

Bear River and Yellow Creek Watershed Environmental Assessment

for the

Bear River and Yellow Creek Watershed Project

**Bear River and Yellow Creek Watershed
NRCS Watershed Program**

PREPARED BY

United States Department of Agriculture Natural Resources Conservation Service

IN COOPERATION WITH

Sponsoring Local Organizations
Evanston Water Ditch, Inc.

City of Evanston

Uinta County, Wyoming and Utah

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Chapter 1 Introduction and Overview

This Environmental Assessment (EA) provides analysis of the Proposed Action (Alternative 1) described by the Bear River and Yellow Creek Watershed Plan (Proposed Project), which is incorporated by reference. Further summary information about the activity including administrative history of actions taken during project evaluation is provided in the Bear River and Yellow Creek Watershed Plan and Appendices and incorporated in this EA.

As the Lead Federal Agency, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) has prepared this document. The City of Evanston and the Evanston Water Ditch, Inc. (EWD) are the Sponsoring Local Organizations.

Two other alternatives were considered and are described in detail in the Watershed Plan. These alternatives were eliminated from further analysis, for the reasons explained in Section 4.3 of the Watershed Plan.

Information about the Proposed Action subject to NRCS authority Public Law (PL) 83-566 is provided in Section 1.1 of the Bear River and Yellow Creek Watershed Plan. The planning start for the watershed project was authorized by the Chief of NRCS on April 23, 2020. Development of the Bear River and Yellow Creek Watershed Plan is authorized under PL 83-566 Stat. 666 (16 U.S.C. Section 10001 et. Sequ.), as amended.

1.1 Project Name

Bear River and Yellow Creek Watershed EA

1.2 Project Location

The Proposed Action is located in the City of Evanston and unincorporated Uinta County, Wyoming. The Proposed Project Area (Project Area) is contained within Sections 1 and 2 of Township 14N and Range 120W and Sections 21, 22, 27, 28, 29, 31, 32, 34, and 35 of Township 15N and Range 120W, 6th Principal Meridian. It is located within the Wasatch, Millis, and Evanston U.S. Geological Survey (USGS) 7.5-minute quadrangles.

1.3 Planning Area

The planning area is confined to two HUC 12 hydrologic units in the HUC 10 Upper Bear Hydrologic Unit, HUC12 160101010205, Duncomb Hollow-Bear, and HUC 12 160101010305, Lower Yellow Creek. These HUC 12 hydrologic units drain a combined area of approximately 126 square miles (80,709 acres) (EPA 2025b). Within these units, the Watershed Drainage Area that impacts the Project Area totals approximately 2,201 acres, and this Watershed Drainage Area comprises the limits of the proposed study area (Project Area) (Figure 1).

The total Bear River and Yellow Creek Watershed area encompasses rural farming communities, with predominantly agricultural land use and sparse rural residential areas and contains the 224-acre limits of the Project Area. The Project Area consists of staging areas, one proposed detention basin site, a 100-foot-wide corridor along approximately 9.4 miles of the Old City Ditch, and trail and sidewalk alignments, shown in Figure 2.

