

Appendix A. Consultation, Comments and Responses

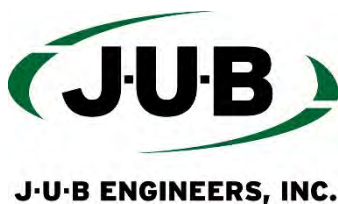
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Lower Bear River Watershed Plan Scoping Report

Lower Bear River Watershed Plan EIS

Draft Scoping Report



Prepared by: J-U-B ENGINEERS, Inc.

Prepared for: NRCS Utah

February 2025

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SECTION 1 - INTRODUCTION

1.1 Introduction

The United States Department of Agriculture Natural Resources Conservation Service (NRCS), with the Bear River Water Conservancy District as the project Sponsor, and Bear River Canal Company (BRCC), Tremonton City, Bear River City, Highland Ditch Company, Central Canal Company, Bear River Duck Club, Chesapeake Duck Club, and Salt Creek Waterfowl Management Area as the project Co-sponsors, is proposing to partially fund watershed protection measures through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566). The work measures are being proposed within the Lower Bear River Watershed to address agricultural water management and protect the watershed in Tremonton, Bear River City, and portions of unincorporated Box Elder County and include the following purpose and need and proposed activities by purpose.

NRCS, as the lead federal agency, has initiated National Environmental Policy Act (NEPA) analysis in the form of a Watershed Plan Environmental Impact Statement (Plan-EIS) to analyze impacts to the natural and human environment that could result from this project. The Plan-EIS will comply with the Council on Environmental Quality's (CEQ) regulations at 40 CFR Parts 1500-1508, which require an evaluation of potential environmental impacts associated with federal projects and actions. The Plan-EIS will be comprised of the following elements:

- Alternative analysis of potential design options that would meet current NRCS engineering performance criteria and project specific screening criteria.
- Detailed analysis of resources with the potential to be impacted by the alternatives that would satisfy the purpose and need for the project.
- Identification of potential mitigation measures that would reduce or eliminate environmental impacts.
- Public participation and government agency coordination through scoping and the development of the Plan-EIS.

Public participation is a key component of this project. In this initial stage of the process, the public participation process solicited scoping comments about different concerns, priorities, and ideas for the Lower Bear River Watershed. This Scoping Report outlines the work performed to date to involve the local communities through public information meetings, and a scoping comment period. The document also discusses the comments received from interested agencies and the general public during the scoping comment period.

1.2 Project Purpose and Need

The two purposes of the Lower Bear River Watershed Project (Proposed Project) are 1) agricultural water management improvement and 2) watershed protection within the Project Area.

The Proposed Project is needed to *improve agricultural water management* by addressing deficiencies in the agricultural water delivery system to secure the agricultural water supply, improve the reliability and efficiency of water delivery, and develop secondary water systems for growing communities with limited water resources needed for sustainability and reliability within the watershed.

The Proposed Project is needed to *protect the watershed*. Improvements such as levee construction, sediment removal, and bank stabilization are needed to reduce flooding, erosion, sediment, and agriculture-related pollution, and maintain and enhance wetlands and wildlife habitat.

Proposed Activities by Purpose:

- Agricultural Water Management Purpose
 - Bear River Canal Company (BRCC) Canyon Improvements
 - Alternative 1: Siphons Installation
 - Alternative 2: Hammond Improvements
 - BRCC Red Siphon Installation
 - Tremonton Pressure Irrigation
 - Bear River City Pressure Irrigation
 - Highland Ditch Piping
 - Central Canal Company Piping
- Watershed Protection Purpose
 - Bear River Duck Club Levee Improvements
 - Chesapeake Hunting Club Levee Improvements
 - Salt Creek Waterfowl Management Area (WMA) Levee Improvements and Sediment Removal

1.3 Scoping Goals and Objectives

The goal of public participation and involvement is to initiate communication between a diverse group of public and government agency participants in order to gather input and provide timely information throughout the NEPA process. The primary tasks that accomplish this are: 1) establishing ongoing communication with stakeholders, agencies, and the general public; 2) providing information to the public about the environmental review process and each participant's role; 3) providing an avenue for the public and stakeholders to share concerns and interests; and 4) documenting all public and government agency input.

SECTION 2 - SCOPING PROCESS SUMMARY

2.1 Scoping Overview

Questions, comments, and concerns about the Proposed Project were requested during the scoping period. The following summarizes the scoping process and efforts made to engage the public, regulatory agencies, and Tribes.

2.2 Scoping Terms

The following terms can be generally used during the scoping process to identify specific actions, when necessary:

- **Comment:** a distinct statement or question about a topic or issue relating to the project.
- **Comment Category:** a topic to which a comment is addressed.
- **Comment Document:** a written version of comment(s) submitted by a commenter. One comment document may contain multiple comments.
- **Commenter:** an individual, organization, or agency providing one or more comments.

2.3 Scoping Schedule

The following dates outline the milestones for the scoping process:

- April 21, 2023: Preliminary Sponsor Kick-off Meeting
- September 25, 2023: Agency Scoping Meeting Notice Emailed
- October 25 and November 1, 2023: Public Scoping Meeting Notice Published in the Box Elder News Journal
- October 25, 2023: Public Scoping Postcards Mailed
- November 1, 2023: Virtual Agency Scoping Meeting
- November 9, 2023, 2021: Public Scoping Meeting
- June 14, 2024: Notice of Intent (NOI) Comment Period Opened
- June 19, 2024: NOI Published in the Box Elder Journal
- June 17, 2024: NOI Emailed to Public/Agency Stakeholders
- June 17, 2024: NOI Scoping Public Mailer Sent
- July 14, 2024: NOI Scoping Period Closed

2.4 Scoping Notice

Scoping notices were prepared and sent to interested parties, Tribes, and regulatory agencies on September 25, 2023. The list of recipients was prepared by NRCS, Bear River Water Conservancy District, J-U-B Engineers, Inc. (J-U-B) and other members of the project team. The scoping notice gave a description of the Watershed Plan, location and overview, and requested public participation and input. The scoping notice also provided details of the scoping meeting, contact information to submit written comments, and the scoping period dates.

The scoping notice was also posted to the NRCS Project Website: www.bit.ly/LowerBearRiverWatershed. A public scoping meeting notice was published on October 25, 2023 and November 1, 2023 in the Box Elder County Journal announcing the Watershed Plan and scoping meeting. Copies of the newspaper legal notices are included within Appendix A.

2.5 Scoping Meeting

The primary purpose of the agency and public scoping meetings was to gather input on concerns and interests for the Lower Bear River Watershed and ideas to inform the alternatives development and prioritization process. The scoping meetings also sought to provide a description of the Watershed Plan, initial goals, current water resource concerns that led to the impetus for the project, and an overview of the NEPA process. The scoping meeting provided information pertaining to the project's purpose and need statement, potential alternatives for consideration, environmental resources to be addressed in the Plan-EIS, and the overarching public participation process per NEPA regulations. An agency scoping meeting was convened virtually on November 1, 2023. A public scoping meeting was convened on November 9, 2023. Both meetings included a brief presentation describing the background, need, goals, and current water resource concerns for the Watershed Plan, maps of the watershed, the Plan-EIS schedule was outlined, and how to submit comments. Project team representatives then addressed questions and comments. Meeting materials and display boards that were shared during the meeting were posted on the NRCS website: www.bit.ly/LowerBearRiverWatershed and can be found in Appendix B.

2.6 Mailing Lists

Mailing lists were prepared by NRCS, Bear River Water Conservancy District, J-U-B and other members of the project team to inform the government agencies and general public about the scoping process for the project. For the Scoping meetings, a total of 65 emails were sent to government agencies and 1698 mailings to local stakeholders and relevant organizations. In total, 1763 notices were sent to agencies and the public in advance of the public scoping meeting. A copy of the mailing lists is included in Appendix A. Mailers and emails were again sent to notify the public of the Notice of Intent (NOI) comment period. A total of 1698 mailers and 150 emails were sent to government agencies, local stakeholders, relevant organizations and the general public. Additionally, 15 letters were sent to Tribes to initiate the public scoping process under the National Environmental Policy Act (NEPA) for the EIS and the National Historic Preservation Act (NHPA) Section 106 consultation process pursuant to Code of Federal Regulations Title 36, Section 800.3. Copies of the mailing lists are included in Appendix A.

SECTION 3 - COMMENTS

3.1 Agency and Public Scoping Meetings

An agency scoping meeting was conducted virtually on November 1, 2023. Sixteen (16) agency stakeholders, five (5) project team members from J-U-B, four (4) NRCS representatives, and two (2) project sponsor representatives attended the agency scoping meeting. A meeting summary, including list of attendees, is located in Appendix B.

A public scoping meeting was conducted on November 9, 2023. Forty-three (43) public attendees, five (5) project team members from J-U-B, four (4) NRCS representatives, and two (2) project sponsor representatives attended the public scoping meeting. A meeting summary, including a list of attendees, meeting presentation and submitted comments, is located in Appendix B.

3.2 Comments Received

Participants were invited to submit comments in writing by mail or email at the scoping meetings, following the meetings and again during the NOI comment period, which officially opened on June 14, 2024 and ended on July 14, 2023, a total of 30 days. Written comments were accepted via mail, e-mail, or comment card. There were eleven (11) scoping comments received for the Watershed Plan. Full comments can be found in Appendix B.

3.3 Comment Summary

The methodology for categorizing and addressing public and agency comments was to identify the nature of the comment and then to separate each of the comments into comment categories. A comment summary is shown below. Comments reflect a mix of concerns, ranging from water management, flooding, and infrastructure to climate change and public land management. There is a general desire for collaboration and careful consideration of environmental impacts.

- Flooding
 - Several commenters noted ongoing issues with flooding in the West Corinne drainage, which have impacted landowners. Some of the problems are due to undersized culverts in the area, resulting in agricultural and residential flooding. Commenters requested that these issues be included in the plan for resolution.
 - Commenter reported significant flooding that affected agricultural land, with losses of alfalfa crops.
- Central Canal Company
 - Central Canal Company, which is a major water diverter from Bear River, noted the need for water conservation and safety improvements to their canal system, which serves wildlife habitats and the Great Salt Lake ecosystem.

-
- Environmental Impact
 - Commenter stressed the importance of addressing climate change, habitat protection, and water efficiency in the watershed plan and also advocated for more sustainable and natural solutions, such as acquiring lands for wetland restoration instead of expensive infrastructure projects, and increasing water flows to the Great Salt Lake.
 - Commenter suggested a shift towards more sustainable living through conservation, rewilding, and population control to address environmental challenges, emphasizing the need for responsible management of resources.
 - Property Impacts
 - Commenter inquired if the Lower Bear River Watershed Plan would affect their water supply from the Hammond Canal and Black Slough, as they own property along these sources.
 - Public Lands Policy Coordination Office (PLPCO)
 - This state agency described its role in coordinating land policies and expressed interest in how the watershed plan might affect public lands and resources.
 - The State supports all project alternatives due to their benefits for agriculture, flood mitigation, wildlife habitat, and recreation but seeks further analysis before making a final commitment.
 - Requested that the project align with the **Box Elder County Resource Management Plan (CRMP)**, which focuses on protecting agriculture, water conveyance systems, watershed management, and wildlife habitat. The project is also requested to be consistent with the **State Resource Management Plan (SRMP)**.
 - Requested that the Utah Division of Water Rights be consulted to ensure the project complies with water rights regulations.
 - PacifiCorp
 - The company which operates the Cutler Hydroelectric Project, requested involvement in the Watershed Plan's EIS process, particularly due to the potential impacts on water management infrastructure and agreements related to the Bear River system.
 -
 - Garland Secondary Water
 - Garland City suggested exploring the feasibility of pressurized secondary irrigation to alleviate pressure on culinary water in their growing city and addressing flooding in specific areas.

APPENDIX A - SCOPING NOTICES

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Public Scoping/NOI Notice Mailing List
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Public Scoping Newspaper Notice
Invited Cooperating Agency List
Invited Cooperating Agency Letters
Invited Tribal Representatives List
Invited Tribal Representatives Letter
NOI Mailer
NOI Public/Agency Email
NOI Public/Agency Email List
NOI Newspaper Notice

Agency Scoping Meeting Email Invitation**Lower Bear River Watershed Plan-Environmental Impact Statement (EIS), Box Elder County, Utah Agency Scoping Meeting: November 1, 2023; 1:00–2:00 p.m. MST**

As part of the Plan-EIS (see attachment), the NRCS and project sponsors will hold an agency scoping meeting to identify water resource concerns and share conceptual, locally-proposed solutions to address them. Agencies are invited to attend the meeting to comment on the EIS's scope of analysis and identify specific issues that they feel should be analyzed in the EIS.

Date: Wednesday, November 1, 2023

Time: 1:00 pm to 2:00 pm MST

Online via Microsoft Teams: [Click here to join the meeting](#)

Meeting ID: 248 615 144 141

Passcode: 2DW5Xm

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 929-229-5346,,219645564#](#)

Phone Conference ID: 219 645 564#

A *public* scoping meeting will be held on November 9, 2023 from 6:00 to 8:00 PM MST at the Box Elder County Fairgrounds Museum Bldg., 400 N. 1000 W., Tremonton, UT.

For more information visit: www.bit.ly/LowerBearRiverWatershed

Contact the Lower Bear River Watershed Study Team at: 435-239-3467 | lowerbear@utwatershed.com

First Name	Last Name	Position	Agency	Phone	Email
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NRCS					
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		General Notification	U.S. Fish & Wildlife Service	N/A	utahfieldoffice_esa@fws.gov
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Lower Bear River Watershed Plan-Environmental Impact Statement - Box Elder County, Utah

Public Scoping Meeting

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), with the Bear River Water Conservancy District and Bear River Canal Company as the project sponsors, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed Protection and Flood Prevention Program (Public Law 83-566).

The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

The NRCS and project sponsors will hold a public scoping meeting to identify water resource concerns and share conceptual, locally-proposed solutions to address them. The public is invited to attend the scoping meeting to learn more, ask questions and submit written comments. A brief presentation will be provided at 6:00 p.m., followed by an opportunity for attendees to meet individually with the project team.



Public Scoping Meeting

Date:

Thursday, November 9, 2023

Time:

6:00 – 8:00 p.m.

Location:

Box Elder County Fairgrounds
Museum Building
(400 N. 1000 W., Tremonton)

Following the meeting, materials will be available

online: www.bit.ly/LowerBearRiverWatershed

For More Information

Contact the Lower Bear River Watershed Study Team at:

(435) 239-3467

lowerbear@utwatershed.com

Natural
Resources
Conservation
Service

At this time, NRCS is requesting comments on the project to identify issues and resource sensitivities. The publication date of the Notice of Intent (NOI) in the Federal Register has yet to be determined. Comments may be submitted now through 30 days following its publication. Notice will be provided when this occurs. Please submit comments at your earliest convenience to:

Lower Bear River Watershed Plan-EIS

Attn: The Langdon Group
466 N. 900 W.
Kaysville, Utah 84037
Email: lowerbear@utwatershed.com

Interested parties may also submit written comments at the Bear River Water Conservancy District (102 West Forest Street, Brigham City).



USDA is an equal opportunity provider, employer, and lender.

**Persons with disabilities who require accommodations to participate in this meeting should contact Scott Morton, Disability SEPM, at scott.morton@usda.gov or [801/524-4596], or dial 7-1-1 to access telecommunication relay services.*



Natural Resources Conservation Service

Utah State Office
125 State St #4010
Salt Lake City, Utah 84138



October 2023

**Lower Bear River Watershed-Plan
Environmental Impact Statement -
Box Elder County**

Public Scoping Meeting: November 9



Public Scoping and NOI Mailing List

OWNER NAME	OWNER ADDRESS
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]
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This image shows a table with approximately 20 rows. The first column contains several short text entries, each followed by a long black redaction box. The second column contains a single, very long black redaction box that spans almost the entire height of the table. The third column contains several short text entries, each followed by a black redaction box. The rest of the table is mostly empty or obscured by these redactions.

