this notice whether your Agency intends to make surveys, investigations, or recommendations concerning the conservation and development of wildlife resources; or otherwise participate in preparing the plan for works of improvement for this project.

The Cimarron River-Lower Uncompahgre Watershed Project is located in Montrose and Gunnison Counties, Colorado. The goal of the Bostwick Park Water Conservancy District is to address agricultural water management related issues, such as water losses associated with irrigation seepage, salinity and selenium loading, irrigation water management and delivery efficiency, and protect fish habitat and recreational opportunities through improved agriculture water management.

NRCS is the lead agency preparing a Watershed Plan and Environmental Assessment (Plan-EA) for the Cimarron River-Lower Uncompahgre Watershed Project.

If you have any questions, concerns or information you want to contribute during the planning process, please contact Blongshia Lindsay, Watershed Program Specialist by calling (719) 600-4710 or emailing Blongshia.Cha@usda.gov.

Sincerely,

Todd Boldt
Assistant State Conservationist – Water Resources

cc:

Cindy Lair, Program Manager, CDA – CSCB, Broomfield, CO

Kindra Brandner, Acting ASTC – Programs, Wray, CO

Brady McElroy, Acting State Conservation Engineer, Lamar, CO

Chad Cherefko, Area 1 ASTC – Field Operations, Denver, CO

Jamison Jewkes, RTL 5 District Conservationist, Montrose, CO

William Brownlee, RTL 4 District Conservationist, Grand Junction, CO

From: [Clayton, Creed](#)
To: [Cha, Blongshia - FPAC-NRCS, CO](#)
Cc: [GrandJunctionES, FW6](#)
Subject: RE: [EXTERNAL] Notification Natural Resources Conservation Service (NRCS) Actions Cimarron River-Lower Uncompahgre Watershed Project
Date: Friday, January 26, 2024 1:47:44 PM
Attachments: [image003.png](#)
[image005.png](#)
[CR-UL_FWS_notification_BPWCD 1-25-2024_tdb.pdf](#)
[20230073765_FWS_WBlair_NLAA_BPWCD Agricultural Water Management Fish and Wildlife Project.pdf](#)

Thank you for your information. For future communications, please send correspondence to our office inbox at GrandJunctionES@fws.gov.

From: Cha, Blongshia - FPAC-NRCS, CO <blongshia.cha@usda.gov>
Sent: Friday, January 26, 2024 1:49 PM
To: Darnall, Nathan <nathan_darnall@fws.gov>
Cc: Clayton, Creed <creed_clayton@fws.gov>
Subject: [EXTERNAL] Notification Natural Resources Conservation Service (NRCS) Actions Cimarron River-Lower Uncompahgre Watershed Project

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

Good Afternoon,

The Natural Resources Conservation Service is notifying the U.S Fish and Wildlife Service of the Cimarron River-Lower Uncompahgre Watershed Project in the letter attached. Please acknowledge the letter attached and notify us if your Agency intends to make surveys, investigations, or recommendations concerning the conservation and development of wildlife resources; or otherwise participate in preparing the plan for works of improvement for this project.

Thank you,

Blongshia "B" Lindsay
Watershed Program Specialist
Water Resources | PL-566, Dam REHAB, EWP
Black/African American Employment SEPM

5610 Industrial Pl. Suite 100, Colorado Springs, CO, 80916
p: (719) 600-4710 | c: (719) 649-1946

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