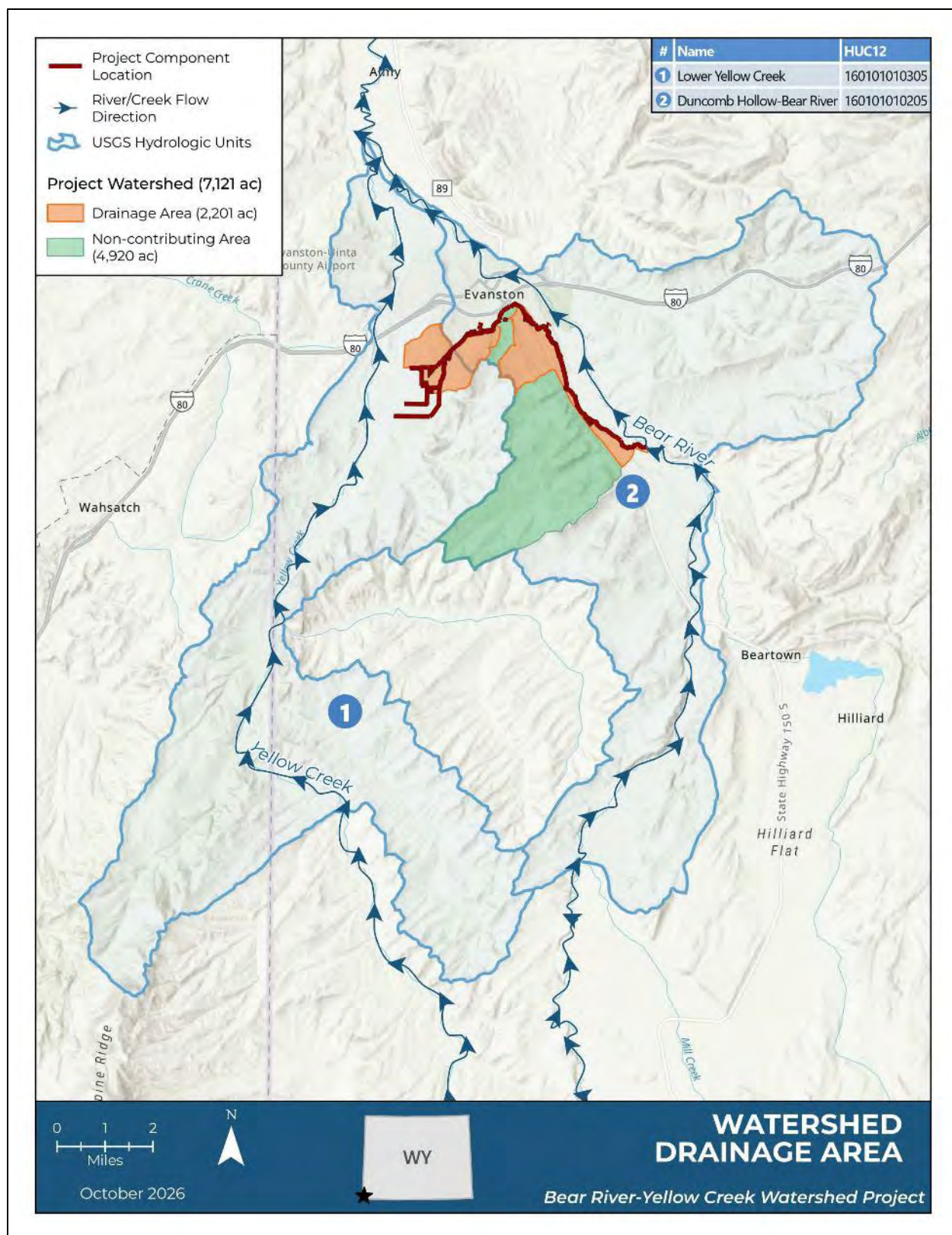


Figure 1. Map of the Watershed Drainage Area

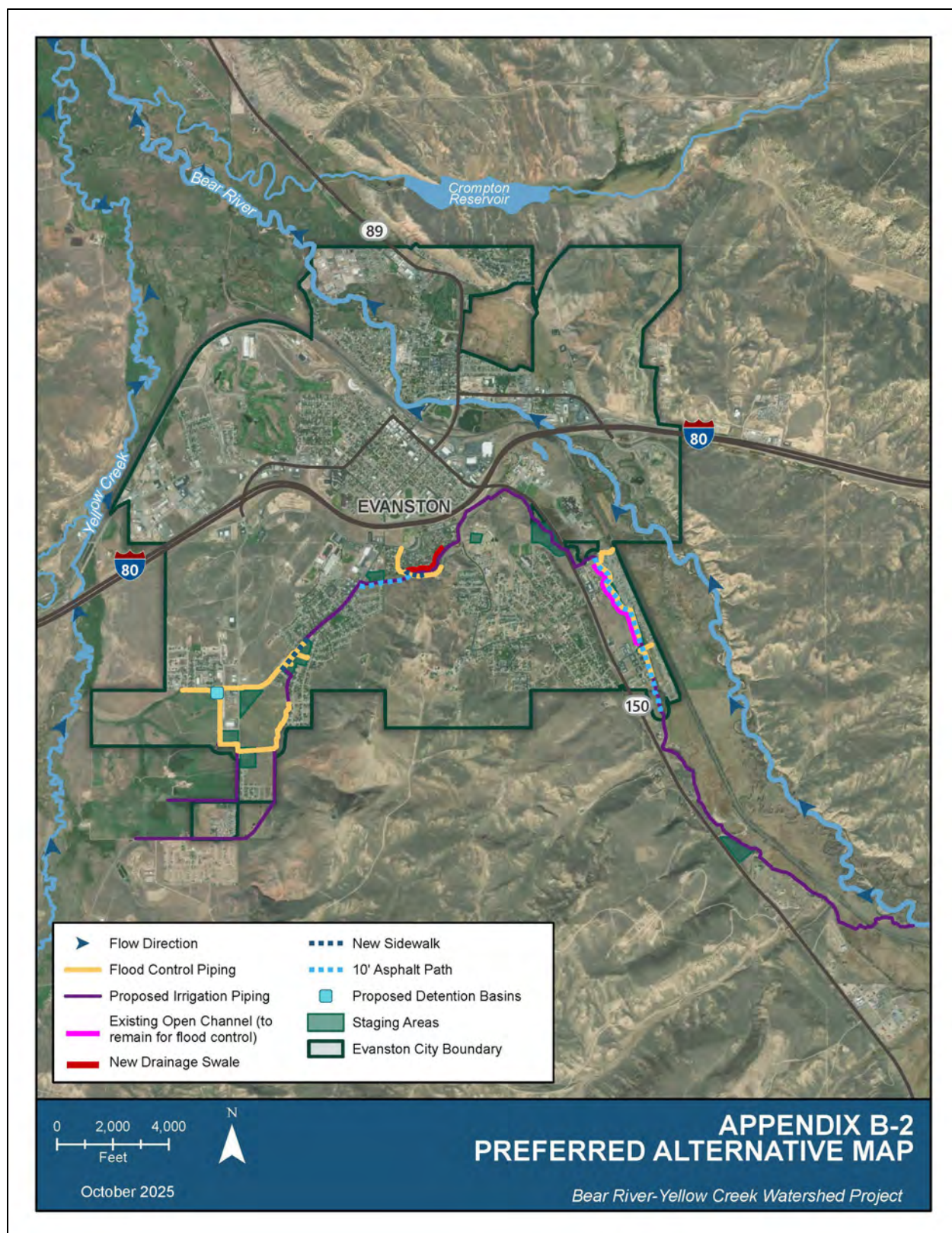


Figure 2. Location of the Bear River and Yellow Creek Watershed Project Measures

1.4 Existing Conditions and Project History

Agriculture makes up a significant portion of the economy in Uinta County. EWD's aging and deteriorating ditch system is made up of a mix of unlined ditches and 35-year-old corrugated metal pipe. Water has been leaking and seeping from the ditches, preventing agriculture producers from obtaining a full water share, and damaging residential and agricultural properties when water overtops the ditch (personal communication, Mike Davis, EWD, April 2019).

A recent water loss study found that Old City Ditch is annually losing approximately 1,485 acre-feet (ac-ft) (483,889,376 gallons) of water, or 46% of the annual diversion volume to seepage and evaporation (Appendix E of Watershed Plan).

The City of Evanston and surrounding areas have a history of flooding with floods occurring, on average, every 2.5 to 10 years. Flash floods from heavy rain events flow into the irrigation ditches, and this combined flow overtops the ditch banks. These ditches convey water past homes and farms and cannot consistently handle irrigation and flood flows at the same time; sediment and debris collect in the ditches, blocking the flows which leads to overtopping of the ditch banks. When water overtops the ditches, roads, homes and nearby farmlands are flooded, causing significant damage and putting life and property in jeopardy.

Having an open ditch with narrow gates and culverts flowing through the City's populated areas causes safety concerns for some residents and community leaders, particularly during storm events and other periods of high flow.

Old City Ditch is approximately 9.4 miles long and originates through a diversion on Bear River. From the Bear River, the ditch flows west through a wetland area, and then under the Burlington Northern Santa Fe (BNSF) railroad tracks. It continues west through wetlands and then diagonally north/northwest parallel to Highway 150. The ditch crosses the highway and meanders through residential development as it heads west and then southwest. Once out of residential development, the ditch continues southwest into agricultural lands (i.e., pastureland) and finally turns west toward Yellow Creek. Public roads and private driveways cross over the ditch along its length. Sporadic maintenance roads parallel or cross the ditch. Trees and shrubs line much of the ditch and several areas are overgrown with vegetation. A photo inventory of the Project Area is included in Appendix E of the Watershed Plan.

The elevation in the Project Area ranges from approximately 6,775 feet above mean sea level (AMSL) on the west end to 6,940 feet AMSL on the east end. The east end of the Project Area is in a rural/agricultural area with residences sparsely occurring in the vicinity. In the north and west portions of the Project Area, residential developments frequently occur; and in the far west portion of the Project Area, agricultural land dominates the landscape. Numerous ditches (including Old City Ditch), riparian habitat around portions of the ditches, wetland meadows, ruderal fields, agricultural land with livestock, railroad tracks, and roadways are present in and surrounding the Project Area. The topography ranges from mild slopes to more than 30% slopes along roadways and ditches.

1.5 Agency Authority

The USDA NRCS has prepared this EA in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), the NRCS Watershed Program Manual, and other relevant federal and state laws and regulations and Executive Orders (E.O.s).

Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, and the Flood Control Act of 1944. NRCS regulations regarding watershed projects and compliance with NEPA can be located at 7 CFR 622 and 7 CFR 650, respectively.

1.6 Purpose and Need

The purpose of the Proposed Project is to provide cost effective flood protection to the town of Evanston and to provide a reliable, efficient, and safe irrigation water delivery system to sustain the agricultural community in Uinta County. The Proposed Project is being authorized under PL 83-566 for the purpose of flood protection (flood damage reduction) and agricultural water management.

The Proposed Project is needed to reduce flood damage risks associated with runoff events, increase irrigation efficiency, and modernize agricultural water management facilities. Table 1 documents that the project is eligible for federal assistance and will meet statutory requirements.

Table 1. Documentation that the Project is Eligible for Federal Assistance and will meet Statutory Requirements.

Eligibility Documentation		
The Upper Bear River Hydrologic Unit is identified as HUC-8 16010101. It contains seven hydrologic units and spans 229,579 acres, the Bear River, Yellow Creek, and Old City Ditch. The Proposed Action occurs in two HUC-12 hydrologic units. This assistance is authorized under PL 83-566. The EWD and City of Evanston are the sponsors for this watershed planning project. The EWD and City of Evanston meet the PL 83-566 criteria for being a sponsor. Agricultural Water Management, Flood Prevention (flood damage reduction), and Recreation are the PL 83-566 Authorized Purposes of the Proposed Action.		
Will the Project Area exceed 250,000 acres in size? (Bear River and Yellow Creek Watershed Plan Section 1.1)	☐ Yes	☒ No
If over 250,000 acres, will it be divided into sub-watersheds in one plan?	☐ Yes	☒ No
Proposed Action Potential Project Area Size: 80,719 acres (126.1 square miles)		
Will any single structure provide more than 12,500 acre-feet of floodwater detention capacity, or have 25,000 acre-feet of total capacity?	☐ Yes	☒ No
How many recreational developments will be included in the Project Area?		
One development in a Project Area less than 75,000 acres	☒ Yes	☐ No
Two developments in a Project Area between 75,000 and 150,000 acres	☐ Yes	☒ No
Three developments in a Project Area greater than 150,000 acres	☐ Yes	☒ No
Which authorized purposes will the project address? (Indicate only one purpose as primary)		
Purpose	Primary	Other
• Flood Prevention	☐	☒
• Watershed Protection	☐	☐
• Public Recreation	☐	☒

Eligibility Documentation			
• Public Fish and Wildlife		☐	☐
• Agricultural Water Management		☒	☐
• Municipal or Industrial Water Supply		☐	☐
• Water Quality Management		☐	☐
Potential for 20% Agricultural (Rural) Benefits		☒ Yes	☐ No
Will the project produce substantial benefits to the general public, to communities, and to groups of landowners?		☒ Yes	☐ No
Can the project be installed by individual or collective landowners under alternative cost-sharing assistance?		☐ Yes	☒ No
Will the project have strong local citizen and sponsor support through agreements to obtain land rights, permits, contribute the local cost of construction, and conduct operation and maintenance?		☒ Yes	☐ No
Is this project funded by the Infrastructure Investment and Jobs Act (IIJA), most commonly known as the Bipartisan Infrastructure Bill?		☐ Yes	☒ No
Will the project take place in a Special Designated Area? (If yes, check applicable area below.)			
☐ Appalachia	☐ Delaware River Basin	☐ Susquehanna River Basin	☐ Tennessee Valley

Chapter 2 Alternatives

NEPA requires discussion of a reasonable range of alternatives. During the planning stage, several alternatives were considered and eliminated from consideration based on analysis of criteria defined in Section 2.1. See Chapter 4 of the Bear River and Yellow Creek Watershed Plan for comprehensive analysis, including alternatives not analyzed in detail (Alternatives 2 and 3). This EA includes two alternatives: the *No Action Alternative* or Future without Federal Investment (FWOFI) and the *Alternative 1*, also known as the Proposed Action Alternative, the Preferred Alternative, and the Future with Federal Investment (FWFI).