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This table contains redacted information. The first column lists items, and the second column provides details for each item, which are obscured by black bars.

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This table is almost entirely redacted with black boxes. It consists of 20 rows and 2 columns. The first column contains some redacted text, with one row being significantly longer than the others. The second column contains redacted numerical or categorical data. Only the left and right edges of the redacted content are visible within the table's grid.

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The image displays a table with a grid of approximately 15 rows and 3 columns. The majority of the cells are completely blacked out, indicating redaction. Only the grid lines and some small white rectangular areas are visible, suggesting that the original content was obscured for security or privacy reasons.

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Public Scoping Email List

Stakeholder	Contact Name	Title	Email	Phone
Bear River Water Conservancy District	Carl Mackley	Manager	carlm@brwcd.com	435-754-8465
Bear River Canal Company	Trevor Nielson	General Manager	trevor@brcanal.com	435-535-1761
Highland Ditch	John Weidman		johnweidman5485@gmail.com	435 230-5165
Highland Ditch	Greg Iverson		gliverson@frontier.com	435 230-4161
West Corinne Water Company	Steve Norman		steve.norman@fbfs.com	435-225-6235
West Corinne Water Company	Cary McFarland		carywestcorinnewater@gmail.com	435-230-0792
Box Elder County	Stan Summers	County Commissioner	ssummers@boxeldercounty.org	435-734-3316
Box Elder County	Chrisie Bennett	County Commission Secretary	cbennett@boxeldercounty.org	
Box Elder County	Scott Lyons	Planning	slyons@boxeldercounty.org	435-734-3316
Box Elder County	Marcus Wager		mwager@boxeldercounty.org	
Box Elder County	Darin McFarland	Roads	dmcfarland@boxeldercounty.org	
Tremonton	Paul Fulgham	Public Works	pfulgham@tremontoncity.com	435-230-0831
Elwood	Steve Woerner		swoerner@elwoodtown.com	435-730-3702
Elwood	Kinan Nielson	Mayor	knelson@elwoodtown.com	
Elwood	Scott Goodliffe		sgoodliffe@elwoodtown.com	
Salt Creek WMA	Chad Cranney	Utah Division of Wildlife	chadcranney@utah.gov	801-388-3942
Pacificorp	Connely Baldwin		Connely.Baldwin@pacificorp.com	
Chesapeake Hunting Club	Chris Bonsignore		cbonsignore@ducks.org	509-599-4216
Ducks Unlimited	Joel Ferry		joelferry@gmail.com	801-726-4032
Bear River Club Company	Carl Stettler		robertc.stettler@comcast.net	435-515-7558
Utah Soil Health Program	Tony Richards	Manager	tdrichards@utah.gov	435-452-2296
Nature Conservancy	Ann Neville		ann.neville@tnc.org	801-891-6842
National Audubon Society	Marcelle Shoop		marcelle.shoop@audubon.org	
Sierra Club			utah.chapter@sierraclub.org	801-467-9294
Utah Rivers Council			info@utahrivers.org, zach@utahrivers.org, lena@utahrivers.org	801-486-4776
Utah Physicians for a Healthy Environment			info@uphe.org	385-707-3677
Center for Biological Diversity			dseed@biologicaldiversity.org	801-803-9892
Friends of the Great Salt Lake			ldefreitas@xmission.com, pelican@fogsl.org, mail@fogsl.org	
Fielding	Chuck Earl	Mayor	info@fieldingtow.org	435-458-3933
Plymouth	Curtis Murray	Mayor	plymouthtown@outlook.com	435-512-1844
Garland	Josh Marble	Councilman	josh@garlandutah.org	435-230-8907
Corinne	JL Nicholas		JL@corinnecity.com	435-230-0285 or 435-720-7961
Bear River City	Riggin Holmgren	City Council	rigginholmgren@gmail.com	435-452 1741
Deweyville	Nathan Spackman	Councilman	nate.spackman@besd.net	435-230-0285
Honeyville	Bruce Nelson	Mayor	bruce.honeyvillecity@gmail.com	435-279-3059
Honeyville	David Forsgren		honeyvillecity@gmail.com	
Thatcher	Andy Crozier	President	andycrozier@gmail.com	435-279-4760
Bothwell	Allan Thompson		alandval@frontier.net	435-279-3843
Bothwell	Joseph Summers		jfsummers13@gmail.com	435-230-0034
Brigham City	Tyler Pugsley	Public Works	tpuglsey@bcutah.org	435-230-0422
Utah Department of Ag	Jim Bowcut	Director of Conservation	jdbowcutt@utah.gov	435-232-4017

BOX ELDER NEWS JOURNAL

PROOF OF PUBLICATION

State of Utah
Box Elder County

LOWER BEAR RIVER WATERSHED PLAN- ENVIRONMENTAL IMPACT STATEMENT (EIS), BOX ELDER COUNTY, UTAH PUBLIC SCOPING MEETING: THURSDAY, NOVEMBER 9, 2023; 6:00-8:00 P.M.

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), with the Bear River Water Conservancy District and Bear River Canal Company as the project sponsors, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed

Protection and Flood Prevention Program (Public Law 83-566).

The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

The NRCS and project sponsors will hold a public scoping meeting to identify water resource concerns and share conceptual, locally-proposed solutions to address them. The public is invited to attend the meeting to learn more, ask questions and submit written comments.

Date: Thursday, November 9, 2023

Time: 6:00 - 8:00 p.m. (A brief presentation will be provided at 6:00 p.m., followed by an opportunity for attendees to meet individually with the project team.)

Location: Box Elder County Fairgrounds Museum Building (400 N. 1000 W., Tremonton)

Appendix A

Following the meeting, materials will be available online: www.bit.ly/LowerBearRiverWatershed

**Persons with disabilities who require accommodations to participate in this meeting should contact Scott Morton, Disability SEPM, at scott.morton@usda.gov or [801/524-4596], or dial 7-1-1 to access telecommunication relay services.*

At this time, NRCS is requesting comments on the project to identify issues and resource sensitivities. The publication date of the Notice of Intent (NOI) in the Federal Register has yet to be determined. Comments may be submitted now through 30 days following its publication. Notice will be provided when this occurs. Please submit comments at your earliest convenience to:

Lower Bear River Watershed Plan-EIS

Attn: The Langdon Group
466 N. 900 W.
Kaysville, Utah 84037

Email: lowerbear@utwatershed.com

Interested parties may also submit written comments at the Bear River Water Conservancy District: 102 West Forest Street, Brigham City.

For more information visit: www.bit.ly/LowerBearRiverWatershed

Contact the Lower Bear River Watershed Study Team at: 435-239-3467 lowerbear@utwatershed.com

October-25-November-1


I, Casey Claybaugh, being first duly sworn depose and say that I am the Publisher of the Box Elder News Journal, a newspaper of general circulation, published every Wednesday in Brigham City, Utah, County of Box Elder; that the notice

LOWER BEAR RIVER WATERSHED PLAN of which a copy is hereto attached was published in said newspaper, the first publication having been made on the 25th day of October 2023, and the last on the 1st day of November 2023; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.


Casey Claybaugh, Publisher

Subscribed and sworn before me this
1st day of November 2023.


Sean Michael Hales, Notary Public
Residence: Brigham City, Utah
My commission expires August 31, 2026

List of Invited Cooperating Agencies for the Lower Bear River Watershed Project Plan-EIS		
Agency	Contact Name, Title	Address
Bureau of Land Management (BLM)	Jessica Wade, Field Manager, Salt Lake Field Office	2370 South Decker Lake Blvd. West Valley City, Utah 84119
U.S. Environmental Protection Agency (Region 8)	Melissa McCoy, Manager, NEPA Branch	1595 Wynkoop Street Denver, Colorado 80202
U.S. Army Corps of Engineers	Jason Gipson, Chief, Nevada-Utah Regulatory Branch	533 West 2600 South, Suite 150 Bountiful, Utah 84010
U.S. Fish and Wildlife Service	George Weekley, Acting Supervisor, Utah Field Office	2369 West Orton Circle, Suite 50 West Valley City, UT 84119
U.S. Bureau of Reclamation	Rick Baxter, Area Manager, Provo Area Office	302 East Lakeview Parkway Provo, UT 84606

October 19, 2023

Jessica Wade
Field Manager, Salt Lake Field Office
Bureau of Land Management
2370 South Decker Lake Blvd.
West Valley, Utah 84119

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Jessica Wade:


In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Land Management become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,


EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 19, 2023

Melissa McCoy, Ph.D.
Manager, NEPA Branch
U.S. Environmental Protection Agency (Region 8)
1595 Wynkoop Street
Denver, Colorado 80202

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Melissa McCoy:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Environmental Protection Agency become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm.**

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 19, 2023

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

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Jason Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Army Corps of Engineers become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 19, 2023

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

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear George Weekley:


In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Fish and Wildlife Service become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 24, 2023

Kent Kofford
Area Manager, Provo Area Office
Bureau of Reclamation
302 East 1860 South
Provo, UT 84606

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Kent Kofford:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Reclamation become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

List of Tribal Contacts for the Lower Bear River Watershed Project Plan-EIS		
Federally Recognized Tribe	Contact Name, Title	Address
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	John St. Clair, Chairman	P.O. Box 538 Fort Washakie, Wyoming 82514
	Joshua Mann, Tribal Historic Preservation Officer	
Shoshone-Bannock Tribes of the Fort Hall Reservation	Mr. Lee Juan Tyler, Chairman	P.O. Box 306 Fort Hall, Idaho 83203
	Louise E. Dixey, Cultural Resources Director	
	Ms. Carolyn Smith	
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Mr. Julius Murray, Chairman	P.O. Box 190 Fort Duchesne, Utah 84026
	Ms. Betsy Chapoose Director, Cultural Rights Protection Department	
	Ms. Luana Thompson, Natural Resource Director	
Northwest Band of the Shoshone Nation	Dennis Alex, Chairman	2575 Commerce Way Ogden, Utah 84401
	Ms. Patti Timbimboo-Madsen, Cultural Resources	
	Brad Parry, Vice Chairman	
Skull Valley Band of Goshutes Tribe	Lillith Court, Tribal Secretary	407 Skull Valley Road Skull Valley Utah 84029
Skull Valley Band of Goshutes Tribe	Daniel Moon, Chairman	P.O. Box 448 Grantsville, UT 8029
Confederated Tribes of the Goshute	Amos Murphy, Chairman	HC61 Box 6104 195 Tribal Center Road Ibapah, Utah 84034
	Clell Pete, Environmental Protection Department	

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Chairman Alex:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

This letter initiates the public scoping process under the National Environmental Policy Act (NEPA) for the EIS and the National Historic Preservation Act (NHPA) Section 106 consultation process pursuant to Code of Federal Regulations Title 36, Section 800.3. The NRCS is serving as the lead Federal agency for the purposes of Section 106. We write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other Tribes with whom we should consult on this project.

A copy of the NOI is enclosed with this letter and may also be read in its entirety by visiting <https://www.federalregister.gov/> and searching for NRCS-2024-0011. We have also included a mailer with the project map for your convenience. You can find additional project information at the NRCS project website:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **July 14, 2024**. We will consider comments received after close of the comment period to the extent possible.

Comments may be provided in the following ways:

Online—Go to <http://www.regulations.gov> and search for docket ID “NRCS-2024-0011”. Follow the online instructions for submitting comments.

Mail—Please address to: Derek Hamilton, Water Resources Coordinator USDA, NRCS, Utah State Office, 125 S. State Street, #4010, Salt Lake City, Utah 84138. In your comments, please specify the docket ID NRCS-2024-0011.

Thank you for your interest and input in the planning process for this project. We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a government-government meeting. If you have any questions, comments or concerns, please contact State Watershed Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

cc:

Anders Fillerup, Acting ASTC-Water Resources, NRCS, Salt Lake City, UT
Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Ms. Chapoose:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

This letter initiates the public scoping process under the National Environmental Policy Act (NEPA) for the EIS and the National Historic Preservation Act (NHPA) Section 106 consultation process pursuant to Code of Federal Regulations Title 36, Section 800.3. The NRCS is serving as the lead Federal agency for the purposes of Section 106. We write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other Tribes with whom we should consult on this project.

A copy of the NOI is enclosed with this letter and may also be read in its entirety by visiting <https://www.federalregister.gov/> and searching for NRCS-2024-0011. We have also included a mailer with the project map for your convenience. You can find additional project information at the NRCS project website:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **July 14, 2024**. We will consider comments received after close of the comment period to the extent possible.

Comments may be provided in the following ways:

Online—Go to <http://www.regulations.gov> and search for docket ID “NRCS-2024-0011”. Follow the online instructions for submitting comments.

Mail—Please address to: Derek Hamilton, Water Resources Coordinator USDA, NRCS, Utah State Office, 125 S. State Street, #4010, Salt Lake City, Utah 84138. In your comments, please specify the docket ID NRCS-2024-0011.

Thank you for your interest and input in the planning process for this project. We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a government-government meeting. If you have any questions, comments or concerns, please contact State Watershed Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

cc:

Anders Fillerup, Acting ASTC-Water Resources, NRCS, Salt Lake City, UT
Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

Lillith Court
Tribal Secretary
Skull Valley Band of Goshute Indians
407 Skull Valley Road
Skull Valley, UT 84029

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Secretary Court:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

This letter initiates the public scoping process under the National Environmental Policy Act (NEPA) for the EIS and the National Historic Preservation Act (NHPA) Section 106 consultation process pursuant to Code of Federal Regulations Title 36, Section 800.3. The NRCS is serving as the lead Federal agency for the purposes of Section 106. We write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other Tribes with whom we should consult on this project.

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<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **July 14, 2024**. We will consider comments received after close of the comment period to the extent possible.

Comments may be provided in the following ways:

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Mail—Please address to: Derek Hamilton, Water Resources Coordinator USDA, NRCS, Utah State Office, 125 S. State Street, #4010, Salt Lake City, Utah 84138. In your comments, please specify the docket ID NRCS-2024-0011.

Thank you for your interest and input in the planning process for this project. We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a government-government meeting. If you have any questions, comments or concerns, please contact State Watershed Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

cc:

Anders Fillerup, Acting ASTC-Water Resources, NRCS, Salt Lake City, UT
Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Director Dixey:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

This letter initiates the public scoping process under the National Environmental Policy Act (NEPA) for the EIS and the National Historic Preservation Act (NHPA) Section 106 consultation process pursuant to Code of Federal Regulations Title 36, Section 800.3. The NRCS is serving as the lead Federal agency for the purposes of Section 106. We write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other Tribes with whom we should consult on this project.

A copy of the NOI is enclosed with this letter and may also be read in its entirety by visiting <https://www.federalregister.gov/> and searching for NRCS-2024-0011. We have also included a mailer with the project map for your convenience. You can find additional project information at the NRCS project website:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **July 14, 2024**. We will consider comments received after close of the comment period to the extent possible.

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Mail—Please address to: Derek Hamilton, Water Resources Coordinator USDA, NRCS, Utah State Office, 125 S. State Street, #4010, Salt Lake City, Utah 84138. In your comments, please specify the docket ID NRCS-2024-0011.

