

APPENDIX A

COMMENTS AND RESPONSES

Utah SHPO Concurrence Letter
Biological Evaluation Letter



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Julie Fisher
Executive Director
Department of
Heritage & Arts



Brad Westwood
Director

RECEIVED FEB 21, 2014

February 21, 2014

David C. Brown
State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City Utah 84138-1100

RE: Cultural Resources Monitoring of Geotechnical Testing at Tibble Fork Reservoir in
American Fork Canyon

For future correspondence, please reference Case No. 13-1320

Dear Mr. Brown:

The Utah State Historic Preservation Office received your request for our comment on the above-referenced undertaking on February 19, 2014. Thank you for providing UTSHPO with the results of monitoring activity for this undertaking.

This letter serves as our comment on the determinations you have made, within the consultation process specified in §36CFR800.4. If you have questions, please contact me at 801-245-7263 or Lori Hunsaker at 801-245-7241 lhunsaker@utah.gov.

Sincerely,

Chris Merritt, Ph.D.
Senior Preservation Specialist
cmerritt@utah.gov



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Julie Fisher
Executive Director
Department of
Heritage & Arts



Brad Westwood
Director

October 31, 2013

RECEIVED NOV - 5 2013

David C. Brown
State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

RE: Tibble Fork Dam Rehabilitation Cultural Resources Survey, Utah County U-12-XN-1052f

For future correspondence, please reference Case No. 13-1320

Dear Mr. Brown:

The Utah State Historic Preservation Office received your request for our comment on the above-referenced undertaking on October 28, 2013.

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

This letter serves as our comment on the determinations you have made, within the consultation process specified in §36CFR800.4. If you have questions, please contact me at 801-245-7263 or Lori Hunsaker at 801-245-7241 lhunsaker@utah.gov.

Sincerely,

Chris Merritt, Ph.D.
Senior Preservation Specialist
cmerritt@utah.gov

From: [Smart, Bronson - NRCS, Salt Lake City, UT](mailto:Smart.Bronson@nrcs.usda.gov)
To: greg.allington@mcmillen-llc.com; [Dan Axness \(Dan.axness@mcmillen-llc.com\)](mailto:Dan.Axness@mcmillen-llc.com); [Williamson, Andrew - NRCS, Salt Lake City, UT](mailto:Williamson.Andrew@nrcs.usda.gov)
Subject: FW: Section 106 and Cultural Resources Compliance for the Green River Diversion Rehabilitation Project, Emery and Grand Counties, Utah
Date: Wednesday, March 05, 2014 12:44:36 PM

FYI

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

From: Gipson, Jason A SPK [<mailto:Jason.A.Gipson@usace.army.mil>]
Sent: Wednesday, March 05, 2014 12:41 PM
To: Smart, Bronson - NRCS, Salt Lake City, UT
Cc: Anderson, Kathleen E SPK; Hansen, Kristine S SPK; Jencks, Hollis G SPK; Kennedy, Timm A SPK; McQueary, Patricia L SPK; Pectol, Michael A SPK; Urbanic, John E SPK; Witman, Timothy R SPK
Subject: RE: Section 106 and Cultural Resources Compliance for the Green River Diversion Rehabilitation Project, Emery and Grand Counties, Utah

Bronson,

I have been meaning to contact you about this and other requests NRCS has sent to us recently. With regard to being a cooperating agency, I appreciate NRCS's proactive nature to include the Corps on these projects in the early stages. However, the Corps cannot accept coop agency status or sign these MOU's for projects where only an EA is being written. We do not have enough time and resources to engage as coop on all these types of projects particularly where the scope of impacts to waters may be minimal or the activity exempt from CWA permitting requirements. We will gladly participate in the process early on as we can, but Coop agency status is not required for this to occur. We will in a lot of cases, however, accept coop agency status on projects requiring an EIS where there may be more than minimal impacts to waters of the US.

That being said we do want to, and will always when we can, designate another federal agency as lead for compliance with Section 7 of ESA and Section 106 of NHPA. We will be sending a letter for these actions designating NRCS as lead agency. We will need NRCS to coordinate with us prior to initiating consultation, as appropriate, so we can ensure we concur with the determinations and that our scope of analysis is within, or the same as, any lead federal agency's. Our Project Managers will contact the POC for each project and discuss the coordination needed between our two agencies.

Please let me know if you have any questions or concerns regarding this. Sorry for the delay in my response to your previous inquiries.

Let us know how we're doing. Please complete the survey at:
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Jason Gipson
Chief, Utah-Nevada Regulatory Branch
533 West 2600 South, Suite 150
Bountiful, Utah 84010

Ph: 801-295-8380 x 14
Fax: 801-295-8842

Information on the Regulatory Program.
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

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

From: Smart, Bronson - NRCS, Salt Lake City, UT [<mailto:bronson.smart@ut.usda.gov>]

Sent: Wednesday, March 05, 2014 9:03 AM
To: Gipson, Jason A SPK
Cc: Pectol, Michael A SPK
Subject: [EXTERNAL] FW: Section 106 and Cultural Resources Compliance for the Green River Diversion Rehabilitation Project, Emery and Grand Counties, Utah

Jason,

Hope you're doing well. We need to sit down and catch up one day with all of the project work that we have going on. Anyways, I wondered if you could follow up with a letter we sent to you on the Green River Diversion Rehabilitation Project on or around October 13, 2013 and resubmitted it again to Mike Pectol on January 28, 2014. We need to move forward with the EIS and need a response from the Corps to do so.

Thanks for your help. If you have time in early April would you carve a few hours out that we could meet and let me know when that is and I'll come up to your office and we can coordinate.

Thanks,

Bronson

Bronson Smart, PE

State Conservation Engineer

Natural Resources Conservation Service

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

T: 801.524.4559 F: 801.524.4593 C: 801.710.5387

E-mail: bronson.smart@usda.gov <<mailto:bronson.smart@usda.gov>> | www.ut.nrcs.usda.gov
<<http://www.ut.nrcs.usda.gov/>>

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