2.1 Site selection and screening criteria

An alternative must be available, achieve the overall project purpose, and be feasible when considering cost, logistics and existing technology. Criteria for evaluating alternatives was determined by the NRCS. The criteria for alternatives for this project were as follows:

- 1) Alternative 1 had to meet the purpose and need of the project which was to address agricultural water management, flood prevention, and public recreation in the watershed,
- 2) Alternative 1 must be economically feasible and have ecological and social benefits.

2.2 Description of alternatives

2.2.1 No Action Alternative (FWOFI)

The No Action Alternative is a projection of future conditions without Federal involvement and serves as a baseline for the evaluation and comparison of effects of the action alternatives. The No Action Alternative is the projection of future conditions with no project to be implemented.

2.2.2 Environmentally Preferred Alternative—Alternative 1 (Proposed Action Alternative /Preferred Alternative/FWFI)

Alternative 1 would pipe and pressurize 10.2 miles of the Old City Ditch with 14-inch to 48-inch high-density polyethylene (HDPE) pipe; replace 12 turnouts; construct four piped flood water conveyances with 7.0 miles of 15-inch to 54-inch reinforced concrete pipe (RCP); construct a 3.6-acre-feet (ac-ft) detention basin; install a screening structure at the Bear River diversion; and, connect existing sidewalks with 1.5 miles of new 10-foot-wide asphalt trail and 0.4 miles of new sidewalk. Table 2 describes the specific elements of the Proposed Action Alternative, and a detailed description is presented in Appendix D of the Watershed Plan. Table 3 follows Table 2 and provides a summary of effects for each alternative.

Table 2. Works of Improvement

Purpose	Measure of Improvement	Description
Flood Prevention	Construct flood prevention and conveyance system	There would be four separate piped flood interception and conveyance projects. The total piping for the flood prevention projects would be 7.0 miles of 15-inch to 54-inch RCP.
	Construct Old City Ditch flood prevention facility	Convert 3,000 feet of Old City Ditch to flood prevention exclusively.
	Construct detention basin	Construct a dual purpose 3.6 ac-ft detention basin below grade.
	Install outlet structure	Install a 48-inch closed conduit outlet pipe from the detention basin, which would function as the principal and auxiliary spillways.
Agriculture Water Management	Install HDPE pipe and fittings	Pipe and pressurize 10.2 miles of the Old City Ditch with 14-inch to 48-inch HDPE pipe and fittings.
	Replace turnouts	Replace 12 turnout meters.
	Install a screening structure	Install a screening structure at the river diversion.
Recreation	Construct a recreation trail	Construct a 1.5-mile, 10-foot-wide asphalt trail. Install trail signs, markings, and fencing.
	Construct new sidewalk to connect to existing sidewalks	Construct 0.4 miles of new sidewalk to connect to existing sidewalks.

Table 3. Summary of Effects for Each Alternative for Bear River and Yellow Creek Watershed

Resource Area	FWOFI	FWFI
Soils & Geology		
Prime & Unique Farmland	Under the FWOFI, soils designated as farmland of statewide importance, if irrigated, but would continue to be impacted by floodwaters.	Under the FWFI, soils designated as farmland of statewide importance, if irrigated, would be temporarily disturbed by construction activities. No prime farmland would be impacted by the FWFI, and no designated farmlands would be converted from agricultural uses. Therefore, the FWFI would not affect prime and unique farmlands in the Project Area and complies with the Farmland Protection Policy Act (FPPA).
Erosion & Sedimentation	Continued ditch bank erosion and sedimentation buildup in EWD facilities and downstream of the ditch during flood events. Ongoing repair and maintenance costs of \$542,500 would continue annually.	Under the FWFI, soils would be temporarily disturbed by construction activities associated with the piping of the ditch. Additionally, approximately 12,000 cubic yards (CY) of material would be excavated for the construction of the detention basin, resulting in permanent soil disturbance. Best management practices (BMPs) would be implemented to minimize erosion during construction activities. Long-term, the FWFI would reduce erosion by piping the ditch and detaining floodwaters.
Water Resources		
Surface & Groundwater Quality & Quantity	Project Area would continue to experience 1,485 ac-ft of water loss from seepage and evaporation, and floodwater would continue to carry sediment and pollutants into Old City Ditch, Bear River, Yellow Creek, and other conveyance structures in the area.	<p>The FWFI would improve water quantity and quality in the Project Area. The piped system is anticipated to eliminate 1,485 ac-ft of water loss due to seepage and evaporation annually and extend the growing season, resulting in \$114,800 annually in increased farm net income. The FWFI would reduce flood water by providing a conveyance and eliminating the risk of overtopping ditches. The FWFI would also improve water quality by reducing the amount of tailwater, laden with sediment and pollutants, reaching local waterways such as the Bear River and Yellow Creek. Piping the Old City Ditch and eliminating seepage and reducing flood irrigation methods may indirectly affect groundwater recharge in the Project Area; however, based on the third-party groundwater study, lining the laterals in the Project Area would have a limited effect on the supply of groundwater.</p> <p>The FWFI could have minor, temporary effects to surface water quality in the Project Area during construction, although implementation of BMPs would minimize and avoid surface and groundwater quality effects to the greatest extent practicable.</p>

Resource Area	FWOFI	FWFI
		<p>Piping the Old City Ditch would indirectly improve water quality in tailwaters by reducing erosion and sedimentation in the Watershed Drainage Area, as irrigation water would no longer erode and transport sediment from the ditch. Irrigation modernization would also indirectly improve water quality by facilitating the transition to sprinkler irrigation, which would reduce flood irrigation and the resulting agricultural water runoff.</p>
Clean Water Act / Waters of the U.S.	<p>The FWOFI would have no direct effect to the resources protected under the Clean Water Act (CWA), i.e., waters of the U.S. (WOTUS), including seepage-induced wetlands. If the FWOFI were implemented, the Old City Ditch would continue to lose 1,485 ac-ft water annually from seepage and evaporation, and sediment delivery to nearby waters would continue, which would indirectly impact WOTUS, such as Bear River, by reducing available water flow and degrading water quality.</p>	<p>The FWFI would maintain or improve water quality and water quantity. The FWFI is projected to conserve 1,485 ac-ft of water per year and would likely reduce sediment and pollutant delivery to nearby waters from irrigation tailwater, which could indirectly benefit WOTUS, such as the Bear River. No discharge or placement of dredged or fill material into Bear River would occur.</p> <p>The FWFI would also reduce floodwater damage and improve conveyance in the region, further decreasing pollutant loads that flow into the Bear River, local streams, and associated wetlands. With less flooding into water resources, the Bear River and wetlands would be more resilient and better able to rebound more quickly post large flood events, such as the 100- or 500-year events.</p> <p>Effects to jurisdictional waters would require permitting through the USACE. The FWFI would likely qualify for a Regional General Permit (RGP) 2302-RWY. BMPs will minimize effects to jurisdictional waters in the Project Area. BMPs are also in place to ensure CWA water quality standards would be met.</p>