Thank you for your interest and input in the planning process for this project. We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a government-government meeting. If you have any questions, comments or concerns, please contact State Watershed Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

cc:

Anders Fillerup, Acting ASTC-Water Resources, NRCS, Salt Lake City, UT
Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Officer Mann:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

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Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

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Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

Mr. Daniel Moon
Chairman
Skull Valley Band of Goshute Indians
PO Box 448
Grantsville, UT 84029

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Chairman Moon:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

Enclosures

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Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

Mr. Amos Murphy
Chairman
Confederated Tribes of the Goshute Reservation
HC61 Box 6104
195 Tribal Center Road
Ibapah, Utah 84034

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Chairman Murphy:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

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Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
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Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Chairman Murray:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

Enclosures

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Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

Mr. Brad Parry
Vice Chairman
Northwest Band of the Shoshone Nation
2575 Commerce Way
Ogden, Utah 84401

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Vice Chairman Parry:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

Enclosures

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Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

Mr. Clell Pete
Environmental Protection Department
Confederated Tribes of the Goshute Reservation
HC61 Box 6104
195 Tribal Center Road
Ibapah, Utah 84034

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Mr. Pete:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

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Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Coordinator Smith:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

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Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
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Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Chairman St. Clair:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Travis Mote
NRCS Acting State Conservationist

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Anders Fillerup, Acting ASTC-Water Resources, NRCS, Salt Lake City, UT
Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

Ms. Luana Thompson
Natural Resources Director
Ute Indian Tribe of the Uintah & Ouray Reservation
P.O. Box 190
Fort Duchesne, Utah 84026

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Director Thompson:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

This letter initiates the public scoping process under the National Environmental Policy Act (NEPA) for the EIS and the National Historic Preservation Act (NHPA) Section 106 consultation process pursuant to Code of Federal Regulations Title 36, Section 800.3. The NRCS is serving as the lead Federal agency for the purposes of Section 106. We write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other Tribes with whom we should consult on this project.

A copy of the NOI is enclosed with this letter and may also be read in its entirety by visiting <https://www.federalregister.gov/> and searching for NRCS-2024-0011. We have also included a mailer with the project map for your convenience. You can find additional project information at the NRCS project website:

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **July 14, 2024**. We will consider comments received after close of the comment period to the extent possible.

Comments may be provided in the following ways:

Online—Go to <http://www.regulations.gov> and search for docket ID “NRCS-2024-0011”. Follow the online instructions for submitting comments.

Mail—Please address to: Derek Hamilton, Water Resources Coordinator USDA, NRCS, Utah State Office, 125 S. State Street, #4010, Salt Lake City, Utah 84138. In your comments, please specify the docket ID NRCS-2024-0011.

Thank you for your interest and input in the planning process for this project. We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a government-government meeting. If you have any questions, comments or concerns, please contact State Watershed Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

cc:

Anders Fillerup, Acting ASTC-Water Resources, NRCS, Salt Lake City, UT
Tara S. Hoffmann, State Watershed Cultural Resources Specialist, NRCS, Salt Lake City, UT
Shawn Stanley, North Watershed Engineer, NRCS, Logan, UT
Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Ms. Timbimboo-Madsen:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/utah/lower-bear-river-watershed-sponsor-bear-river-water>

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Sincerely,



Travis Mote
NRCS Acting State Conservationist

Enclosures

- NOI
- Flyer

cc:

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Connor Benfield, Water Resources Coordinator, NRCS, Salt Lake City, UT
Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

June 12, 2024

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

Reference: Initiation of Section 106 and Notice of Intent to Prepare an EIS: Lower Bear River Watershed Plan-EIS, Cache County, Utah

Dear Chairman Tyler:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan will be published in the *Federal Register* on June 14, 2024. The proposed Lower Bear River Watershed Plan-EIS will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County for the Wellsville Canyon Watershed Plan has been published in the *Federal Register* on May 8, 2024.

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Sincerely,



Travis Mote
NRCS Acting State Conservationist

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Suzanne Acton, JUB, Environmental Planning/NEPA, Clarkston, WA
Landon Richens, Franson Civil Engineers, American Fork, UT

Lower Bear River Watershed Plan

Notice of Intent



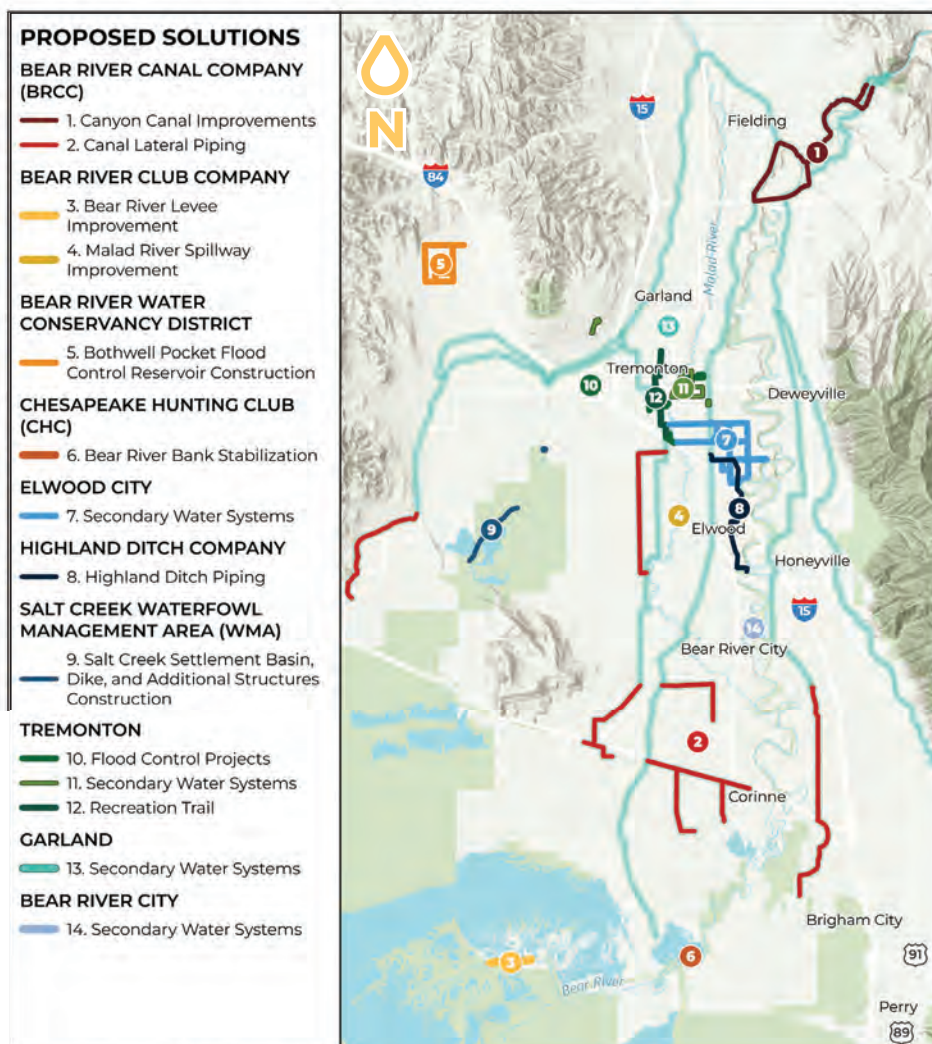
Project Information

The U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS), with the Bear River Water Conservation District and Bear River Canal Company as project Sponsors, announces its intent to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan located in Box Elder County, Utah. The proposed Lower Bear River Watershed Plan will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the proposed action from all interested individuals, Federal and State agencies, and Tribes.

NRCS began the environmental process in fall 2023 and held a public scoping meeting in November 2023. With the Notice of Intent (NOI), NRCS is now seeking further public comment to help determine the range of actions, alternatives, and impacts to be evaluated and included in the EIS.

The map to the right shows currently proposed design alternatives. Additional descriptions of these alternatives are available on the project webpage:

www.bit.ly/LowerBearRiverWatershed



Submit a Comment

Written comments can be submitted through June XX, 2024 (postmarked by the same date) and should be directed to:

Mail: Lower Bear River Watershed Plan-EIS
c/o The Langdon Group
466 N. 900 W.
Kaysville, UT 84037

Email: lowerbear@utwatershed.com

Please note that all comments received previously following the scoping meeting in November 2023 will be included and do not need to be resubmitted. The full NOI, scoping meeting materials and additional background information and maps can be reviewed at: www.bit.ly/LowerBearRiverWatershed

Following the public comment period, the planning process will continue to move forward with development of alternatives and the alternative analysis required for the EIS. The Draft EIS is anticipated to be available by XX, which will include another public comment period.

Contact the project team at 435-239-3467 or lowerbear@utwatershed.com for more information.



Lower Bear River Watershed Plan-EIS
c/o The Langdon Group
466 N. 900 W.
Kaysville, UT 84037



NOI Email Notice

Dear Lower Bear River Watershed Plan Stakeholder,

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), with the Bear River Water Conservation District and Bear River Canal Company as project Sponsors, announces its intent to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan located in Box Elder County, Utah. The proposed Lower Bear River Watershed Plan will examine alternative solutions to address agricultural water management, prevent flooding, protect the watershed, and enhance recreational opportunities in Tremonton, Elwood, Bear River City, Garland, and portions of unincorporated Box Elder County. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the proposed action from all interested individuals, Federal and State agencies, and Tribes.

NRCS began the environmental process in fall 2023 and held a public scoping meeting in November 2023. With the Notice of Intent (NOI) publication, NRCS is now seeking further public comment to help determine the range of actions, alternatives, and impacts to be evaluated and included in the EIS.

Written comments can be submitted through July 14, 2024 (postmarked by the same date) and should be directed to:

Mail: Lower Bear River Watershed Plan-EIS
c/o The Langdon Group
466 N. 900 W.
Kaysville, UT 84037

Email: lowerbear@utwatershed.com

Please note that all comments received previously following the scoping meeting in November 2023 will be included and do not need to be resubmitted. The full NOI, scoping meeting materials and additional background information and maps can be reviewed at: www.bit.ly/LowerBearRiverWatershed.

The full NOI was published and made available to the public in the June 14, 2024 issue of the Federal Register: [Regulations.gov](https://www.regulations.gov)

Following the public comment period, the planning process will continue to move forward with development of alternatives and the alternative analysis required for the EIS. The Draft EIS is anticipated to be available by early 2026, which will include another public comment period.

Please contact the project team at 435-239-3467 or lowerbear@utwatershed.com for more information.

Best regards,
Lower Bear River Watershed Public Involvement Team
Phone: 435-239-3467
Email: lowerbear@utwatershed.com
Web: www.bit.ly/LowerBearRiverWatershed

NOI Email List

'Derek.Hamilton@usda.gov'; 'Jason.Roper@usda.gov'; 'Tara.Hoffmann@usda.gov';
 'Connor.Benfield@usda.gov'; 'Todd.Allai@usda.gov'; 'Anders.Fillerup@usda.gov';
 'Norman.Evenstad@usda.gov'; 'jensen.amanda@epa.gov'; 'hubner.matt@epa.gov';
 'mccoy.melissa@epa.gov'; 'smith.julie@epa.gov'; 'hahn.nolan@epa.gov';
 'nicole.d.fresard@usace.army.mil'; 'jason.a.gipson@usace.army.mil';
 'michael.a.pectol@usace.army.mil'; 'trevon.w.stephens@usace.army.mil'; 'wcarter@usbr.gov';
 'pcrookston@usbr.gov'; 'ekemp@usbr.gov'; 'blwhite@usbr.gov'; 'dslauch@usbr.gov';
 'george_weekley@fws.gov'; 'bearriver@fws.gov'; 'michael_dunphy@fws.gov';
 'marshall.alford@usda.gov'; 'utslmail@blm.gov'; 'bsteed@utah.gov'; 'bnewbold@utah.gov';
 'cmerritt@utah.gov'; 'clizotte@utah.gov'; 'bellyacrefarm@gmail.com'; 'jserago@utah.gov';
 'gpatrick@utah.gov'; 'lauravernon@utah.gov'; 'djansen@utah.gov'; 'sindysmith@utah.gov';
 'mhyde@utah.gov'; 'meastmccconkie@utah.gov'; 'tjharrison@utah.gov'; 'krishamlet@utah.gov';
 'jhuff@utah.gov'; 'jkmackey@utah.gov'; 'ercanton@utah.gov'; 'mdallred@utah.gov';
 'teresawilhelmsen@utah.gov'; 'skylerbuck@utah.gov'; 'candicehasenyager@utah.gov';
 'ashleygreen@utah.gov'; 'justinshirley@utah.gov'; 'jameschristensen@utah.gov';
 'chrispenne@utah.gov'; 'gmurray@utah.gov'; 'danielolson@utah.gov'; 'paulthompson@utah.gov';
 'kentsorenson@utah.gov'; 'mearly@utah.gov'; 'Connely.Baldwin@pacificorp.com';
 'jack.kolkman@pacificorp.com'; 'eve.davies@pacificorp.com'

'johnweidman5485@gmail.com'; 'gliverson@frontier.com'; 'steve.norman@fbfs.com';
 'carywestcorinnewater@gmail.com'; 'ssummers@boxeldercounty.org';
 'cbennett@boxeldercounty.org'; 'slyons@boxeldercounty.org'; 'mwager@boxeldercounty.org';
 'dmcfarland@boxeldercounty.org'; 'pfulgham@tremontoncity.com'; 'swoerner@elwoodtown.com';
 'knelson@elwoodtown.com'; 'sgoodliffe@elwoodtown.com'; 'chadcranney@utah.gov';
 'cbonsignore@ducks.org'; 'chebert@ducks.org'; 'kwalsh@ducks.org'; 'joelferry@gmail.com';
 'robertc.stettler@comcast.net'; 'tdrichards@utah.gov'; 'ann.neville@tnc.org';
 'marcelle.shoop@audubon.org'; 'utah.chapter@sierraclub.org'; 'info@utahrivers.org';
 'zach@utahrivers.org'; 'lena@utahrivers.org'; 'info@uphe.org'; 'dseed@biologicaldiversity.org';
 'ldefreitas@xmission.com'; 'pelican@fogsl.org'; 'mail@fogsl.org'; 'info@fieldingtown.org';
 'plymouthtown@outlook.com'; 'josh@garlandutah.org'; 'val@planningoutpost.com';
 'toddf@cec-engineers.com'; 'skylar@garlandutah.org'; 'JL@corinnecity.com';
 'riginholmgren@gmail.com'; 'nate.spackman@besd.net'; 'bruce.honeyvillecity@gmail.com';
 'honeyvillecity@gmail.com'; 'andycrozier@gmail.com'; 'alandval@frontier.net';
 'jffsummers13@gmail.com'; 'tpugsley@bcutah.org'; 'jdbowcutt@utah.gov';
 'val@planningoutpost.com'; 'clmarblefarms@gmail.com'; 'lyle.holmgren@gmail.com';
 'hootie@rocheranches.com'; 'rex1181@yahoo.com'; 'swoerner@elwoodtown.com';
 'wbourgeois@gmail.com'; 'dcforsgren@hotmail.com'; 'deeandk@hotmail.com';
 'cwholm@frontier.net'; 'stevennorman@gmail.com'; 'todd0468@gmail.com';
 'wpdairy@frontiernet.net'; 'roche.dutch@hotmail.com'; 'rburttlazys@yahoo.com';
 'boxeldercountydrafhorses@gmail.com'; 'rjefree@msn.com'; 'ruemelras@hotmail.com';
 'ellennelson111@gmail.com'; 'jason@noosdairy.com'; 'weidmancc@gmail.com';
 'kimyates4@gmail.com'; 'hansen.carls@gmail.com'; 'kenright2000@yahoo.com';

'bhayden@elwoodtown.com'; 'dlforsgren@hotmail.com'; 'destryl@brwcd.com';
'kjpotter_270@gmail.com'; 'jason@noosundairy.com';

Christopher Slater <cslater@JUB.com>; Suzanne Acton <sacton@jub.com>; Derek Moss
<dmos@jub.com>; Colton Smith <csmith@jub.com>; Jestin Hurst <jhurst@jub.com>; Roper,
Jason - NRCS, Salt Lake City, UT <jason.rop@usda.gov>; 'Beals, Anthony - NRCS, Salt Lake City,
UT' <anthony.beals@usda.gov>; 'Trevor Nielson' <trevor@brcanal.com>; 'randy@brcanal.com';
Stanley, Shawn - FPAC-NRCS, UT <Shawn.Stanley@usda.gov>; Lari Chambers
<lchambers@jub.com>; Chance Baxter <chanceb@brwcd.com>; Parker Achenbach
pachenbach@jub.com

BOX ELDER NEWS JOURNAL PROOF OF PUBLICATION

State of Utah
Box Elder County

LOWER BEAR RIVER WATERSHED PLAN: ENVIRONMENTAL IMPACT STATEMENT, BOX ELDER COUNTY, UTAH

Public Comment Period
Comments can be submitted
through July 14, 2024.