Resource Area	FWOFI	FWFI
Wetlands	The FWOFI would have no direct effects to seepage-induced wetlands.	Piping of the ditch could indirectly affect nine adjacent, non-jurisdictional wetlands that likely depend on ditch seepage and/or irrigation for hydrology. Approximately 0.339 acres of jurisdictional and approximately 1.33 acres are non-jurisdictional wetlands were identified within the Project Area. Given these wetlands' reliance on ditch seepage and irrigation waters, it is likely the wetlands would diminish in size, and possibly disappear once the ditch is piped. As a result, some losses of low-quality wetland functions for the Project Area could occur. A Section 401 permit from Wyoming Department of Environmental Quality (WDEQ) would also be required for all impacted wetlands and waters. Indirectly, the FWFI would eliminate seepage in the canal that contributes hydrology to wetlands within and adjacent to the Project Area. Effects to wetlands would be avoided and minimized by implementing BMPs.
Regional Water Resources Plan	The FWOFI would not meet the goals of the regional water management plans, which could cause indirect effects to water resources. Under this alternative, water conservation measures and water quality improvements would not be implemented; therefore, seepage losses along with sediment and pollutant transport to downstream waters would continue and could worsen.	Piping of the ditch would eliminate the 1,485 ac-ft of water lost each year due to seepage. This may result in potential water savings to remain in the Bear River. The FWFI would conserve water, provide for efficient delivery of water, and improve water quality all of which are in accordance with the objectives of the Wyoming Statewide Framework Water Plan, the Bear River Basin Plan, or the Bear River Compact, to protect existing water uses, conserve water lost to seepage and evaporation, provide for efficient delivery of agricultural water, and improve water quality. No conflicts with the Wyoming Framework Water Plan, Bear River Basin Plan, or the Bear River Compact would occur because of the FWFI.
Floodplain Management	Under the FWOFI, there would be a continued risk for flood hazards and property damage within the Project Area, resulting in \$542,500 annually in property-related damages from flooding.	Portions of the Project Area occur in the designated 100-year floodplain. The FWFI would decrease the risk of flooding in the event of a 10-year or larger storm event. The FWFI would provide flood prevention and flood damage reduction resulting in \$527,400 annually in reduced property-related damages. The FWFI would reduce flood risk but would not induce flooding in new areas. No increased flood hazard or other adverse effect to the existing natural and beneficial values of the floodplain or lands adjacent to or downstream of the FWFI would occur.

Resource Area	FWOFI	FWFI
Air Quality		
Clean Air Act / National Ambient Air Quality Standards, Climate and Greenhouse Gases	No construction would occur, and so no short-term effects from those activities would occur. Therefore, the FWOFI would have no effect on the Clean Air Act (CAA) or National Ambient Air Quality Standards (NAAQS) in the Project Area.	Construction activities would cause short-term increases in nitrogen oxide (NO _x), CO, PM _{2.5} and PM ₁₀ , and greenhouse gas (GHG) emissions from construction equipment. Emissions would be minor, localized, and temporary, and would not interfere with the area achieving NAAQS requirements. Emission rates for NO _x , CO, PM, and GHG would not increase in the long-term. Appendix E identifies BMPs to minimize air quality effects.
Vegetation		
Special Status Plant Species	No suitable habitat for Ute Ladies'-tresses (ULT; <i>Spiranthes diluvialis</i>) or any other special-status plant species is present within the Project Area; therefore, the FWOFI would have no effect on special status plant species in the Project Area.	No ULTs or suitable habitat was present in the Project Area. Given the lack of suitable habitat and lack of occurrence records for the species in the vicinity, the FWFI would have No Effect on the ULT nor suitable habitat for the species (see the Biological Evaluation in Appendix E).
Noxious Weeds & Invasive Species	EWD currently manages vegetation in and around Old City Ditch, but management is not specific to invasive or noxious weed species. The FWOFI would not alter current invasive species and noxious weed control practices; therefore, the FWOFI would have no effect on noxious weeds and invasive plants.	Current practices to control and prevent the introduction and establishment of noxious weeds and invasive species would continue. Given the implementation of BMPs described in Appendix E, the FWFI would not cause or promote the introduction or spread of invasive species and therefore follows E.O. 13112. Furthermore, the reduction of seepage and implementation of BMPs would result in decreased spraying of noxious weeds once the pipelines are installed.

Resource Area	FWOFI	FWFI
Riparian Areas	Basin and stream conditions would continue to degrade over time, including water quality, riparian areas, ecologically critical areas, and wildlife benefits, due to erosion and debris damage from flood events and sediment delivery from irrigation tailwaters.	<p>Implementation of the FWFI would remove riparian trees and disturb grasses in riparian areas associated with the ditch. Removal and disturbance of riparian vegetation would occur along Old City Ditch and would not impact riparian vegetation associated with the Bear River or other natural water features.</p> <p>An indirect effect of the ditch piping involves the eventual loss of trees and vegetation within and near the ditch that may have received supplemental hydrology from seepage. Some vegetation would also be lost during construction. Piping the Old City Ditch would permanently remove a source of water for vegetation dependent on ditch seepage, which would result in the loss of approximately 16.05 acres of low to moderate riparian vegetation, along the ditch.</p> <p>Disturbed areas would be revegetated with native, drought tolerant species to the greatest extent possible. Overall, the FWFI would maintain or improve water quality, water quantity, and thereby would improve natural riparian areas in the Watershed Drainage Area by increasing water conservation and reducing flood damage and sediment delivery to downstream/nearby habitats.</p>
Ecologically Critical Areas	Basin and stream conditions would continue to degrade over time, including ecologically critical areas, due to erosion and debris damage from flood events and sediment delivery from irrigation tailwaters.	No effects are anticipated to occur within the Bear River Corridor Aquatic Crucial Priority Area as a result of the FWFI.
Wildlife		
Wildlife & Wildlife Habitat	The FWOFI would have no direct effects on wildlife and adjacent wildlife habitat in the Project Area. Poor water quality conditions would continue as sediment and pollutant transport would not be addressed,	<p>Piping the Old City Ditch would permanently remove 7.8 miles of seasonal open water sources for wildlife, and remove 16.05 acres of low to moderate quality, seepage-induced riparian vegetation and 1.67 acres of low-quality seepage-induced wetlands that wildlife may use for forage, shelter, and stopover habitat.</p> <p>Wildlife may be temporarily displaced during construction due to noise and would likely choose to move to alternate locations while construction activities are present but also may choose not to return to the area if habitat is lost. Appendix E identifies BMPs to avoid and minimize effects to wildlife and wildlife habitat.</p>

Resource Area	FWOFI	FWFI
Special Status Animal Species	No suitable habitat for Endangered Species Act (ESA)-listed species would be disturbed. Therefore, the FWOFI would have no effect on special status animal species.	There is potentially suitable habitat for the Suckley's cuckoo bumble bee (<i>Bombus suckleyi</i>) in the Action Area, and for the yellow-billed cuckoo (YBCU; <i>Coccyzus americanus</i>) within 0.5 miles of the Project Area. This habitat would not be adversely impacted under the FWFI, and therefore the BE identified a No Effect determination for YBCU, Suckley's cuckoo bumble bee, monarch butterfly (<i>Danaus Plexippus</i>), and greater sage-grouse (<i>Centrocercus urophasianus</i>). BMPs, as discussed in the BE and Appendix E, would be implemented to avoid and minimize potential effects to special status animal species.
Migratory Birds / Bald and Golden Eagles	No vegetation would be removed and temporary disturbances from construction would not displace birds utilizing the canal corridors. The FWOFI would have no direct or indirect effect on migratory birds and bald and golden eagles; therefore, the FWOFI would have no effect on migratory birds and bald and golden eagles.	<p>The FWFI would permanently remove 7.8 miles of open water, 1.67 acres of low-quality seepage-induced wetlands, and 16.05 acres of low to moderate quality, seepage-induced riparian vegetation that may be used as stopover habitat by waterfowl species.</p> <p>Construction noise may result in the temporary displacement of nesting bird species within the Project Area. Temporary construction disturbance would be avoided by scheduling work outside of nesting bird season. Construction would be timed outside of the irrigation season, with work taking place from October to April and most construction activities would also occur outside of bird migration, breeding, and nesting seasons, except for bald and golden eagles.</p> <p>BMPs would minimize effects to eagles, raptors, and migratory bird species during construction. Specifically, the Project Area would be surveyed for any migratory bird or eagle nests within seven days ahead of construction, before vegetation removal and construction during the breeding and nesting season of migratory birds (March–September) or eagles (December–August). If an active nest is discovered within the survey area, construction and vegetation removal would be halted and the appropriate regulatory agency would be contacted for guidance.</p>

Resource Area	FWOFI	FWFI
Human Environment		
Socioeconomics	Capital and labor requirements would increase due to flooding damage and continued deterioration of the Old City Ditch facilities. Floodwater damage would continue, costing \$542,500 annually in property-related flood damage, and no agricultural water management or recreation benefits would occur.	<p>The FWFI would require the use of \$1,131,733 in local match funds to construct the project and would temporarily create up to seven jobs during construction.</p> <p>The FWFI would have a beneficial impact on socioeconomics by conserving an estimated 1,485 ac-ft of water per year, improving agricultural average annualized benefits by \$114,800, preventing \$527,400 in average annualized property-related flood damage, resulting in approximately \$642,200 in average annualized benefits, decrease irrigation ditch operation and maintenance (O&M) costs, provide potential additional recreation opportunity benefits, and temporarily create jobs within the Project Area during construction.</p>
Cultural & Historic Resources	The FWOFI is anticipated to result in No Adverse Effects to Historic Properties in the Area of Potential Effect (APE) because no construction would take place.	<p>The Class III cultural resources surveys identified five cultural resource sites in the APE: the historic Evanston City Ditch (City Ditch; 48UT1631_6), a historic artifact scatter (48UT2960), a precontact indigenous ceremonial site (48UT2961), a historic homestead site (48UT2986), and the historic Old City Ditch (48UT2969 and 48UT2969_1). Sites 48UT2960, 48UT2969/48UT2969_1, and 48UT2986 are determined not eligible for listing in the National Register of Historic Places (NRHP). Site 48UT1631_6 is a noncontributing segment of the eligible ditch. Site 48UT2961 is determined eligible for listing in the NRHP and will not be affected since through tribal consultation an avoidance area of 100 ft was established. The FWFI would result in no adverse effect to historic properties.</p>
Scientific Resources	The FWOFI would have no effect on paleontological resources as no construction would occur.	Given that construction activities would not intercept bedrock and the implementation of an inadvertent discovery stipulation, the FWFI would not affect paleontological resources.
Hazardous Materials	The FWOFI would have no direct or indirect impact on hazardous materials in the Project Area because no construction would take place.	The FWFI would not generate hazardous materials. The contractor would be required to obtain a Wyoming Pollutant Discharge Elimination System (WYPDES) Large Construction General Permit (LCGP) issued by WDEQ prior to construction. As part of this permit, the contractor would also be required to follow an approved Spill Prevention Control and Countermeasure (SPCC) plan. The FWFI would not affect hazardous materials in the Project Area.

Resource Area	FWOFI	FWFI
Public Health & Safety	Under existing conditions, the risk and safety concerns associated with continued flooding and open sources of water would remain.	The risk and safety concerns associated with flooding would be reduced with the piping of the Old City Ditch and construction of the detention basin. The FWFI would improve the capacity of the ditch to convey floodwater and would reduce flooding risks, eliminate a public safety risk by piping the ditch, and improve public health in the Project Area by providing an accessible recreational trail. The FWFI would result in \$527,400 in annual property-related flood damage savings. No additional flooding would be induced under the FWFI.
Land Use	Risk of flooding would continue under the FWOFI, which could indirectly affect land use by damaging agricultural lands, and therefore affecting how those lands are used within the Project Area.	The FWFI would be compatible with current land uses and zoning designations. Approximately 0.75 acres of permanent easements and 0.75 acres of property acquisition would be required prior to construction for the detention basin. The detention basin is currently zoned as agriculture (AE) but would change to the zoning designation of public (P).
Recreation	No direct or indirect impacts would occur to recreation under the FWOFI because no construction would take place.	The FWFI would provide recreation opportunities for public use by constructing a 1.5-mile asphalt recreation trail along a portion of Old City Ditch and 0.4 miles of sidewalk. The FWFI would provide recreational benefit, including economic benefits. The FWFI would create potential recreation opportunity benefits.
Scenic Beauty & Visual Resources	The FWOFI would have no impact on scenic beauty or visual resources in the Project Area.	The FWFI would result in temporary impacts to visual resources associated with construction disturbance. The FWFI would permanently remove the human-made open water feature of Old City Ditch by piping the ditch and contouring to function as a floodwater conveyance. The scoping process revealed that some residents value the tranquility and beauty of the open water and riparian vegetation that the ditch provides and supports. The FWFI would result in long-term visual impacts from the direct and indirect removal of the open water feature and existing vegetation within the ditch corridor during construction. To mitigate for the loss of vegetation near residences, the alignment would be revegetated with native, drought tolerant vegetation.

Resource Area	FWOFI	FWFI
Transportation & Infrastructure	Under the FWOFI, the roads and State Highway could be damaged and/or closed during a large storm event. The existing irrigation infrastructure is deteriorating and requires continued labor and capital to perform maintenance activities.	<p>The FWFI would directly improve irrigation infrastructure and indirectly protect infrastructure in the Project Area. The FWFI would reduce average annualized infrastructure replacement costs and would also reduce seasonal maintenance of the Old City Ditch in the Project Area, reducing the average annualized Operations, Maintenance & Repair (OM&R) to \$3,900.</p> <p>The FWFI may have temporary negative effects on transportation in the Project Area due to construction vehicle access and movement. EWD would work with Wyoming Department of Transportation (WYDOT) to obtain all necessary permits to work within designated state and local roadway right-of-way (ROW) and would implement appropriate traffic control measures during construction to minimize disturbance and reduce effects to local traffic.</p>
Noise	No effect.	Temporary increases in noise associated with construction equipment would occur in the Project Area. No long-term impacts from noise would occur because of the FWFI.

Chapter 3 Environmental Consequences

3.1 Affected Environment

Details for the Affected Environment can be found in Chapter 3 of the Bear River and Yellow Creek Watershed Plan. The current condition of biological, ecological, economic, and social resources identified in the Project Area are used to determine effects and to conduct alternatives analysis as specified at 40 CFR 1502.15-16. **Error! Reference source not found.** discusses the relevancy of each environmental resource for the analysis.

Table 4. Relevancy of Resources Considered for Proposed Action

State Water Quality & Resources Considered for Proposed Action			
Concern	Relevant to the Proposed Project?		Rationale
	Yes	No	
Soils & Geology			
Upland Erosion & Sedimentation	X		Upland and bank erosion due to typical canal erosion can contribute pollutants and sediment to streams. Sedimentation could temporarily increase during construction.
Prime & Unique Farmland	X		Soils would be disturbed by construction activities. Prime farmland is not present within the Project Area. Farmland of statewide importance, if irrigated, is present within the Project Area (NRCS 2025b; NRCS 2025c).
Water Resources			
Surface & Groundwater Quality & Quantity	X		Installation and operation of the Proposed Project could result in beneficial long-term effects by reducing pollutant loading in streams. Piping and pressurizing the ditch would conserve 1,485 ac-ft of water lost to seepage. Reduced seepage could affect groundwater supply.
Clean Water Act & Waters of the U.S.	X		Three jurisdictional wetlands totaling approximately 0.33 acres occur within the Project Area. One jurisdictional linear water feature, the Old City Ditch, was delineated in the Project Area.
Wetlands	X		Twelve wetlands totaling approximately 1.67 acres occur within the Project Area.
Regional Water Management Plans	X		The Project Area is managed under the Wyoming Statewide Framework Water Plan (WWDC et al. 2007) and the Bear River Basin Plan (WWDO 2012).
Coastal Zone Management Areas		X	No coastal zones occur within or near the Project Area.
Water Rights		X	The Proposed Project would not alter or impact water rights.
Wild & Scenic Rivers		X	There are no wild or scenic rivers within, or near, the Project Area (NWSRS 2014).

Concern	Relevant to the Proposed Project?		Rationale
	Yes	No	
Sole Source Aquifer		X	There are no Sole Source Aquifers in the Project Area (EPA 2025a).
Air Quality			
Clean Air Act / National Ambient Air Quality Standards	X		Uinta County is in attainment for all criteria pollutants (EPA 2025d). Construction activities would cause temporary, minor increases in localized emissions.
Climate & Greenhouse Gases	X		Construction activities would cause temporary, minor increases in localized emissions.
Vegetation			
Special Status Plant Species	X		The U.S. Fish and Wildlife Service (USFWS) identified the ULT, an ESA species, as potentially occurring in the Project Area (USFWS 2025).
Forest Resources		X	Forest lands are not located in or near the Project Area (USFS 2025).
Noxious Weeds & Invasive Plants	X		Existing seed and plant parts of noxious weeds and other invasive species could be spread during construction or carried into the Project Area on construction equipment and inadvertently delivered into newly disturbed soils.
Natural Areas		X	There are no designated natural areas within or near the Project Area (USGS 2025).
Riparian Areas	X		Riparian areas are present throughout parts of the Project Area adjacent to open Old City Ditch.
Ecologically Critical Areas	X		The Bear River Corridor Aquatic Crucial Priority Area, an ecologically critical area, is present in the Project Area.
Wildlife			
Essential Fish Habitat		X	There is no essential fish habitat (EFH) within, or near, the Project Area (NOAA 2025).
Wildlife & Wildlife Habitat	X		Disturbances to wildlife and wildlife habitat would occur during construction. There are no wilderness areas or wildlife refuges in the Project Area.
Coral Reefs		X	There are no coral reefs within, or near, the Project Area (NOAA 2025).
Special Status Animal Species	X		The USFWS identified the YBCU, monarch butterfly, and the Suckley's cuckoo bumble bee as the ESA-listed species that could occur in the Project Area (USFWS 2025). Greater sage grouse, a state protected species, may occur in the Project Area (WYNDD 2020).