The U.S. Department of Agriculture's National Resources Conservation Service (NRCS), with the Bear River Water Conservation District and Basin Riparian Council, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan located in Box Elder County, Utah. The proposed Lower Bear River Watershed Plan will examine alternative solutions to address agricultural water management, prevent flooding, protect the riparian habitat, and enhance recreational opportunities in Torrington, Elwood, Bear River City, Laramie, and portions of unincorporated Box Elder County. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analysis relevant to the proposed action from all interested individuals, Federal and State agencies, and Tribes.

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c/o The Langdon Group
466 N. 900 W.
Kayville, UT 84037
Email: lowerbear@usdaphed.com

Please note that all comments received previously following the scoping meeting in November 2023 will be included and do not need to be resubmitted. The full Notice of Intent (NOI) scoping meeting materials and additional background information and maps can be reviewed at [www.bit.ly/2overpost@lowerwatershed](http://bit.ly/2overpost@lowerwatershed).

Following the public comment period, the planning process will continue to move forward with development of alternatives and the alternative analysis required for the EIS. The Draft EIS is anticipated to be available by early 2025, which will include another public comment period.

Please contact the project team at 435-239-3487 or lowerbear@usdaphed.com for more information.

We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and search for docket ID NRCS-2024-0011. Follow the online instructions for submitting comments; or
- **Mail or Hand Delivery:** Derek Hamilton, Water Resources Coordinator, USDA, NRCS, Utah State Office, 125 S. State Street, #4010, Salt Lake City, Utah 84138. In your comments, specify the docket ID NRCS-2024-0001.

All comments received will be posted without change and made publicly available on www.regulations.gov.

FOR FURTHER INFORMATION, CONTACT: Derek Hamilton, Water Resources Coordinator; telephone: (801) 524-4569; email: derek.hamilton@usda.gov; individuals who require alternative means for communication should contact the U.S. Department of Agriculture Target Center at (202) 726-2500 (voice) and text telephone (TTY) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

I, Casey Claybaugh, being first duly sworn depose and say that I am the Publisher of the Box Elder News Journal, a newspaper of general circulation, published every Wednesday in Brigham City, Utah, County of Box Elder; that the notice

LOWER BEAR RIVER WATERSHED PLAN-

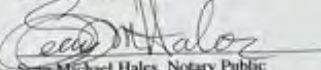
ENVIRONMENTAL IMPACT STATEMENT, BOX ELDER COUNTY, UTAH

of which a copy is hereto attached was published in said newspaper, the first publication having been made on the 19th day of June 2024, and the last on the 19th day of June 2024; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.


Casey Claybaugh, Publisher

Subscribed and sworn before me this
19th day of June, 2024.


Sean Michael Hales, Notary Public
Residence: Brigham City, Utah
My commission expires August 31, 2026



APPENDIX B - SCOPING MATERIALS

Agency/Public Scoping Meeting Presentation
Agency Scoping Meeting Minutes
Public Scoping Meeting Attendance
Scoping Comments

Natural Resources Conservation Service



Lower Bear River Watershed Plan- Environmental Impact Statement Public Scoping Meeting

November 9, 2023



Natural
Resources
Conservation
Service

nrcs.usda.gov/



Natural Resources
Conservation Service

Lower Bear River Watershed Plan-
Environmental Impact Statement
Public Scoping Meeting

November 9, 2023

Public Scoping Meeting Agenda

Welcome & Introductions

Program Overview: PL-566

Water Resource Concerns

Potential Solutions

Schedule

Next Steps

Natural
Resources
Conservation
Service

nrcs.usda.gov/



Welcome and Introductions

Lead Agency

NRCS
Derek Hamilton
Water Resources Coordinator

NRCS
Tara Hoffmann
Cultural Resources
Specialist/Tribal Liaison

NRCS
Jason Roper
Watershed Engineer
Shawn Stanley

Primary Project Sponsors

Carl Mackley
Bear River Water Conservancy District

Trevor Nielson
Bear River Canal Company

Lower Bear River Watershed Plan-EIS Team



J-U-B ENGINEERS, INC.



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

OTHER J-U-B COMPANIES

Chris Slater
Project Manager
Engineering Lead
J-U-B ENGINEERS

Colton Smith
Project Engineer
J-U-B ENGINEERS

Andy Neff
Public Involvement
THE LANGDON GROUP

Suzanne Acton
Environmental Lead
J-U-B ENGINEERS

Welcome and Introductions

Other Sponsors

Carl Stettler
Bear River Club Company

Anthony Jorgensen
Joel Ferry
Chesapeake Duck Club

Steve Woerner
Elwood Town

Greg Iverson
Highland Ditch

Chad Cranney
Salt Creek Waterfowl
Management Area

Steve Norman
West Corinne
Water Company

Paul Fulgham
Tremonton City



PL-566 Program Overview

Public Law 83-566 The Watershed Protection and Flood Prevention Act of 1954, as amended

Preventing damage from
erosion, floodwater, and
sediment

Furthering conservation,
development, use, and
disposal of water

Furthering conservation
and proper use of land

Natural
Resources
Conservation
Service

nrcs.usda.gov/



PL-566 Limitations



Maximum Watershed Size:
250,000 acres

Maximum Structure Size: 12,500
acre-feet

Maximum Recreation
Developments: 3

20% of benefits must be directly
related to agriculture

Private developments prohibited
(must benefit general public)

Natural
Resources
Conservation
Service

nrcs.usda.gov/



PL-566 Program Overview

Authorized Purposes for the Lower Bear River Watershed Plan



**Agricultural
water
management**



**Flood
prevention and
flood damage
reduction**



**Public
recreation &
public fish and
wildlife**

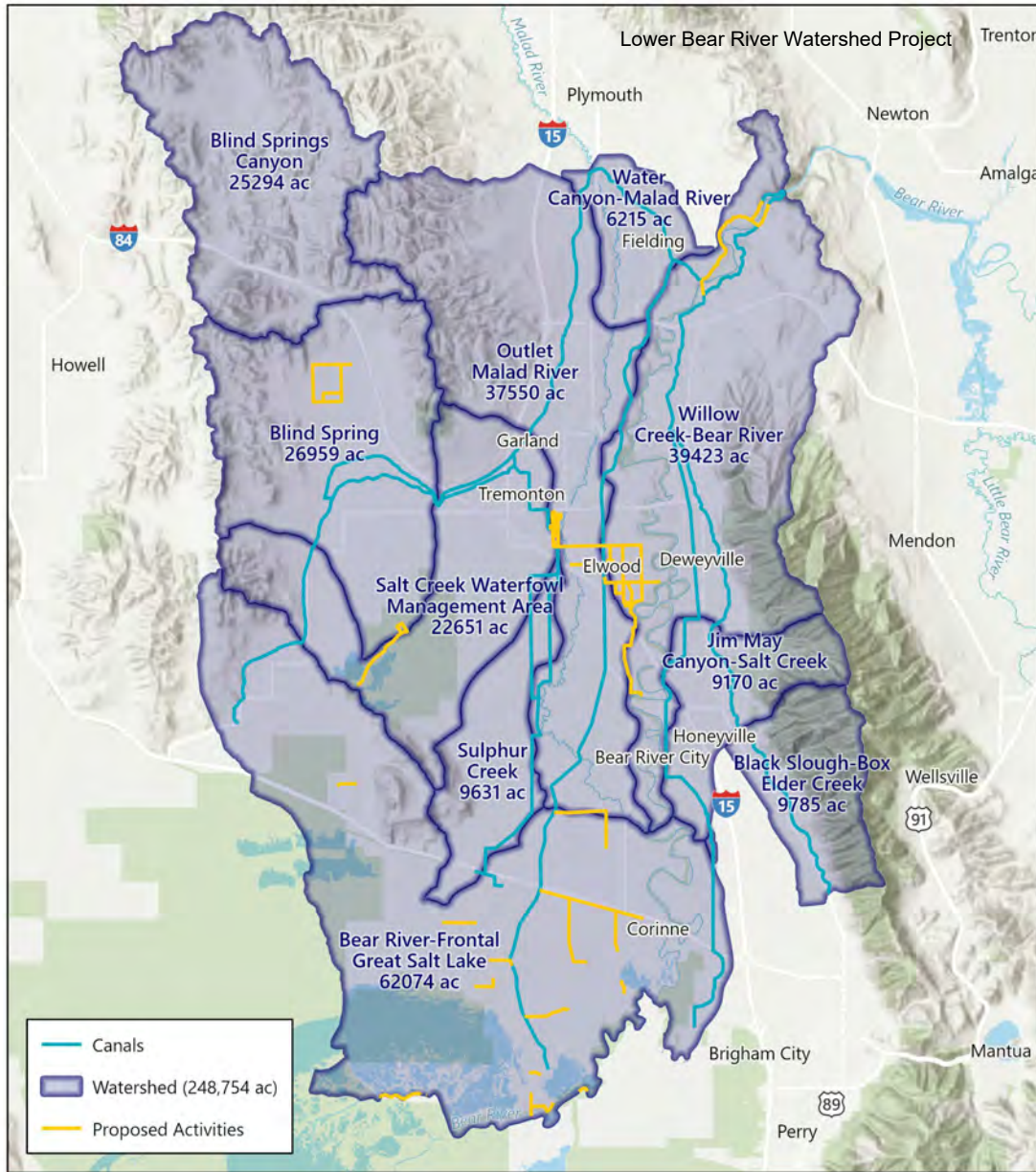


Natural
Resources
Conservation
Service

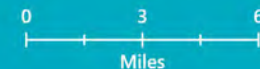
nrcs.usda.gov/



Lower Bear River Watershed



LOWER BEAR RIVER WATERSHED MAP (PROPOSED)



Lower Bear River Watershed Plan-EIS

Resource Concerns



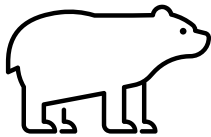
Lack of water reliability due to canal breaches and slope failures



Flooding and flood-related damages to farms, homes, and businesses



Inefficiencies in irrigation water and strain on existing culinary water supplies



Sedimentation, unstable banks, and water delivery, management, and access problems to support wildlife habitats and recreation



Proposed Solutions

BEAR RIVER CANAL COMPANY (BRCC)

- 1. Canyon Canal Improvements
- 2. Canal Lateral Piping

BEAR RIVER CLUB COMPANY

- 3. Bear River Dock Replacement
- 4. Bear River Levee Improvement
- 5. Malad River Spillway Improvement

BEAR RIVER WATER CONSERVANCY DISTRICT

- 6. Bothwell Pocket Flood Control Reservoir Construction

CHESAPEAKE HUNTING CLUB (CHC)

- 7. Bear River Bank Stabilization
- 8. Lower Bear Ditch Piping Projects

ELWOOD CITY

- 9. Secondary Water Phase 1
- 10. Secondary Water Phase 2

HIGHLAND DITCH COMPANY

- 11. Highland Ditch Piping

SALT CREEK WATERFOWL MANAGEMENT AREA (WMA)

- 12. Salt Creek Settlement Basin, Dike, and Additional Structures Construction

TREMONTON

- 13. Flood Control Projects
- 14. Secondary Water Systems
- 15. Recreation Trail

GARLAND

- 16. Secondary Water Systems Construction



Natural Resources Conservation Service

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Lower Bear River Watershed Resource Concerns and Potential Solutions



Historically, the canals in the canyon area have experienced failures

2020 Hammond Main Canal Breach



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Natural Resources Conservation Service

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Resource Concerns

Flood events have damaged property and crops.



Recent Bothwell Pocket Flooding

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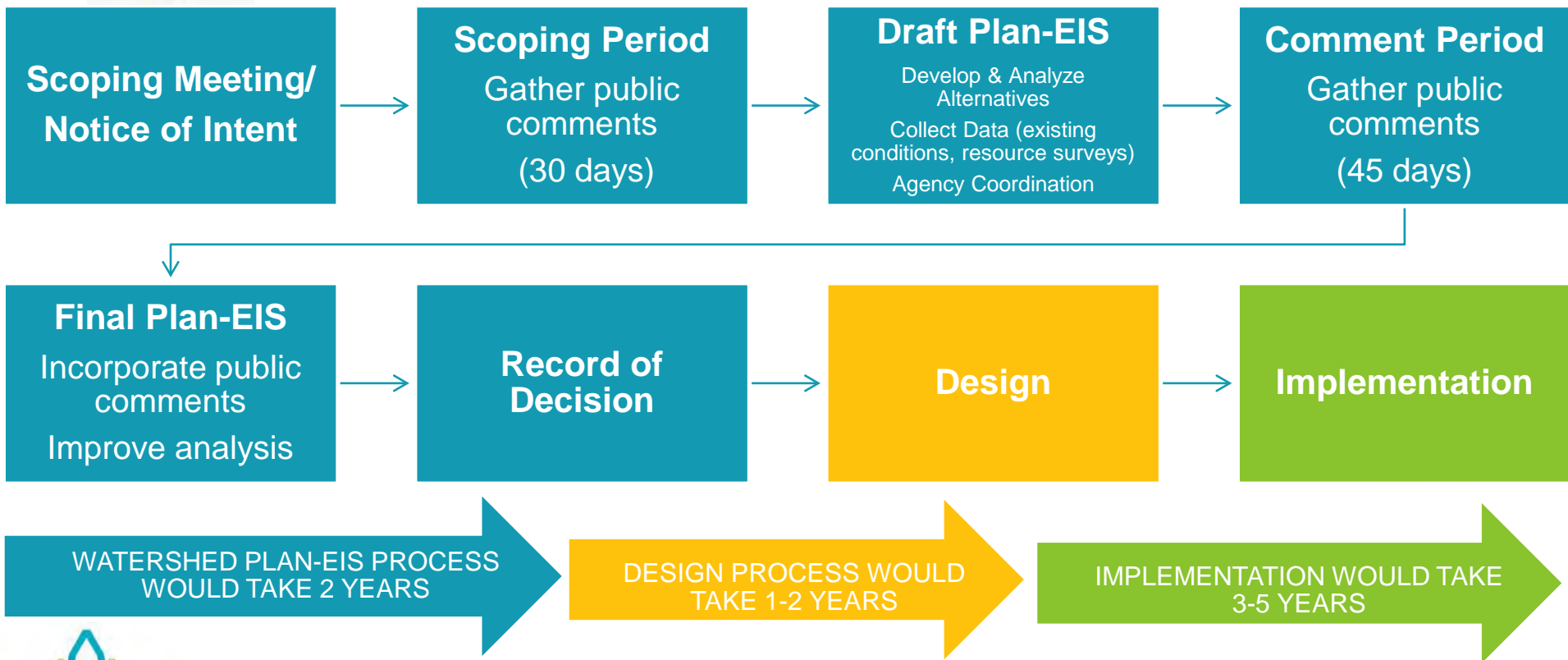
Natural Resources Conservation Service

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Schedule: Watershed Plan-EIS Process



Questions to Identify the Scope:

What are the concerns or issues you've observed?

Do the potential activities address the resource concerns in the watershed and align with the purpose and need of the project?

What other proposed activities within the watershed could potentially address the resource concerns?