Concern	Relevant to the Proposed Project?		Rationale
	Yes	No	
Invasive Animal Species		X	No potential for introduction of invasive animal species exists.
Migratory Birds & Bald and Golden Eagles	X		Migratory birds and bald and golden eagles may occur in the Project Area (USFWS 2025).
Human Environment			
Socioeconomics	X		Proposed Project elements would require the use of local match funds and would improve agricultural water management which may result in increased crop yields.
Cultural & Historic Resources	X		Cultural and historic resources are present in the Project Area.
Hazardous Materials	X		Mechanical equipment and associated fuels and lubricants would be stored in the appropriate location and used on site during construction.
Public Health & Safety	X		Proposed Project elements would eliminate a source of open water that poses safety risks and would reduce the risk of flooding events.
Land Use	X		The Project Area is comprised of state, city, land, and privately owned land. No federal lands are located in the Project Area.
Recreation	X		The Proposed Project would construct a non-motorized trail which would provide walking and recreation opportunities.
Visual Resources & Scenic Beauty	X		Temporary visual effects from construction equipment (active and parked) and ground disturbance in the Project Area during construction. Permanent visual effects from piping the ditch, and the direct and indirect removal of low-quality, seepage-induced riparian vegetation.
Parklands, National Parks, Monuments & Historical Sites		X	No National Parks or Monuments occur within, or adjacent to, the Project Area.
Transportation & Infrastructure	X		Proposed Project elements would improve agricultural management and EWD system infrastructure.
Noise	X		Temporary construction noise would affect surrounding communities.
Scientific Resources	X		The Project Area has areas with Class 2, and 3 potential fossil yield classification (PFYC), and bedrock disturbance could occur from Proposed Project activities (BLM PFYC 2022).
Parklands		X	No parklands occur within or near the Project Area.

The USDA NRCS eliminated the following resource categories from further analysis because the Proposed Action would result in negligible or no effect to these resources. Other than the information contained in Table 4, this EA provides no additional information for the following resource categories: coastal zone management areas, water rights, wild and scenic rivers, sole source aquifers, forest resources, natural areas, EFH, coral reefs, invasive animal species, parklands, National Parks, monuments, and historic sites.

3.2 Determination of Scope for National Environmental Policy Act (NEPA) Analysis

The Bear River and Yellow Creek Watershed includes two HUC 12 hydrologic units identified in Figure 1 and Table 5, and spans 80,709 acres. Within these units, the Watershed Drainage Area that impacts the Proposed Action totals approximately 2,201 acres, and this Watershed Drainage Area comprises the limits of the Proposed Action scoping area (Project Area). The Project Area is 224-acres. This area includes all areas necessary for the implementation of potential measures, including temporary access, borrow sites, spoil sites, and laydown areas necessary for construction (Figure 2Table 2). The Project Area encompasses both the direct and indirect effects.

Table 5. Hydrologic Units in the Project Area Watershed

Hydrologic Unit	HUC 12	Total Size (acres)
Duncomb Hollow-Bear River	160101010205	41,281
Lower Yellow Creek	160101010305	39,428
Total	-	80,709

3.3 Determination of Scope for Section 7 of the Endangered Species Act (ESA)

In determining the scope for Section 7 of the ESA, an analysis area—the action area—was defined for the analysis of special status plant species consistent with USFWS direction to include all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action [50 CFR 402.02] (see USFWS scoping letter in Appendix A of the Bear River and Yellow Creek Watershed Plan). Per USFWS policy, the Service encourages agencies to use the digital consultation package builder tool available on USFWS Information for Planning and Consultation (IPaC) system to assist in this process, and an Official Species List from the USFWS IPaC was generated for the action area (see Biological Evaluation [BE] in Appendix E).

The action area encompasses approximately 224 acres in Uinta County, Wyoming and Utah, and includes the Old City Ditch. The action area encompasses the project footprint, staging areas, and a 100-foot buffer on either side of the centerline of the Old City Ditch.

For the Bear River and Yellow Creek Project, a qualified biologist prepared a BE which documents the steps leading to the determination of the effect and other supporting information including the IPaC report generated by the USFWS ecological services office.

3.4 Determination of Scope for Section 106 of the National Historic Preservation Act (NHPA)

The initial scoping area consists of 491.15 acres. NRCS consulted with the State Historic Preservation Office (SHPO), Tribes, and other consulting parties to determine and define the APE. The APE includes all areas of cultural concern, potential ground disturbance, staging areas, and ingress and egress routes. Per 36 CFR 800.4, a literature review and Class III Cultural Resources Inventory was completed by Certus Environmental Solutions, LLC (Certus) for 413 acres of the APE in March 2022 and June 2023, and an additional literature review and Class III Cultural Resources Inventory was completed by SWCA Environmental Consultants (SWCA) as an addendum for an additional 78.15 acres of the APE in May of 2024.

The Class III inventories included a review of previous investigations that have been conducted within the vicinity of the APE and a pedestrian survey of 491.15 acres to identify and evaluate any previously undocumented cultural resources within the APE. The linear survey corridor was 200 feet-wide, and a 100-foot buffer was required around each polygon/block area.

The SHPO, federally recognized Tribes, and other Section 106 consulting parties concur with the NRCS-defined APE (see Appendix E of Bear River and Yellow Creek Watershed Plan).

3.5 Potential Effects on the Living Communities and Human Uses

The purpose of this section is to describe the potential effects of each alternative on the environmental and human health resource categories. Unless otherwise noted, the area of analysis for each resource is the Project Area. The effects analysis of the Proposed Project alternatives includes temporary (0–3 years), short-term (3–10 years), and long-term (10+ years) affect time frames. Temporary effects are short-lived and reversible, occur during a specific period, such as during construction, and the environment returns to its original state once the activity ceases.

Intensity of effects are categorized as:

- Not Applicable (N/A);
- No Effect;
- Negligible Effect—An effect so small that it is not measurable or perceptible. It does not alter the environment in any significant way;
- Minor Effect—An effect that is noticeable but not significant. It may cause some changes to the environment, but these changes are not substantial and do not require major mitigation measures;
- Major Effect—An effect that is significant and substantial. It causes considerable changes to the environment, potentially requiring extensive mitigation measures to address the adverse effects.

Two types of effects may occur and are discussed in this chapter:

- Direct Effect—Effects from a Proposed Action that occur at the same time and same place;
- Indirect Effect—Effects from a Proposed Action that occur later in time, at some distance from the project, and are changes due to cause and effect relationships.

Section 1.6 on the Bear River and Yellow Creek Watershed Plan discusses past projects in the Watershed Drainage Area.

3.5.1 Potential Effects on the Characteristics Associated with Fish and Wildlife (7 CFR 650.22, PL 116-188)

Table 6 indicates Federally listed species and Discussion (*Federal*)

In accordance with Section 12 of the PL 83-566, USFWS was notified of the Proposed Project (Appendix A of the Bear River and Yellow Creek Watershed Plan). The USFWS was also invited to comment on the Proposed Project during the scoping period. The USFWS did not respond to the scoping letter. A BE determined that the Proposed Project would have No Effect on the federally listed species. Given the No Effect determination, the BE was not submitted to USFWS for concurrence.

Reviews of the USFWS IPaC database (USFWS 2025) reveal the potential for four ESA-listed species. Two federally threatened species, yellow-billed cuckoo and Ute ladies'-tresses, one proposed threatened species, monarch butterfly, and one proposed endangered species, Suckley's cuckoo bumble bee. No designated critical habitat for these species occurs in or near the Project Area. No special status fish or EFH were documented within the area of analysis.

Table 7 lists the State special status species. For a detailed description of the resource, refer to Section 3.2 of Bear River and Yellow Creek Watershed Plan.

Table 6. Potential Effects on Federally Listed Species

Federally Listed Species	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
yellow-billed cuckoo (<i>Coccyzus americanus</i>)		X				
monarch butterfly (<i>Danaus Plexippus</i>)		X				
Suckley's cuckoo bumble bee (<i>Bombus suckleyi</i>)		X				
Ute ladies' tresses (ULT) (<i>Spiranthes diluvialis</i>)		X				

Discussion (*Federal*)

In accordance with Section 12 of the PL 83-566, USFWS was notified of the Proposed Project (Appendix A of the Bear River and Yellow Creek Watershed Plan). The USFWS was also invited to comment on the Proposed Project during the scoping period. The USFWS did not respond to the scoping letter. A BE determined that the Proposed Project would have No Effect on the federally listed species. Given the No Effect determination, the BE was not submitted to USFWS for concurrence.

Reviews of the USFWS IPaC database (USFWS 2025) reveal the potential for four ESA-listed species. Two federally threatened species, yellow-billed cuckoo and Ute ladies'-tresses, one

proposed threatened species, monarch butterfly, and one proposed endangered species, Suckley's cuckoo bumble bee. No designated critical habitat for these species occurs in or near the Project Area. No special status fish or EFH were documented within the area of analysis.

Table 7. Potential Effects on State Listed Species

State Listed Species	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Greater sage-grouse (<i>Centrocercus urophasianus</i>)		X				

Discussion (State): The greater sage-grouse is a Wyoming state sensitive species with the potential to occur within the Project Area. No critical habitat occurs within or near the Project Area. The Wyoming Game and Fish Department (WGFD) was invited to comment on the project during the scoping period. The WGFD responded to the scoping letter and had no terrestrial wildlife or aquatic concerns for the Proposed Project (Appendix A). A state sensitive species list was obtained from WYNDD as part of the BE analysis. The BE determined that there would be no impact to state sensitive species, specifically the greater sage-grouse, from the implementation of the Proposed Project.

3.5.2 Potential Effects on Special Aquatic Sites (PL 99–198, Title XII, The Food Security Act of 1985)

Table 8 displays the potential effects on special aquatic sites and highly erodible lands.

Table 8. Potential Effects on Special Aquatic Sites and Highly Erodible Land

Special Aquatic Sites/ Highly Erodible Lands	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Sanctuaries and refuges	X					
Wetlands				X		
Mud flats	X					
Vegetated shallows	X					
Coral reefs	X					
Riffle pool complexes	X					
Highly erodible land			X			

Discussion: Temporary and permanent ground disturbing activities may directly affect 1.67 acres of low-quality seepage-induced wetlands with low wildlife values. The loss of these wetlands would not affect the ecological function of wetlands in the Watershed Drainage Area that are more robust and naturally occurring. Highly erodible land was quantified by an erosion hazard scale, and ranged from Slight to Severe. Negligible effects to highly erodible land are associated with the Project Area's fine-grained soil formations, which are considered to be highly erodible.

3.5.3 Potential Effects on Water Flow Characteristics (40 CFR 1502.23 Methodology and Scientific Accuracy)

Table 9 displays the potential effects on water flow characteristics.

Table 9. Potential Effects on Water Flow Characteristics

Water Flow Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Substrate			X			
Suspended particulates/turbidity				X		
Water						X
Current patterns and water circulation			X			
Normal water fluctuations			X			
Salinity gradients	X					

Discussion: The Proposed Action will have a negligible effect on substrate and be limited to piping activities along the Old City Ditch. Once piped, the Proposed Action will result in a benefit to water quality and quantity, including by eliminating 1,485 ac-ft of seepage currently lost each year due to seepage. The effects to suspended particulates/turbidity are limited to a short-term duration and minor effect during construction prior to site stabilization. There will be negligible effects to water, current patterns and circulation, and normal fluctuations in the Bear River and Yellow Creek, which will benefit from less sediment transport.

3.5.4 Potential Effects on Human Environment (7 CFR 650.1 (e))

Table 10 displays the potential effects on the human environment.

Table 10. Potential Effects on Human Environment

Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Municipal and private water supplies			X			
Recreational and commercial fisheries		X				
Water-related recreation		X				
Aesthetics				X		
Parks, national and historical monuments, historic landmarks, national historical landmark district, national seashores, wilderness areas, research sites USFWS	X					

Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
refuges, and similar preserves						

Discussion: Negligible and temporary effects to municipal and private water supplies and short term and temporary effects to aesthetics are expected during construction. The project benefits, NRCS design and construction standards, and implementation of BMP's offset any negligible effects. Recreation within EWD facilities, including the ditch, is not permitted and therefore proposed piping has no effect to recreational and commercial fisheries and water-related recreation.

3.6 Resources of Concern

All relevant ecosystem and resource concerns are detailed in Chapter 3 of the Bear River and Yellow Creek Watershed Plan. The decision whether to proceed will be based on policies as described in National Watershed Program Manual (NWPM) (NRCS 2015) and an evaluation of the probable effects of the proposed activity. The benefits reasonably expected to accrue from the proposal are balanced against its reasonably foreseeable detriments.

3.6.1 Unresolved Conflicts

No areas of controversy or unresolved conflicts were identified regarding resource use.

3.7 Mitigation (40 CFR 1502.14, 1508.20), (36 CFR 800.6)

3.7.1 Avoidance and Minimization

Avoidance and minimization measures are described in Section 6.4 of the Bear River and Yellow Creek Watershed Plan and within the BMP list included in Appendix E.

3.7.2 Compensatory Mitigation

Compensatory mitigation would not be required for the Alternative 1.

3.8 Reasonably Foreseeable Effects

Federal agencies should analyze the reasonably foreseeable effects of the Proposed Action consistent with Section 102 of NEPA, which does not employ the term "cumulative effects;" NEPA instead requires consideration of "reasonably foreseeable" effects, regardless of whether or not those effects might be characterized as "cumulative" (42 U.S.C. 4332(2)(C)(i)). There are no ongoing or reasonably foreseeable projects known within the Project Area that could contribute to effects with the Proposed Action. Therefore, there would be no effects from any reasonably foreseeable actions to consider in the resource analysis in Chapter 5.

Chapter 4 Consultation and Coordination

The results of coordinating the proposal on Public Notice (PN) and public meeting are identified below, including a summary of issues raised, and the NRCS evaluation of concerns.

Comments were received in response to the coordination effort (see Appendix A of Bear River and Yellow Creek Watershed Plan). A public hearing was not requested. No additional issues were raised by the NRCS, including any as a result of coordination with other NRCS offices. No comments were raised that require further discussion because they address activities and/or effects outside of the NRCS purview.

The following sections detail compliance with other laws, policies, and requirements.

4.1 Section 7 of the Endangered Species Act (ESA)

Refer to Section 2.2 for description of the NRCS Proposed Action considered for Section 7 review and consultation.

4.1.1 Lead Agency Section 7

No other Federal agency has been identified as the lead agency for complying with Section 7 of the ESA.

4.1.2 Effects Determinations

Listed species are present or in the vicinity of the NRCS Project Area, but no designated critical habitat occurs in the Project Area. One threatened species, one proposed threatened species and one proposed endangered species potentially occur within the project boundaries: the yellow-billed cuckoo, the monarch butterfly, and the Suckley's cuckoo bumble bee. NRCS determined that the project would have no effect on these species, and consultation with USFWS was not necessary.

4.1.3 Endangered Species Act Consultation

A BE was completed for the Proposed Action and determined that the Proposed Action would have No Effect on any ESA-listed species (BE in Appendix E of the Bear River and Yellow Creek Watershed Plan). Given the No Effect determination, the BE was not submitted to USFWS for Section 7 consultation under the ESA.

4.2 Magnuson-Stevens Act

The Magnuson-Stevens Fishery Conservation and Management Act, EFH compliance are not applicable to this project. There is no EFH within, or near, the Project Area.

4.3 National Historic Preservation Act Consultation (Section 106 of the National Historic Preservation Act)

Refer to Section 3.4 for APE. Consultation occurred with the Wyoming SHPO. The existing NRCS tribal consultation areas of interest list was used to identify tribes to consult with on this project. That list is generated based on ongoing conversations and direct input from the tribes on the types of projects and areas in Wyoming where they have ancestral ties.

4.3.1 Lead Agency

NRCS is the designated lead federal agency for complying with Section 106 of the National Historic Preservation Act (NHPA).

4.3.2 National Historic Preservation Act (NHPA) Consultation

See the Consultation Summary in Appendix A of the Bear River and Yellow Creek Watershed Plan for consultation letters, Tribal communication, Tribes participating in Class III surveys, other consulting parties, date Class III was received, Tribal comments on Class III, date Class III submitted to SHPO, date of SHPO concurrence letter.

4.4 Native American Graves Protection and Repatriation Act (NAGRA) PL 101-601; 25 U.S.C. 3001–3013; 104 Stat. 3048–3058

N/A; this project is not located on Federal lands.

4.5 American Indian Religious Freedom Act (AIRFA) PL 95-341

The project would not prohibit access to public lands. Access to any sites of religious and cultural significance would not be impacted.

4.6 Archaeological Resources Protection Act (ARPA) PL 96-95

The Proposed Action is not located on Federal or Indian Lands.