Next Steps: Provide Comments

Submit written comments within 30 days of publication of the Notice of Intent (NOI) to prepare an EIS in the Federal Register



Comment Card
Lower Bear River
Public Scoping
Meeting
November 9, 2023



lowerbear@utwatershed.com



Lower Bear River
Watershed Plan-EIS
466 North 900 West
Kaysville, Utah 84037

Questions & Project Information:
Contact the Study Team at 435-239-3467
Visit the project website at:
www.bit.ly/LowerBearRiverWatershed

MEETING MINUTES

DATE: 11-01-23 TIME: 1:00 PM

PROJECT NAME: Lower Bear River Watershed EIS

MEETING LOCATION: Teams Meeting
Agency Scoping Meeting

Attendees:

- Chris Slater
J-U-B Engineers
- Andy Neff
The Langdon Group
- Trevor Nielson
BRCC
- Carl Mackley
BRWCD
- Suzanne Acton
J-U-B Engineers
- Colton Smith
J-U-B Engineers
- Lari Chambers
J-U-B Engineers
- Rowdy Jensen
Forestry Fire & State Lands
- Skyler Buck
UDWRI
- Derek Hamilton
NRCS
- Tara Hoffmann
NRCS
- Jason Roper
NRCS
- Shawn Stanley
NRCS
- Amanda Jensen
USEPA
- Nolan Hawn
USEPA
- Matt Hubner
USEPA
- Laura Vernon
UDNR
- Jake Serago
UDNR
- Trevon Stephens
USACE
- Mike Pectol
USACE
- Wyatt Carter
USBR
- Mike Dunphy
U.S. Fish & Wildlife
- Mike Allred
UDWQ
- Dwight Slaugh
USBR
- Sindy Smith
RDCC
- Mike Hyde
RDCC
- Melissa Early
UDOW

I. Introductions- See attendee list above

II. Project Location and Objectives

A. Funding-PL566

1. PL-566 is an old program established in 1954. Thousands of watershed plans countrywide have been funded through this program.
2. Provides technical and financial assistance to eligible sponsors.
3. Program is funding the planning phase 100% and if EIS is authorized, NRCS will pay 100% for the design phase.
4. Construction would be cost share, which would be dependent on projects and the benefits associated with those projects.

Derek Hamilton discussed the watershed boundaries and explained that it is a larger watershed that will be evaluated through a Plan-EIS. This plan is combined with the NEPA analysis, which includes a great deal of information and a very thorough economic analysis, engineering review, environmental survey, and consultation work. The Plan-EIS will be reviewed at multiple levels including a national level.

B. Project Objectives (See Slide 9 of attached presentation slides)

III. Water Resource Concerns

A. Lack of water reliability due to canal breaches and slope failures.

- 2020 Hammond Main Canal Breach Example (See Slide 11)

B. Flooding and flood-related damages to farms, homes, and businesses.

- Bothwell Pocket Flooding

C. Inefficiencies in irrigation water and strain on existing culinary water supplies.

- Much growth in the Tremonton and Garland area with agricultural land turning into residential or commercial. More of a need to transition the irrigation water into secondary water use.

D. Sedimentation, unstable banks, water delivery management, and access problems to support wildlife habitats and recreation.

- Salt Creek

Chris gave a summary of the process that has been taking place this past year or two, starting with the Preliminary Investigation and Feasibility Report (PIFR) with NRCS and key stakeholders in the watershed to identify some of the resource concerns.

IV. Proposed Solutions

A. Boxing, lining, or piping canals.

B. Repairing levies, installing sediment basins and dikes upstream of the Great Salt Lake, which is a key resource.

C. Evaluating alternatives for the canyon to make the channels more reliable for water delivery.

D. Evaluating secondary water delivery to users in Elwood and Garland through pressure systems.

E. Finding solutions for flooding of fields and channels including the Malad River that has affected the Tremonton area.

F. Improving delivery of water out to the end of ditches more efficiently within the Bear River Canal Company. Lining or piping, and/or automating these canals could help more water get to the end of the system.

G. Improving channels to help habitat areas located by the Great Salt Lake by being more efficient with the water.

Questions and Answers

- Q. *Many of the projects address many different issues with many landowners and users. Is each project being assessed individually or are they are all together?*
- A. We look at this as a watershed and how things can benefit the watershed. As we proceed with the evaluation, we will review each proposal and develop alternatives. Most importantly, we will work together as stakeholders to improve and benefit the watershed. Individual projects developed in the plan would need to be funded by the NRCS and one or more of the local sponsors.
- Q. *How were the projects identified and is this a closed list?*
- A. Alternatives and some of the resource concerns in the watershed were identified with key stakeholders during the creation of the PIFR. There will be a Public Scoping Meeting on November 9th where we will be requesting ideas from the public for solutions that fit the purpose and needs of the identified items. Alternatives can be adjusted as we move through the process. Proposed solutions will be analyzed for eligibility and incrementally. Each site and measure will be analyzed individually, including its cost-to-benefit ratio, to decide which projects to move forward through analysis.
- A. The PIFR will be made available for everyone to review. Not all current alternatives may qualify and there may be some added if the NRCS can fund those, they meet the purpose and need, and the local sponsors can provide the local matches. If there are sponsors that are ready in a one to two-year vs. a three to five-year period, money can be phased in to corroborate with those sponsors.
- Q. *The State of Utah is being sued regarding the quantity of water flowing into the Great Salt Lake. Individuals may be asking if this project will be helping or harming the Great Salt Lake. Is this something that NRCS is aware of?*
- A. Groups that are involved with the Great Salt Lake have been identified and invited to the Public Scoping Meeting and their involvement is anticipated and encouraged.
- Q. *Will this be permitted under one action?*
- A. No, permitting is the responsibility of the sponsor and individual component of the project would be permitted individually, as appropriate. Before construction money is approved, all permits would need to be in place.

V. Schedule (see Slide 18)

Suzanne stated that each agency's involvement moving forward with this project is crucial in shaping it and ensuring that each agency's regulating authorities and concerns are addressed from the beginning to the end of the analysis.

Derek stated that NEPA regulations require a two-year window for completion of the EIS based on the publication date of the Notice of Intent (NOI). He also noted that the Lower Bear River Plan-EIS is unique because the federal funding contribution to construction exceeds \$25 million and Congress must approve the expenditures.

Matt Hubner commented the more work that is done before the NOI is published is extremely beneficial to meeting the two-year timeframe for completion.

VI. Next Steps

A. Public Scoping Meeting

Thursday, November 9th

6-8 p.m.

Box Elder County Fairgrounds/ Museum Building

Tremonton, Utah

All sponsors with proposed solutions will be discussing them with the public and what their vision is with the proposed solution.

B. Notice of Intent (NOI) to Prepare an EIS – Publication in Federal Register

C. Comment Period – Open until 30 days Following NOI Publication

D. Comment Review & Alternative Development

VII. Submitting a Comment

A. Submit written comments within 30 days of publication of Notice of Intent to prepare an EIS in the Federal Register.

B. Comment card @ Lower Bear River Public Scoping Meeting – November 9, 2023 (no virtual option).

C. Submit electronically to lowerbear@utwatershed.com

D. Mail to Lower Bear River Watershed Plan-EIS, 466 North 900 West Kaysville, Utah 84037.

VIII. Questions & Project Information:

A. Contact the Study Team at: 435-239-3467.

B. Email Derek Hamilton: derek.hamilton@usda.gov

C. Visit project website at www.bit.ly/LowerBearRiverWatershed.

IX. Follow-Up Items

- A. Draft EIS will be sent to cooperating agencies for review before being submitted.**
- B. Public scoping meeting materials will be posted to the project website after the meeting.**

X. Next Meeting

- A. Meet with this group again in January after the purpose and need is clarified and discuss what was learned from the public scoping meeting and from submitted comments.**



November 9, 2023

Lower Bear River Watershed Plan Environmental Impact Statement - Box Elder County, Utah

Public Scoping Meeting

Name	Street Address	City/Zip Code	Phone	Email
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November 9, 2023

Lower Bear River Watershed Plan Environmental Impact Statement - Box Elder County, Utah

Public Scoping Meeting

Name	Street Address	City/Zip Code	Phone	Email
[Redacted Content]				



November 9, 2023

Lower Bear River Watershed Plan Environmental Impact Statement - Box Elder County, Utah

Public Scoping Meeting

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November 9, 2023

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United States
Department of
Agriculture

Lower Bear River Watershed Plan-EIS

Public Scoping Meeting - Comment Card

Natural
Resources
Conservation
Service

nrcs.usda.gov/

Name

Address

Email

City

Zip

Phone

Comments

problem Flooding in the Lower Bear River
channel - This year was bad and would probably
need another dam to solve it

I went land from Sherna Fridal & Kiera Perez
East of Elwood last about 40 ac of alfalfa
and heasen property in Honeyville (west of) last
about 20 ac there



435-239-3467



lowerbear@utwatershed.com



Lower Bear River Watershed Plan-EIS

Public Scoping Meeting - Comment Card

Name

Address

Email

City

Zip

Phone

Comments

- 1) Continue to explore pressurized secondary water system. Feasibility? Ultimately constructed to ease the demand on culinary water in a growing city.
- 2) Some flooding issues through NW area of city. Esp. in 2017 had major event. (Would need to get more info from city on specifics.)



435-239-3467

lowerbear@utwatershed.com

Scoping Comments

	First Name	Last Name	Subject	Comment	Attachment
1	Charles	Holmgren	Central Canal Company	<p>Comments for the Lower Bear River Watershed Plan:</p> <p>I represent Central Canal Company which is the second largest diverter of water from Bear River Canal Company in Box Elder County Utah. We were of the understanding that we would be included in the proposed Watershed Plan but we see no evidence that we have been included. We have considerable needs and thought that we had applied through contact with the JUB Engineering application process. We wish to conserve water and improve safety to the canal that travels 5 miles from the diversion point in the Town of Elwood to the terminus back to Bear River Canal Company and/or the Malad River which in turn services the Bear River Bird Refuge and other wildlife habitat in Box Elder County Utah and then on to the Great Salt Lake. Thank you for reading our appeal.</p> <p>Charles Holmgren Secretary/Treasurer, Central Canal Company P O Box 231 Bear River City Utah 84301-0231 cwholm@frontiernet.net 435-279-3303</p>	
2	[REDACTED]	[REDACTED]	West Corinne Flooding	<p>Andy and Team Hope you're doing well. Thank you for sending the information. We are still in need of assistance to improve West Corinne Drainage because there are major constraints in the main drainage waterway. One update since we spoke last. Mr [REDACTED] is impacted by flooding, he contacted friends of the Great Salt Lake for help. Friends of The Great Salt Lake replied that they had contacted Joel Ferry. He has knowledge of some of the flooding issues. Maybe he will help. Neighbor [REDACTED] called me recently and said he will be socializing the information and sending you a request. Please let me know if you have any questions or concerns. A recap of the situation is included below for your convenience. Thank you for all you do, please reply to this email before July 14 2024 for continuity, so I can ensure you received our information. [REDACTED]</p>	<p>West Corinne flood mitigation Scope: Hundreds of people directly impacted in the West Corinne area. History: Over one hundred years ago the agriculture community of Appledale was created where West Corinne is now located. Fruit trees and other crops flourished for a short time until irrigation brought alkali and salt to the surface killing hopes, dreams and crops. The beet company along with engineers designed and built a drainage network to address flooding and poor drainage, work began in 1931 and finished in May 1939. Underground tile lines provide drainage for homes, fields etc... underground tile lines drain toward open drainage ditches. The largest drainage ditch (A ditch) ditch is approximately 5 miles long and drains into Appledale slough, it was enlarged significantly around 55 years ago to improve flow. Situation: The A drainage ditch maintenance has been neglected for around five or six decades! There are two exceptions. Exception one: Approximately ¼ mile section (5% of the ditch length) near the middle of the length of the A ditch was cleaned by a trackhoe around five years ago. Exception two: Two large trackhoes cleaned the upper portion (approximately 35%- 40% of length) the fall of 2023. One trackhoe removed a very large wooden vehicle bridge, an 18" culvert crossing and about forty trees before being stopped by land owner Steve Norman because he said he did not want anymore drainage ditch cleaning to occur until the drainage ditch was improved downstream from his home. Steve said the drainage ditch water during flood stage flows over the paved road near his home. Main problems that need to be corrected: Problem One: Over 145 invasive species Russian olive trees have invaded the ditch (40 removed fall of 2023) and they completely dominate in some sections, completely shading the water, the majority are tall and decades old, some trees have fallen across the ditch, tree trunks, limbs, roots, and leaves slow flow, many grow right up the center of the A ditch greatly slowing the flow (the A ditch flow was measured at two culverts spring of 2023 during flood stage, flow was less than ¼ of one foot per second as compared to the bear river canal on the same day at 4.2 feet per second. Problem Two: Culverts at paved roads are 36" and should be enlarged however, some farmer placed culverts at dirt</p>

<p>West Corinne Flooding</p>	<p>One area of concern... Over ten land sections (640 Acres each) drain toward the crossing on 7600 North near Steve Normans home. All that water must flow through two 36" culverts and one has been 40% plugged most of the year by silt, cattails, etc... Note: Phragmites is now starting into the ditch. Action: For low cost when compared to other projects the West Corinne drainage can be GREATLY improved. Removal of approximately 100 more trees, this number might be slightly higher. Estimated cost of removal at today's prices... \$12,000, could be less costly. Enlarge as many culverts as possible starting on the lower end. About one dozen culverts are in the A ditch, estimated culvert crossing cost would vary however, for discussion purposes lets say \$2,700 per crossing. There are three paved road crossings, the cost would be higher due to pavement reconstruction. Some farmer crossings cost to replace might be lower. Maintain improvements and enact control measures for invasive species control. Result: Improved drainage for many people to homes, septic systems, businesses, roads, fields inside and outside of the floodplain. I sincerely believe the information above is accurate, if an error is found please let me know. Questions/concerns or comments regarding the above please contact, Dennis Patterson 435 695 7008. Will send photos.</p>
<p>Property Impacts</p>	<p>Hello, We have a question regarding how this may impact our water supply. Our family owns property south of Forest Street and along both The Hammond Canal and The Black Slough. Will either of these sources be impacted by this project? Thank you, [Redacted]</p>
<p>4 West Corinne Flooding</p>	<p>I have been informed through the grapevine that NRCS will not include any of the 14 undersized Appledale Drain Culverts that cause farmland and residential flooding will be included in this document. This includes 4 agricultural culverts and 2 culverts under the Bear River Canal system. One of which is highlighted in your document for complete piping. A 4th Flooding event occurred this February 2024. I had 4 1/4" rain between the Feb. 5th and 21st. The flooding came up to my basement door again. Benson Astle alfalfa fields (north of Hwy 83) were underwater again, also. Landowners have recently tried with their own time and money to fix part of the problem. The furthest west culvert crossing (Ferry/Yates) was updated to 2- 36" culverts. A trackhoe was rented and the ditch was cleaned from approx. 6000 west to 7100 west. a undersize culvert crossing (Singh) was purchased and installed by Patterson/Nelson/Astle. A trackhoe was hired (Stump) north of Hwy 83 to clean the drain ditch. The W. Corinne Drain Co. did not provide any money or manpower for the wok done. A comprehensive list of culverts /crossings and work completed since this proposed project was announced is attached.</p>
<p>2024 Appledale drain culvert issues 1-North of Hwy 83. Davis Dairy road crossing undersized. Flooded Astle crop fields to the north and west every flood event. The ditch was dug out by Stump hiring a trackhoe 2-Hwy 83 undersized culvert 3-Historical railroad grade culvert 4-Bear River Canal under crossing. This could easily be replaced when this project puts the lateral in 100% pipe. 5-6400 west. Main problem area. Very undersized culvert. Patterson/nelson/astle hired a trackhoe and Nelson cleaned upstream and downstream ditch obstructions. 6-Singh crossing. was undersized. Patterson bought 36" culvert and nelson picked it up from central utah and installed it. 7-6800 west norman crossing. Undersized. 8-Bear River Canal undercrossing undersized. Nelson cleared out the ditch to just west of here. Steve Norman stopped the removal of Russian olive trees in the ditch. He allowed the removal of some trees. 9-norman/carter undersized crossing 10-7600 west crossing. 2- 30-36" concrete culverts. One plugged with mud. 11-Bear river club /ferry road crossing 12-Yates/bear river club crossing. Ferry assisted with the purchase and install of 2 – 36" culverts.</p>	