4.7 Tribal Trust Responsibilities

The NRCS provided opportunity for comment and participation via letters sent on July 27, 2020, in coordination and consultation with the following Tribes: Comanche Nation, Crow Creek Sioux Tribe of the Crow Creek Reservation, Crow Nation, Eastern Shoshone Tribe of the Wind River Reservation, Northern Arapaho Tribe, Northern Cheyenne Tribal Council, and Shoshone-Bannock Tribes of the Fort Hall Reservation. A meeting was held in person on October 29, 2020, with the tribes and they expressed interest in participating in the Class III survey for all Wyoming watershed projects.

Further communication occurred via email with all tribes on January 14, 2021. The Crow Creek Sioux tribal historic preservation office (THPO) responded on January 25, 2021, that they did not require any additional consultation for the project. NRCS sent a follow up email about the survey timelines to the Northern Arapaho, Eastern Shoshone, and Northern Cheyenne on March 22, 2022. The Northern Arapaho participated in the Class III survey for this project. The Eastern Shoshone and Northern Cheyenne were not able to attend. NRCS provided opportunity for additional comment and participation on the results of the Class III survey on July 18, 2023. The Eastern Shoshone and Northern Cheyenne had no comments. There was further communication with the Northern Arapaho via phone on August 14, 2023. The NRCS has determined that it has fulfilled its tribal trust responsibilities.

4.8 Coastal Zone Management Act (CZMA)

No coastal zones are present within the Project Area.

4.9 U.S. Army Corps of Engineers (USACE)

Effects on U.S. Army Corps of Engineers (USACE) Civil Works Projects (33 USC 408) are not applicable to this project.

4.10 Wild and Scenic Rivers Act

No Wild and Scenic Rivers occur within the Project Area.

4.11 Natural Resources Conservation Service (NRCS) Wetland and Highly Erodible Land (HEL) Policy (PL 99–198, Title XII, The Food Security Act of 1985)

The project would affect 1.67 acres of wetlands. However, the converted acres would not be used for the production of a commodity crop, and thus the Food Security Act does not apply to this conversion. Disturbed areas would be reclaimed with permanent vegetation and wetlands would not be converted to farmland. Reference 5.3.2.2 of the Bear River and Yellow Creek Watershed Plan for effects to wetlands that may be regulated by the Clean Water Act of 1972.

4.12 NRCS Wetland Mitigation

The Proposed Action Alternative area is expected to be eligible for the Wyoming RGP 2302. It does not contain areas identified as mitigation for the NRCS for wetland compliance or USACE CWA, conservation banking, mitigation banking, in-lieu fee program, or other Federal, State, or Local resource.

4.13 PL 83-566 Section 12 Fish and Wildlife Coordination Act

In accordance with Section 12 of the PL 83-566, the USFWS was notified of the Proposed Action on July 8, 2025 (Appendix A of Watershed Plan).

4.14 Compliance

The NRCS has determined that it has fulfilled its responsibilities under the following laws, regulations, policies, and guidance shown in Table 11.

Table 11. Compliance with Federal Laws and Responsibilities

Laws, Regulations, Policies, and Executive Orders	In Compliance?		
	Yes	No	N/A
Section 7(a)(2) of the ESA, PL 93-205, ESA	X		
PL 94-265 provisions of the Magnuson-Stevens Act, EFH			X
Section 12 and Fish and Wildlife Coordination Act	X		
Section 106 of the NHPA	X		
Tribal Interests: PL 89-655, NHPA; PL 95-341, AIRFA; PL 101-601, NAGPRA; PL 103-344, AIRFA Amendments of 1994; PL 92-203, Alaska Native Claim Settlement Act; PL 93- 638, Indian Self-Determination and Education Assistance Act; EOs 13007 and 13175; Secretarial Orders 3206 and 3403; White House Office of Science and Technology Policy (OSTP) and the White House Council on Environmental Quality (CEQ) Joint Memoranda, Indigenous Knowledge; PM, Government-to- Government Relations; PM, Uniform Standards; 230- GM, Part 403, Special Emphasis Programs; 410-GM, Part 405, American Indians and Alaska Natives; 190- NI, Part 315, TALC; DR 1350-001, Tribal Consultation; DR 1340-007, Policies on American Indians and Alaska Natives	X		
CZMA—PL 92-583, Coastal Zone Management Act			X
Wild and Scenic Rivers Act, PL 90-542			X
Section 408-33 USC 408			X
PL 99-198, Title XII, The Food Security Act of 1985			X
Prime and Unique Farmland, Farmland of Statewide or Local Importance: Farmland Protection Policy Act, PL 97-98, FPPA	X		
Waters of the United States, including Wetlands: PL 112-328, Federal Water Pollution Control Act, (a.k.a. Clean Water Act)	X		
Water Quality: PL 112-328	X		
NRCS Wetland and Highly Erodible Land Policy (PL 99-198, Title XII, The Food Security Act of 1985), HEL	X		
Other:			X

Chapter 5 Special Conditions

N/A

Chapter 6 Findings and Determinations

6.1 Section 176(c) Clean Air Act

The Proposed Action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the CAA. The activities proposed would not exceed the minimal levels of direct or indirect emissions of a criteria, pollutant, or its precursors and are exempted by

40 CFR Part 93.153. Any later indirect emissions are generally not within NRCS' continuing program responsibility and generally cannot be practicably controlled by the NRCS. For these reasons, a Section 176(c) CAA General Conformity Rule determination is not required for this action.

6.2 Presidential Executive Orders (E.O.)

6.2.1 EO 13175 Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians

NRCS considered information provided from Tribes during project development and the consultation process.

6.2.2 EO 13007 Indian Sacred Sites

No Indian Sacred Sites would be affected.

6.2.3 EO 11988 Floodplain Management

This action would occur in the floodplain associated with Bear River; however, because no additional occupancy or modification of the floodplain would occur, the Proposed Action Alternative would avoid adverse effects to the floodplain and is therefore consistent with E.O. 11988.

6.2.4 EO 13112 and EO 13751 Invasive Species

With implementation of BMPs described in Appendix E of the Bear River and Yellow Creek Watershed Plan, the Proposed Action Alternative would not cause or promote the introduction or spread of invasive species.

6.2.5 EO 13212 and EO 13302 Energy Supply and Availability

The proposal is one that would facilitate the transition to an energy-efficient irrigation system; however, this proposal is not one that will increase the production, or transmission of energy.

Chapter 7 Finding of No Significant Impact (FONSI)

Having reviewed the information provided by the Bear River and Yellow Creek Watershed Plan and all interested parties and an assessment of the environmental effects, NRCS finds that the Proposed Action (Alternative 1) will not have a significant effect on the quality of the human environment. Alternative 1 is the environmentally preferred alternative. Therefore, an environmental impact statement will not be required.

USDA-NATURAL RESOURCES CONSERVATION SERVICE

Approved by:

_____ Date: _____

Jacqueline Byam, State Conservationist
Natural Resources Conservation Service
100 East B St. 3rd Floor
Casper, Wyoming 82601

Chapter 8 List of Preparers

Table 12 displays a list of the personnel who prepared this EA.

Table 12. List of Preparers, Reviewers, and Contributors

Name	Title	Agency/ Firm	Education	Licenses/ Certs.
Preparers				
Brian Deeter	Project Manager (30)	J-U-B ENGINEERS, Inc. (J-U-B)	M.S. Hydraulics B.S. Agriculture & Irrigation Engineering	P.E. (UT, ID, WY, CO)
Autumn Davies	Natural Resources Technical Lead (20)	J-U-B	M.S. Botany B.S. Natural Resources Conservation & Management—Ecology B.S. Journalism—Environmental Journalism	-
Tyler Schade	Senior Environmental Specialist and Biologist (15)	J-U-B	M.S. Liberal Arts B.S. Environmental Science B.S. English	-
Lexie Conley	Lead Environmental Specialist (8)	J-U-B	M.S. Environmental Studies B.A. Biology B.A. Environmental Studies	-
Becky Hendricks Miller	Environmental Specialist and Biologist (14)	J-U-B	M.S. Organismal Biology B.A. Environmental Studies & Biology	-
Jovonna Kirkling	Senior Environmental Specialist (14)	J-U-B	B S. Environmental Science M S Environmental Science (Water Systems/Water Quality)	PWS
Jamie Vandagriff	Senior Environmental Specialist (18)	J-U-B	B.A. Anthropology M.A. Archaeology	
Michael Verdone	Director (14)	BBC	Ph.D. Economics	-

Chapter 9 References

All references are included in Chapter 8 of the Bear River and Yellow Creek Watershed Plan.