5	Intergovernmental Panel on Climate Change		Climate Change	<p>In terms of the scoping of issues for preparation of this DEIS, please consider how this proposed action and other feasible alternatives could help to respond to the already serious and rapidly worsening climate and extinction crises. These overlapping crises pose an existential threat to humanity and the biosphere (please review the attached IPCC report).</p> <p>There is overwhelming science on the urgent need to implement bold and innovative solutions. For example, how could fossil fuel use be avoided or minimized? How could clean, renewable energy sources be used? How could important wildlife habitats and sensitive species be better protected? How could water be more efficiently used, recycled, or allowed to recharge aquifers? How could the project be better designed and implemented to be resilient to climate change related droughts or more severe weather events? Where flooding has traditionally occurred, would it be cheaper to acquire those lands for riparian or wetland restoration instead of building expensive berms or diversions? How can we work with nature instead of always trying to fight it (and often losing)?</p> <p>In addition, please consider how this plan could increase water flows into the Great Salt Lake. I share the strong public concerns about maintaining the GSL ecosystem and the millions of migratory birds that depend on it for their survival.</p> <p>I hope that these scoping comments and questions are helpful. Thank you very much for this important work and for your kind consideration.</p>	Attachment: Climate Change IPCC 2023 Summary Report (A Report of the Intergovernmental Panel on Climate Change)
6	Anonymous		Smart Growth	<p>I recommend the preferred alternative be: Conservation through retreat, rewilding, degrowth, and population control. We multiplied and are now fruitless, waterless, and eventually lifeless if we do not live within our means and resources.</p> <p>The growth is unsustainable and we are experiencing shortages in energy, water, land and food. We need responsible government to redefine prosperity, and control runaway development.</p>	
7	Redge	Johnson	DNR, Public Lands Policy Coordinating Office	<p>By way of introduction, this comment letter begins with a brief description of the commenter’s mission and areas of expertise. Here, the commenter, PLPCO, is a State agency whose broad mission is “to coordinate, promote, and implement Utah’s public land priorities.” In addition to “develop[ing] and coordinat[ing] the State’s public lands policy initiatives” PLPCO is also involved in many different facets of public land management policy, including overseeing the State’s Resource Development Coordinating Committee (“RDCC”) which is “responsible for commenting on development and conservation proposals on Utah’s public lands” as well as assisting in resource management planning at the State and County levels.</p> <p>Because of PLPCO’s broad mission and expertise, the agency is involved in various issues and projects that involve (among other things) agriculture, grazing, forestry, energy development and transmission, and other multiple uses on federal lands.</p> <p>II.Purpose and Need</p> <p>The State understands that the primary purpose of the EIS is to evaluate alternative plans and management options to secure the agricultural water supply, develop secondary water systems for growing communities with limited water resources, reduce the potential for flood damage in previously flooded areas, improve wildlife habitat and enhance recreational opportunities for the community. Floodwater improvements, including piping and trenching to route flows, and ponds and control gates to detain and release flows, are needed to reduce damage to farms, homes, roadways, businesses, and industry. Improvements such as levee construction, sediment removal, delivery system automation, and bank stabilization are needed to reduce flooding, erosion, sediment, and agriculture-related pollution and enhance wetlands and wildlife habitat. Trails are anticipated along these levees to enhance recreational opportunities to bike or walk within areas of the watershed.</p> <p>III.Alternatives</p> <p>The State understands that three alternatives are being considered for analysis:</p> <p>Alternative 1—No Action Alternative: If the No Action Alternative is selected, the Hammond Main and West Canals will not be improved. Irrigators would likely have more periods without water as repairs would be needed to address periodic canal failures. Water shortages would lead to associated economic losses. Communities within the watershed may need to restrict growth as culinary water would continue being used for outdoor watering. Property owners would need to plan for periodic flooding of their properties and be prepared for the associated cleanup and repairs. Managers of waterfowl habitat areas would need to remove sediment from key water- holding areas periodically and would not be able to deliver water where it is needed in areas where levees are failing. The existing structures would continue to operate in their deteriorating condition and would not meet the purpose and need of agricultural water management improvement, flood prevention, watershed protection, or enhancement</p>	<p>RE: Lower Bear River Watershed Plan EIS Docket No. NRCS–2024–0011</p> <p>Dear Mr. Hamilton:</p> <p>The state of Utah (“State”), through its Public Lands Policy Coordinating Office “PLPCO”), has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Project. The State understands that this project is co-sponsored by the Bear River Water Conservancy District and the Bear River Canal Company, with EIS funding via the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83-566), as amended, and the Flood Control Act of 1944 (Pub. L. 78-534), with assistance from the USDA’s Natural Resources Conservation Service (“NRCS”).</p> <p>I. Utah’s Public Lands Policy Coordinating Office (PLPCO)</p> <p>By way of introduction, this comment letter begins with a brief description of the commenter’s mission and areas of expertise. Here, the commenter, PLPCO, is a State agency whose broad mission is “to coordinate, promote, and implement Utah’s public land priorities.”¹ In addition to “develop[ing] and coordinat[ing] the State’s public lands policy initiatives”² PLPCO is also involved in many different facets of public land management policy, including overseeing the State’s Resource Development Coordinating Committee (“RDCC”) which is “responsible for commenting on development and conservation proposals on Utah’s public lands”³ as well as assisting in resource management planning at the State and County levels. ⁴ Because of PLPCO’s broad mission and expertise, the agency is involved in various issues and projects that involve (among other things) agriculture, grazing, forestry, energy development and transmission, and other multiple uses on federal lands.</p> <p>II. Purpose and Need</p> <p>The State understands that the primary purpose of the EIS is to evaluate alternative plans and management options to secure the agricultural water supply, develop secondary water systems for growing communities with limited water resources, reduce the potential for flood damage in previously flooded areas, improve wildlife habitat and enhance recreational opportunities for the community. Floodwater improvements, including piping and trenching to route flows, and ponds and control gates to detain and release flows, are needed to reduce damage to farms, homes, roadways, businesses, and industry. Improvements such as levee construction, sediment removal, delivery system automation, and bank stabilization are needed to reduce flooding, erosion, sediment, and agriculture-related pollution and enhance wetlands and wildlife habitat. Trails are anticipated along these levees to enhance</p>

	Redge	Johnson	DNR, Public Lands Policy Coordinating Office		<p>III. Alternatives</p> <p>The State understands that three alternatives are being considered for analysis: Alternative 1—No Action Alternative: If the No Action Alternative is selected, the Hammond Main and West Canals will not be improved. Irrigators would likely have more periods without water as repairs would be needed to address periodic canal failures. Water shortages would lead to associated economic losses. Communities within the watershed may need to restrict growth as culinary water would continue being used for outdoor watering. Property owners would need to plan for periodic flooding of their properties and be prepared for the associated cleanup and repairs. Managers of waterfowl habitat areas would need to remove sediment from key water-holding areas periodically and would not be able to deliver water where it is needed in areas where levees are failing. The existing structures would continue to operate in their deteriorating condition and would not meet the purpose and need of agricultural water management improvement, flood prevention, watershed protection, or enhancement of recreational opportunities.</p> <p>Alternative 2—Proposed Action—Combine Canals Alternative. The proposed action would combine the Bear River Canal Company's Hammond Main Canal into the West Main Canal through the canyon below Cutler Reservoir to reduce the breach risk and improve delivery efficiencies. The West Canal would be improved by installing box culverts through the canyon and would require siphoning water across the Bear River. This alternative would also install automation and telemetry to existing irrigation canal head gates, pipe the Highland Ditch and other canals to improve water delivery near the ends of canals, construct agricultural water equalization ponds, and construct secondary water systems within the communities of Tremonton, Elwood, Bear River City, and Garland. Additionally, to address flood concerns, this alternative would install flood control channels and ponds around Tremonton, construct a flood control pond in the Bothwell Pocket, and improve a spillway along the Malad River. To protect the watershed by reducing floodwaters, erosion, and sediment, and improving habitat near the Great Salt Lake (GSL), the proposed action would improve levees, dikes, and banks along waterways near the GSL and the Bear River Migratory Bird Refuge and construct a sediment basin at Salt Creek. This alternative would also construct a recreational trail along the railway and an existing canal alignment through Tremonton to provide recreational opportunities.</p> <p>Alternative 3—Reasonable Alternative—Hammond Main and West Main Canal Improvement Alternative. The alternative would enclose the Bear River Canal Company's Hammond Main and West Main Canals through the canyon to reduce the breach risk and improve delivery efficiencies and would not require siphoning water across the Bear River.</p>
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	Redge	Johnson	DNR, Public Lands Policy Coordinating Office		<p>Besides the Hammond Main and West Main Canal improvements and associated actions, the remainder of agricultural water improvements (i.e., automation and telemetry installation, Highland Ditch and other canal piping, secondary water systems construction, etc.) and all flood control, watershed protection, and recreation improvements would be the same as in Alternative 2. The State supports either of the action alternatives at this point and defers a commitment to Alternative 2 or 3 until further analysis is completed.</p> <p>IV. Consistency with the Box Elder County Resource Management Plan</p> <p>All counties in Utah have adopted County Resource Management Plans (CRMPs) to establish goals, objectives, and policies for the management of a wide variety of resources. The Box Elder County CRMP can be found on the county website at: https://www.boxeldercounty.org/planning/Page/county-plans. The State requests that the Lower Bear River Watershed Plan and associated projects be accomplished in a manner that is consistent with the CRMP to the greatest degree possible. Some relevant provisions of the county plan (and the associated plan Page number) include:</p> <p>"Box Elder County wishes to protect the economic viability of agricultural and closely associated livestock industries within the county through continued access to public lands for grazing. To support viability of these industries, vegetation on public lands should be managed to provide maximum sustainable production of forage for livestock, which is an important component of agriculture in the county. The county also desires that watersheds on public lands are managed to maximize water yields and water quality to meet present and future needs, including water for agriculture and livestock." (See Page 4).</p> <p>"Coordinate with water resource management entities, especially water districts and canal companies, to ensure water supplies and water delivery infrastructure will meet growth needs." (See Page 6).</p> <p>"Implement watershed protections and vegetation management to maintain availability of water for beneficial uses and to protect water quality." (See Page 6).</p> <p>"Box Elder County desires to protect and improve existing and future water conveyance systems." (See Page 23).</p> <p>"Seek funding for canal leakage study. Coordinate with agencies and water companies to protect existing water conveyance systems." (See Page 24).</p> <p>"Box Elder County desires to promote a healthy hydrological system that encourages efficient flood control and water conveyance, while providing clean water, wildlife habitat, and recreational uses." (See Page 42).</p>
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	Redge	Johnson	DNR, Public Lands Policy Coordinating Office		<p>“Protect life and property from the increased risk of flooding through application of stream setbacks, FEMA flood zone requirements and careful review of development along streams and at the mouths of drainages on public lands.” See Page 42).</p> <p>“Box Elder County desires to protect its watersheds and water quality for the benefit of irrigation and other users downstream from public lands.” (See Page 48).</p> <p>“Support the development of community and regional recreational trail systems.” (See Page 83).</p> <p>“Support projects and management efforts that protect or restore riparian ecosystems, increasing the riparian area’s resiliency and ability to be used for multiple purposes.” (See Page 86).</p> <p>“Box Elder County desires to protect, maintain, and/or improve water quality and watersheds to provide stable and productive riparian and aquatic ecosystems on public lands and to protect the present and future water supply. The desires to review, study, and develop a water storage project in the western portion of the county.” (See Page 101).</p> <p>“Box Elder County desires to maintain healthy native wildlife populations. Residents enjoy participating in wildlife-related activities and feel that wildlife and wildlife habitat should be considered in future development decisions. The county desires to protect and enhance natural landscapes, ecosystems, and the biodiversity of the county to support healthy wildlife populations. The county desires to maintain and increase economic benefits derived from hunting and wildlife viewing. Conflicts between wildlife and other land use objectives may require mitigation.” (See Page 120).</p> <p>It appears that the action alternatives being proposed are very consistent with the goals and policies of the Box Elder CRMP.</p> <p>V. Consistency with the State Resource Management Plan</p> <p>The State has adopted a State Resource Management Plan (SRMP) to establish goals, objectives, and policies for the management of a wide variety of resources. The SRMP can be found on the PLPCO website at rmp.utah.gov. The State requests that the Lower Bear River Watershed Plan and associated projects be accomplished in a manner that is consistent with the SRMP to the greatest degree possible. Some relevant provisions of the state plan (and the associated plan Page number) include:</p> <ul style="list-style-type: none"> • “Ensure that Utah’s water-use planning and management considers agriculture’s role within the entire social, economic, and natural systems landscape.” (See Page 16).
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	Redge	Johnson	DNR, Public Lands Policy Coordinating Office		<ul style="list-style-type: none"> • "Management and resource-use decisions by federal land management and regulatory agencies concerning Utah's vegetative resources should reflect serious consideration of the proper optimization of the yield of water within the state's watersheds." (See Page 17). • "Support county plans for ditches and canals as well as irrigation. Preserve the integrity and functionality of Utah's existing canals and ditches. Preserve the integrity and functionality of Utah's irrigation companies, which manage and maintain the vast majority of the canals and ditches. Ensure adequate funding for canal infrastructure maintenance and replacement." (See Pages 36 and 83). • "Encourage efficient water transport through the proper lining and piping of ditches and canals, as appropriate." (See Page 37). • "Encourage the use of bio-engineering practices or flood structures, dams, catch basins, gully plugs, and reseeded grass ways to help reduce erosion during and after storm events." (See Page 68). • "Prioritize and manage riparian areas to attain desired future conditions for riparian-related resources (e.g., fishery habitat, water quality, wildlife and livestock forage, and soil stability). (See Page 151). • "Support the use of structural and non-structural improvements in unstable water courses to restore riparian areas properly functioning/desired future conditions." (See Page 151). • "Support a combination of active water management where necessary (e.g., Great Salt Lake) and maintaining or restoring natural hydrology when possible to support wildlife habitat and healthy functioning of aquatic ecosystems." (See Page 175). • "Work with local governments and federal agencies to identify and conserve crucial wildlife habitat and migration corridors throughout Utah, including migratory bird stopover locations." (See Page 187). <p>It appears that the action alternatives being proposed are very consistent with the goals and policies of the SRMP.</p> <p>Utah Division of Water Rights The EIS should address water rights and compliance with water rights regulations. The Division of Water Rights' Northern region may be contacted at (435) 752-8755 for additional information.</p> <p>VI. Summary The cornerstone of proper management of this state's resources is the coordination and cooperation between State and Federal agencies. Accordingly, I thank you for your consideration of the State's comments. The State supports the Lower Bear River Watershed Project due to the benefits it will bring in terms of agricultural water management and provision of secondary water, flood mitigation, enhancements to wildlife habitat, and recreation opportunities.</p>
	Redge	Johnson	DNR, Public Lands Policy Coordinating Office		<p>The State looks forward to working with the NRCS as this project moves forward. Please direct any written correspondence to the Public Lands Policy Coordinating Office at the address below or call to discuss any questions or concerns.</p> <p>Sincerely, Redge B. Johnson Director</p>

8	Eve	Davies	Design, Operations (PacifiCorp)	<p>Dear Lower Bear River Watershed Plan Group-</p> <p>As a landowner in the Project Area and the supplier of the irrigation water in the Bear River Canal Company's (BRCC) irrigation system and manager of the Bear River system, PacifiCorp appreciates the opportunity to provide scoping comments on the Lower Bear Watershed Plan EIS. PacifiCorp owns the land underlying BRCC's East/Hammond and West canal intake gates, and these gates are an integral part of PacifiCorp's Cutler Hydroelectric Project Dam. The Cutler Project is regulated by the Federal Energy Regulatory Commission under FERC Project No. 2420 License. This Project is currently in the final stages of relicensing, and in fact has also just filed with FERC (document dated July 16, 2024) an Initial Consultation Document (ICD) exploring the feasibility of adding a pumped storage development to the existing Cutler Project. Given the potential for a high degree of construction activities in the near vicinity for both PacifiCorp and BRCC, and the lack of any specific detail regarding potential Cutler Project impacts, at this time, PacifiCorp is merely noting our interest in BRCC's proposed projects and the associated Watershed Plan EIS, and would ask to be involved at all levels as the watershed plan EIS and alternative development progresses. PacifiCorp has agreements with BRCC and other water users in the Bear River system that mandate water uses, timing, and responsibilities of the parties; further, as the Cutler Hydroelectric Project is operated, in part, to meet those delivery obligations, PacifiCorp notes that our requirements to manage and operate the Bear River system rely on the agreements and infrastructure potentially affected by the Lower Bear River Watershed Plan, and underline our request for cooperative information exchange with the EIS project proponents throughout the process. Thank you for the opportunity to provide these comments; please reach out to me or Jack Kolkman at jack.kolkman@pacificorp.com with any additional questions or comments.</p> <p>Eve</p> <p>Eve Davies, Principal Scientist and License Program Manager Renewable Resources, PacifiCorp 1407 West North Temple, Ste. 210 Salt Lake City, Utah 84116 801-220-2245 801-232-1704 (cell)</p>	
9	Melissa	McCoy	Environmental (EPA)		Attachment: Lower Bear River Watershed Plan-EIS_EPA Scoping Comments_20240715
10	[REDACTED]	[REDACTED]	Flooding	Problem flooding in the Lower Bear River - This year was bad and would probably need another dam to solve it. I rent land from Shirma Fridal & Kirsia Parez east of Elwood lost about 40 ac of alfalfa and property in Honeyville (west of) lost about 20 ac there	written comment submitted at 11/9/23 meeting
11	[REDACTED]	[REDACTED]	Garland Secondary Irrigation, Flooding	1) Continue to explore pressurized secondary water irrigation. Feasibility? Ultimately constructed to the ease demand on culinary water in a growing city. 2) Some flooding through NW area of city. Esp. in 2017 had major event. (Would need to get more info from city on specifics.)	written comment submitted at 11/9/23 meeting

Section 106 Consultation

Tribal Consultation

Tribal Scoping Letters
(See Scoping Report)

Tribal Notification Emails and Letters

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Julius Murray](#); [Betsy Chapoose \(betsyc@utetribes.com\)](mailto:betsyc@utetribes.com)
Subject: NRCS Lower Bear Watershed Plan-EIS Section 106 Consultation
Date: Friday, May 16, 2025 11:22:00 AM
Attachments: LowerBear106Ltr_Chapoose.pdf
LowerBear106Ltr_Murray.pdf
U24ST1056.pdf
image001.png

Chairman Murray and Ms. Chapoose,

Attached is the initiation of formal Section 106 consultation for the NRCS' proposed Lower Bear Watershed Plan and Environmental Impact Statement. The undertaking has three objectives: agricultural water management, flood prevention, and watershed protection in Box Elder County, Utah. Other consulting parties consist of the Utah SHPO, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service, National Park Service, and the U.S. Environmental Protection Agency. The NRCS is the lead federal agency, and pursuant to 36 CFR 8002, has entered into an MOU with the Corps to clearly define lead agency roles and responsibilities.

Please refer to the attached letter and cultural resources report for details on the undertaking. Briefly, eight eligible historic-era sites were identified, by the cultural resources inventory, and the NRCS has determined that there will be adverse effects to four eligible canals/ditches due to the conversion from open channel to pipe or concrete lining.

NRCS is requesting concurrence on the delineation of the APE, identification of historic properties, and finding of adverse effect. We also invite you to participate in the development of the MOA to mitigate adverse effects. Please respond within 30 days of receipt of this email. Hard copy letters and report will be forthcoming. Reach out with any questions or concerns.

Many thanks,
Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: Kylec@svgoshutes.com
Subject: NRCS Lower Bear Watershed Plan-EIS Section 106 Consultation
Date: Friday, May 16, 2025 11:21:00 AM
Attachments: LowerBear106Ltr_Craig.pdf
U24ST1056.pdf
image001.png

Vice Chair Craig,

Attached is the initiation of formal Section 106 consultation for the NRCS' proposed Lower Bear Watershed Plan and Environmental Impact Statement. The undertaking has three objectives: agricultural water management, flood prevention, and watershed protection in Box Elder County, Utah. Other consulting parties consist of the Utah SHPO, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service, National Park Service, and the U.S. Environmental Protection Agency. The NRCS is the lead federal agency, and pursuant to 36 CFR 8002, has entered into an MOU with the Corps to clearly define lead agency roles and responsibilities.

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Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Lee Juan Tyler](#); [Carolyn Smith](#)
Subject: NRCS Lower Bear Watershed Plan-EIS Section 106 Consultation
Date: Friday, May 16, 2025 11:20:00 AM
Attachments: LowerBear106Ltr_Smith.pdf
LowerBear106Ltr_Tyler.pdf
U24ST1056.pdf
image001.png

Chairman Tyler and Ms. Smith,

Attached is the initiation of formal Section 106 consultation for the NRCS' proposed Lower Bear Watershed Plan and Environmental Impact Statement. The undertaking has three objectives: agricultural water management, flood prevention, and watershed protection in Box Elder County, Utah. Other consulting parties consist of the Utah SHPO, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service, National Park Service, and the U.S. Environmental Protection Agency. The NRCS is the lead federal agency, and pursuant to 36 CFR 8002, has entered into an MOU with the Corps to clearly define lead agency roles and responsibilities.

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Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Dennis Alex](#); [Brad Parry](#); [Patti Timbimboo-Madsen](#)
Subject: NRCS Lower Bear Watershed Plan-EIS Section 106 Consultation
Date: Friday, May 16, 2025 11:19:00 AM
Attachments: LowerBear106Ltr_TMadsen.pdf
LowerBear106Ltr_Alex.pdf
LowerBear106Ltr_Parry.pdf
U24ST1056.pdf
image001.png

Chairman Alex, Vice Chair Parry, and Ms. Timbimboo-Madsen,

Attached is the initiation of formal Section 106 consultation for the NRCS' proposed Lower Bear Watershed Plan and Environmental Impact Statement. The undertaking has three objectives: agricultural water management, flood prevention, and watershed protection in Box Elder County, Utah. Other consulting parties consist of the Utah SHPO, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service, National Park Service, and the U.S. Environmental Protection Agency. The NRCS is the lead federal agency, and pursuant to 36 CFR 8002, has entered into an MOU with the Corps to clearly define lead agency roles and responsibilities.

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From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Joshua Mann](#); [Wayland Large](#)
Subject: NRCS Lower Bear River Watershed Plan-EIS Section 106 Consultation
Date: Friday, May 16, 2025 11:17:00 AM
Attachments: LowerBear106Ltr_Mann.pdf
LowerBear106Ltr_Large.pdf
U24ST1056.pdf
image001.png

Dear Chairman Large and Mr. Mann,

Attached is the initiation of formal Section 106 consultation for the NRCS' proposed Lower Bear Watershed Plan and Environmental Impact Statement. The undertaking has three objectives: agricultural water management, flood prevention, and watershed protection in Box Elder County, Utah. Other consulting parties consist of the Utah SHPO, U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service, National Park Service, and the U.S. Environmental Protection Agency. The NRCS is the lead federal agency, and pursuant to 36 CFR 8002, has entered into an MOU with the Corps to clearly define lead agency roles and responsibilities.

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Tara S. Hoffmann

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From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Amos Murphy](#); [Clell Pete](#)
Subject: NRCS Lower Bear Watershed Plan-EIS Section 106 Consultation
Date: Friday, May 16, 2025 11:14:00 AM
Attachments: LowerBear106LTr_Murphy.pdf
LowerBear106Ltr_Pete.pdf
U24ST1056.pdf
image001.png

Chairman Murphy and Mr. Pete,

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Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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125 South State Street, Room 6416
Salt Lake City, Utah 84138
Phone: 801-524-4550

Chairman Amos Murphy
Confederated Tribes of the Goshute Reservation
195 Tribal Center Road
HC61 Box 6104
Ibapah, Utah 84034

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Chairman Amos Murphy,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) level. The reconnaissance

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 Phone: 801-524-4550

survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of private land) of the APE was excluded and could not be surveyed at either an intensive or a reconnaissance level. Some areas could not be surveyed because they were on private property or in areas where access was prevented by locked gates. Other areas could not be surveyed because the ground surface had been obscured by dense vegetation, flooding, or modern development activities. Fieldwork was managed by SWCA Principal Suzanne Eskenazi, M.A., RPA, who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
42BO822	Update	Historic	Union Pacific Railroad	Eligible, A, contributing	Private
42BO1182	Full rerecord	Historic	West Main Canal	Eligible, A, C, contributing	Private
42BO1185	New segment	Historic	East Main Canal/ Corinne Canal	Eligible, A, C, contributing	Private
42BO1507	Full rerecord	Historic	Hammond Main Canal	Eligible, A, C, contributing	Private
42BO1775	Update	Historic	Bear River National Wildlife Refuge Headquarters	Not eligible	FWS Refuge
42BO2059	Update, destroyed	Historic	Highline Canal	Not eligible	Private
42BO2989	New	Historic	Highland Ditch	Not eligible	Private
42BO2990	New	Historic	Willow Ditch	Eligible, A, contributing	Private
42BO2991	New	Historic	Central Canal	Not eligible	Private
42BO2992	New	Historic	Transmission line	Not eligible	Private
42BO2993	New	Historic	Artifact scatter	Not eligible	Private
42BO2997	New	Historic	Bear River Club Dike	Eligible, A, B, C, contributing	FWS Refuge
42BO2998	New	Historic	Unnamed levee	Eligible, A, B, C, contributing	FWS Refuge
42BO2999	New	Historic	Old River Channel Canal	Eligible, A, B, C, contributing	FWS Refuge

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Finding of Effect (36 CFR 800.5)

Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCS findings of effect.

Table 2. Historic properties and findings of effect.

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
42BO822	Union Pacific Railroad	Eligible (A)	BRCC Red Flume	Bore underneath	No adverse effect
42BO1182	West Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO1185	East Main Canal/ Corinne Canal	Eligible (A, C)	BRCC Red Flume, Central Canal Company, Highland Ditch, and Tremonton PI	Potentially line and/or pipe; replace aqueduct(?)	<i>Adverse effect</i>
42BO1507	Hammond Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2990	Willow Ditch	Eligible (A)	Bear River City	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2997	Bear River Club Dike	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2998	Unnamed levee	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2999	Old River Channel Canal	Eligible (A, B, C)	Bear River Duck Club	None	No adverse effect

Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR

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800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site eligibility, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Connor Benfield, NRCS, Watershed Planner, Salt Lake City, Utah
Tara Hoffmann, Water and Cultural Resources Specialist, NRCS, Salt Lake City, Utah
Ammon Boswell, NRCS, Assistant State Conservationist for Field Operations, Ogden, Utah
Jeff Schick, NRCS, District Conservationist, Tremonton, Utah
Suzanne Acton, JUB Engineers, Environmental Service Group Technical Lead, Clarkston, Washington
Jamie Vandagriff, JUB Engineers, Archaeologist, Dallas, Texas
Suzanne Eskenazi, SWCA, Principal, Salt Lake City, Utah



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Mr. Clell Pete
Confederated Tribes of the Goshute Reservation
195 Tribal Center Road
HC61 Box 6104
Ibapah, Utah 84034

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Mr. Clell Pete,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) level. The reconnaissance

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survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of private land) of the APE was excluded and could not be surveyed at either an intensive or a reconnaissance level. Some areas could not be surveyed because they were on private property or in areas where access was prevented by locked gates. Other areas could not be surveyed because the ground surface had been obscured by dense vegetation, flooding, or modern development activities. Fieldwork was managed by SWCA Principal Suzanne Eskenazi, M.A., RPA, who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
42BO822	Update	Historic	Union Pacific Railroad	Eligible, A, contributing	Private
42BO1182	Full rerecord	Historic	West Main Canal	Eligible, A, C, contributing	Private
42BO1185	New segment	Historic	East Main Canal/ Corinne Canal	Eligible, A, C, contributing	Private
42BO1507	Full rerecord	Historic	Hammond Main Canal	Eligible, A, C, contributing	Private
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42BO2059	Update, destroyed	Historic	Highline Canal	Not eligible	Private
42BO2989	New	Historic	Highland Ditch	Not eligible	Private
42BO2990	New	Historic	Willow Ditch	Eligible, A, contributing	Private
42BO2991	New	Historic	Central Canal	Not eligible	Private
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42BO2997	New	Historic	Bear River Club Dike	Eligible, A, B, C, contributing	FWS Refuge
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Finding of Effect (36 CFR 800.5)

Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCS findings of effect.

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Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an ***Adverse Effect*** to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR

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800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site eligibility, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Connor Benfield, NRCS, Watershed Planner, Salt Lake City, Utah
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Suzanne Eskenazi, SWCA, Principal, Salt Lake City, Utah



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Chairman Wayland Large
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
P.O. Box 538
Fort Washakie, Wyoming 82514

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Chairman Wayland Large,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

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private land) of the APE was excluded and could not be surveyed at either an intensive or a reconnaissance level. Some areas could not be surveyed because they were on private property or in areas where access was prevented by locked gates. Other areas could not be surveyed because the ground surface had been obscured by dense vegetation, flooding, or modern development activities. Fieldwork was managed by SWCA Principal Suzanne Eskenazi, M.A., RPA, who meets the Secretary of the Interior’s Professional Qualifications Standards in archaeology.

In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
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Finding of Effect (36 CFR 800.5)

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Table 2. Historic properties and findings of effect.

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As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR 800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site



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eligibility, and finding of effect If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
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Mr. Joshua Mann
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
P.O. Box 538
Fort Washakie, Wyoming 82514

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Mr. Joshua Mann,

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42BO2997	New	Historic	Bear River Club Dike	Eligible, A, B, C, contributing	FWS Refuge
42BO2998	New	Historic	Unnamed levee	Eligible, A, B, C, contributing	FWS Refuge
42BO2999	New	Historic	Old River Channel Canal	Eligible, A, B, C, contributing	FWS Refuge

Finding of Effect (36 CFR 800.5)

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Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCS findings of effect.

Table 2. Historic properties and findings of effect.

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
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42BO1182	West Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO1185	East Main Canal/ Corinne Canal	Eligible (A, C)	BRCC Red Flume, Central Canal Company, Highland Ditch, and Tremonton PI	Potentially line and/or pipe; replace aqueduct(?)	<i>Adverse effect</i>
42BO1507	Hammond Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2990	Willow Ditch	Eligible (A)	Bear River City	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2997	Bear River Club Dike	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2998	Unnamed levee	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2999	Old River Channel Canal	Eligible (A, B, C)	Bear River Duck Club	None	No adverse effect

Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR 800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site



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eligibility, and finding of effect If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
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Chairman Dennis Alex
Northwest Band of the Shoshone Nation
2575 Commerce Way
Ogden, Utah 84401

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Chairman Dennis Alex,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) level. The reconnaissance survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of

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In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
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Finding of Effect (36 CFR 800.5)

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As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR 800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site



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Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
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Vice Chairman Brad Parry
Northwest Band of the Shoshone Nation
2575 Commerce Way
Ogden, Utah 84401

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Vice Chairman Brad Parry,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

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Area of Potential Effects (APE) (36 CFR 800.4)

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Finding of Effect (36 CFR 800.5)

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

May 16, 2025

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42BO2997	New	Historic	Bear River Club Dike	Eligible, A, B, C, contributing	FWS Refuge
42BO2998	New	Historic	Unnamed levee	Eligible, A, B, C, contributing	FWS Refuge
42BO2999	New	Historic	Old River Channel Canal	Eligible, A, B, C, contributing	FWS Refuge

Finding of Effect (36 CFR 800.5)

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Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCS findings of effect.

Table 2. Historic properties and findings of effect.

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
42BO822	Union Pacific Railroad	Eligible (A)	BRCC Red Flume	Bore underneath	No adverse effect
42BO1182	West Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO1185	East Main Canal/ Corinne Canal	Eligible (A, C)	BRCC Red Flume, Central Canal Company, Highland Ditch, and Tremonton PI	Potentially line and/or pipe; replace aqueduct(?)	<i>Adverse effect</i>
42BO1507	Hammond Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2990	Willow Ditch	Eligible (A)	Bear River City	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2997	Bear River Club Dike	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2998	Unnamed levee	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2999	Old River Channel Canal	Eligible (A, B, C)	Bear River Duck Club	None	No adverse effect

Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR 800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site



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eligibility, and finding of effect If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Connor Benfield, NRCS, Watershed Planner, Salt Lake City, Utah
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Chairman Lee Juan Tyler
Shoshone-Bannock Tribes of the Fort Hall Reservation
P.O. Box 306
Fort Hall, Idaho 83203

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Chairman Lee Juan Tyler,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) level. The reconnaissance survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of

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private land) of the APE was excluded and could not be surveyed at either an intensive or a reconnaissance level. Some areas could not be surveyed because they were on private property or in areas where access was prevented by locked gates. Other areas could not be surveyed because the ground surface had been obscured by dense vegetation, flooding, or modern development activities. Fieldwork was managed by SWCA Principal Suzanne Eskenazi, M.A., RPA, who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
42BO822	Update	Historic	Union Pacific Railroad	Eligible, A, contributing	Private
42BO1182	Full rerecord	Historic	West Main Canal	Eligible, A, C, contributing	Private
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Finding of Effect (36 CFR 800.5)

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Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR 800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site



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eligibility, and finding of effect If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
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Ms. Carolyn Smith
Shoshone-Bannock Tribes of the Fort Hall Reservation
P.O. Box 306
Fort Hall, Idaho 83203

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Ms. Carolyn Smith,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

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Finding of Effect (36 CFR 800.5)

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Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

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cc: (w/o encl)

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Vice Chairman Kyle Craig
Skull Valley Band of Goshute Indians
P.O. Box 448
Grantsville, Utah 84029

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Vice Chairman Kyle Craig,

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42BO2998	New	Historic	Unnamed levee	Eligible, A, B, C, contributing	FWS Refuge
42BO2999	New	Historic	Old River Channel Canal	Eligible, A, B, C, contributing	FWS Refuge

Finding of Effect (36 CFR 800.5)

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Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCS findings of effect.

Table 2. Historic properties and findings of effect.

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
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42BO1507	Hammond Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2990	Willow Ditch	Eligible (A)	Bear River City	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2997	Bear River Club Dike	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2998	Unnamed levee	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2999	Old River Channel Canal	Eligible (A, B, C)	Bear River Duck Club	None	No adverse effect

Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR 800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site



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eligibility, and finding of effect If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Connor Benfield, NRCS, Watershed Planner, Salt Lake City, Utah
Tara Hoffmann, Water and Cultural Resources Specialist, NRCS, Salt Lake City, Utah
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Suzanne Eskenazi, SWCA, Principal, Salt Lake City, Utah



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

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Chairman Julius Murray,

The United States Department of Agriculture's Natural Resources Conservation Service (NRCS) is continuing Section 106 consultation for the proposed Lower Bear River Watershed Plan Environmental Impact Statement (EIS), in Box Elder County, Utah (36 CFR 800.3). Included in this submission are a cultural resources report titled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, and accompanying data. The NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. The NRCS is the designated lead federal agency for the purposes of Section 106 consultation (36 CFR 800.2). In addition to federally recognized tribes, other consulting parties consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and the U.S. Environmental Protection Agency (EPA).

Per Section V.c.1 of our State-Based Prototype Programmatic Agreement, we are providing the Area of Potential Effects (APE), identification of historic properties, and finding of effect in a single transmittal. The enclosed materials meet documentation standards in 36 CFR 800.11. To formalize lead federal agency roles and responsibilities, the NRCS and Corps have entered a Memorandum of Understanding.

Area of Potential Effects (APE) (36 CFR 800.4)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

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To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) level. The reconnaissance survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of

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In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
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Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
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Ms. Betsy Chapoose
Ute Indian Tribe of the Uintah & Ouray Reservation
P.O. Box 190
Fort Duchesne, Utah 84026

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Ms. Betsy Chapoose,

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Sincerely,

A handwritten signature in black ink that reads "Emily Fife".

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
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Suzanne Acton, JUB Engineers, Environmental Service Group Technical Lead, Clarkston, Washington
Jamie Vandagriff, JUB Engineers, Archaeologist, Dallas, Texas
Suzanne Eskenazi, SWCA, Principal, Salt Lake City, Utah

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: ["Amos Murphy"](#); ["Betsy Chapoose"](#); ["Brad Parry"](#); ["Carolyn Smith"](#); ["Clell Pete"](#); ["Dennis Alex"](#); jmann@easternshoshone.org; ["Julius Murray"](#); ["Kyle Craig"](#); ["Lee Juan Tyler"](#); ["Luana Thompson"](#); ["Patti Timbimboo-Madsen"](#); ["Wayland Large"](#)
Subject: Section 106 Consultation Follow-up: NRCS Lower Bear Watershed Plan-EIS, Box Elder County, Utah
Date: Monday, June 16, 2025 2:48:00 PM
Attachments: U24ST1056.pdf
LowerBear_MOA_June2025.docx
LowerBear_SHPOConcur_20250523.pdf
image001.png
Bear_TribalLtrs_20250516.pdf
e106_LowerBearWatershed_NRCSUtah_20250527.pdf
LowerBear_ACHPResponse20250610.pdf

Tribal Leaders,

NRCS Utah is following up regarding Section 106 consultation for the proposed Lower Bear Watershed Plan EA. As lead federal agency, we initiated consultation in an email dated May 16, 2025, asking for concurrence on the delineation of the APE, identification of historic properties, and a finding of **Adverse Effect**. With the 30-day consultation period closing on June 14, 2025, we are reaching out to see if there are any comments, questions, or concerns with the proposed undertaking. Please refer to the attached letters and cultural resources report for details. Briefly, eight eligible historic-era sites were identified by the cultural resources inventory, and the NRCS has determined that there will be adverse effects to four eligible canals/ditches due to the conversion from open channel to pipe or concrete lining. We have notified the Advisory Council on Historic Preservation, and they have declined to participate in consultation (attached). We are currently drafting an MOA to mitigate these adverse effects and invite your participation.

Please let us know if you concur with the NRCS findings, and if you would like to participate in the development of the MOA (draft attached). Responses are **due by June 25, 2025**. NRCS will also follow-up via phone. We have attached SHPO concurrence for your reference.

Many thanks,
Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

State Historic Preservation Office (SHPO) Correspondence

SHPO Request for Concurrence

Dr. Christopher Merritt
State Historic Preservation Officer
Department of Cultural and Community Engagement
3760 Highland Drive
Millcreek, Utah 84106

May 16, 2025

Reference: Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah (U24ST1056)

Dear Dr. Merritt:

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Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) level. The reconnaissance

survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of private land) of the APE was excluded and could not be surveyed at either an intensive or a reconnaissance level. Some areas could not be surveyed because they were on private property or in areas where access was prevented by locked gates. Other areas could not be surveyed because the ground surface had been obscured by dense vegetation, flooding, or modern development activities. Fieldwork was managed by SWCA Principal Suzanne Eskenazi, M.A., RPA, who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Recorded Cultural Sites.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Eligibility Determination (Criterion/a)	Land Status
42BO822	Update	Historic	Union Pacific Railroad	Eligible, A, contributing	Private
42BO1182	Full rerecord	Historic	West Main Canal	Eligible, A, C, contributing	Private
42BO1185	New segment	Historic	East Main Canal/ Corinne Canal	Eligible, A, C, contributing	Private
42BO1507	Full rerecord	Historic	Hammond Main Canal	Eligible, A, C, contributing	Private
42BO1775	Update	Historic	Bear River National Wildlife Refuge Headquarters	Not eligible	FWS Refuge
42BO2059	Update, destroyed	Historic	Highline Canal	Not eligible	Private
42BO2989	New	Historic	Highland Ditch	Not eligible	Private
42BO2990	New	Historic	Willow Ditch	Eligible, A, contributing	Private
42BO2991	New	Historic	Central Canal	Not eligible	Private
42BO2992	New	Historic	Transmission line	Not eligible	Private
42BO2993	New	Historic	Artifact scatter	Not eligible	Private
42BO2997	New	Historic	Bear River Club Dike	Eligible, A, B, C, contributing	FWS Refuge
42BO2998	New	Historic	Unnamed levee	Eligible, A, B, C, contributing	FWS Refuge
42BO2999	New	Historic	Old River Channel Canal	Eligible, A, B, C, contributing	FWS Refuge

Finding of Effect (36 CFR 800.5)

Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCS findings of effect.

Table 2. Historic properties and findings of effect.

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
42BO822	Union Pacific Railroad	Eligible (A)	BRCC Red Flume	Bore underneath	No adverse effect
42BO1182	West Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO1185	East Main Canal/ Corinne Canal	Eligible (A, C)	BRCC Red Flume, Central Canal Company, Highland Ditch, and Tremonton PI	Potentially line and/or pipe; replace aqueduct(?)	<i>Adverse effect</i>
42BO1507	Hammond Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2990	Willow Ditch	Eligible (A)	Bear River City	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2997	Bear River Club Dike	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2998	Unnamed levee	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2999	Old River Channel Canal	Eligible (A, B, C)	Bear River Duck Club	None	No adverse effect

Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

As such, the NRCS has determined that the proposed undertaking will result in an *Adverse Effect* to historic properties. To resolve the adverse effects, per 36 CFR 800.6, the NRCS will continue consultation with your office, the Sponsors, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. The NRCS will also notify the Advisory Council on Historic Preservation of the adverse effect finding by providing documentation specified in 36 CFR

800.11(e). Per 36 CFR 800.3-800.5, the NRCS requests concurrence for the delineation of the APE, site eligibility, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

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

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, ASTC-Water Resources, NRCS, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Connor Benfield, NRCS, Watershed Planner, Salt Lake City, Utah
Tara Hoffmann, Water and Cultural Resources Specialist, NRCS, Salt Lake City, Utah
Ammon Boswell, NRCS, Assistant State Conservationist for Field Operations, Ogden, Utah
Jeff Schick, NRCS, District Conservationist, Tremonton, Utah
Suzanne Acton, JUB Engineers, Environmental Service Group Technical Lead, Clarkston, Washington
Jamie Vandagriff, JUB Engineers, Archaeologist, Dallas, Texas
Suzanne Eskenazi, SWCA, Principal, Salt Lake City, Utah

SHPO Concurrence

May 23, 2025

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

RE: Lower Bear River Watershed Plan-EIS, Box Elder Co., Utah

For future correspondence, please reference Case No. 25-0980

Dear Emily Fife,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on May 16, 2025.

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) 535-2502 or by email at rmcgrath@utah.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ryan P McGrath". The signature is written in a cursive, slightly slanted style.

Ryan McGrath
Compliance Archaeologist

SHPO Review Stipulations of MOA

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Christopher Merritt](#)
Subject: RE: proposed mitigations for canals
Date: Thursday, June 5, 2025 3:31:00 PM
Attachments: image001.png
image002.png

Thanks Chris!

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist

NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Christopher Merritt <cmerritt@utah.gov>
Sent: Thursday, June 5, 2025 3:29 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Subject: Re: proposed mitigations for canals

Hey Tara,

This looks absolutely appropriate mitigation! Go forth and pipe v. conquer I suppose! MOA should be simple

On Thu, Jun 5, 2025 at 11:57 AM Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov> wrote:

Hi Chris,

We are working on getting signed onto the BOR PA, but until then, I'm drafting yet another MOA to mitigate adverse effects to four historic ditches (they will be piped or lined) in Box Elder County. This would occur as a result of the proposed Lower Bear Watershed Plan-EIS.

The ditches are eligible under Criteria A and C, and one ditch, Site 42BO1185 also has this aqueduct:



We are proposing the following mitigation stipulations:

1. Aerial video flyovers and additional photographs at contributing features to fully document Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990; and
2. Site 42BO1185 Feature-01 (aqueduct): Informal HAER documentation to include select existing drawings (where available), detailed photographs, and NPS short form for historical report; and
3. Creation of a Story Map of the ditches to be made available to the public online; and
4. Historic context of Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990, as applicable given available data; and
5. Post-construction updated Utah Archaeology Site Forms for each site, with revised eligibility, to be submitted to SHPO upon review and approval by NRCS.

Thoughts?

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

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Christopher W. Merritt, Ph.D., RPA
State Historic Preservation Officer
Utah Department of Cultural & Community Engagement
Phone: (801) 245-7263
Email: cmerritt@utah.gov



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Cooperating Agencies and Other Consulting Parties Correspondence

Cooperating Agencies and Other Consulting Parties Coordination

From: Hoffmann, Tara - FPAC-NRCS, UT

Sent: Monday, March 31, 2025 3:48 PM

To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>

Cc: Hollis.G.Jencks@usace.army.mil

Subject: NRCS Record of Section 106 Initiation for Lower Bear Watershed Plan-EIS

Zac, Jason, and Melissa,

The Utah NRCS, with the Bear River Water Conservancy District as the project Sponsor, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed Protection and Flood Prevention Program (Public Law 83-566). The work measures are being proposed to address agricultural water management and protect the watershed in Tremonton, Bear River City, and portions of unincorporated Box Elder County (including a very small portion within the USFWS Bear River Migratory Bird Refuge). The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

For the purposes of Section 106 consultation under 36 CFR 800.2(a)(2), the NRCS is serving as the lead federal agency. The U.S. Army Corps of Engineers (Corps) (SPK-2024-00064), U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation (Reclamation), and the U.S. Fish and Wildlife Service (USFWS), would be serving as consulting parties. Per Section IV(h) of the attached MOU between NRCS, Reclamation, EPA, and the Corps, as lead agency, the NRCS shall act on behalf of all agencies in fulfilling the NRCS', Corps, and Reclamation's collective responsibilities for compliance with the NHPA. These responsibilities consist of delineation of the APE, identification of historic properties, and finding of effect. The NRCS will compile a consultation list that satisfies all agencies and carry out Section 106 consultations throughout the development of the Plan-EIS. USFWS has concurred via email that the NRCS will serve as lead agency. Can the EPA provide confirmation that the NRCS shall serve as lead agency and shall act on behalf of the EPA in fulfilling EPA's responsibility for compliance with the NHPA?

In compliance with the MOU, NRCS is informing all agencies of Section 106 consultation conducted to-date. I have attached Section 106 consultation initiation letters sent in June 2024. No responses were received. A cultural resources survey of the APE was completed by SWCA last fall and earlier this month- I expect to receive the draft cultural report by the end of the week. Please review the attached tribal list and let me know if we should add any tribes for subsequent consultations (the list will be updated with current contacts).

Feel free to reach out with any questions or comments.

Cheers,

Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

125 S State St Rm 6416, Salt Lake City, UT, 84138

p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Nelson, Zachary](#); [jason.a.gipson](#); [EPA-R8-NEPA](#); [jarrod_kellogg@fws.gov](#); [Jarrett, Jordan E](#)
Cc: [Hollis.G.Jencks@usace.army.mil](#)
Bcc: [Boswell, Ammon - FPAC-NRCS, UT](#); [Schick, Jeff - FPAC-NRCS, UT](#)
Subject: NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS
Date: Friday, May 16, 2025 2:00:00 PM
Attachments: image001.png
Lower Bear River MOU Final Signed.pdf
Bear_TribalLtrs_20250516.pdf
NRCS_ConsultationRequest.pdf

All,

Pursuant to Stipulation IV.2.h. of the attached MOU between the NRCS, Reclamation, and Army Corps (SPK-2024-00064), the NRCS as lead federal agency is informing all agencies of the continuation of Section 106 consultation, including the delineation of the APE, identification of historic properties, and finding of effect. Additional consulting parties consist of the U.S. Fish and Wildlife Service (Bear River Migratory Bird Refuge) and National Park Service. Attached are the SHPO and tribal consultation letters which have been electronically transmitted today. The SHPO letter is formal initiation of the Section 106 process, while the tribal letters continue consultation that was initiated in June 2024. Below is a link to the final cultural resources deliverables, including the report, site forms, and GIS data.

 [Lower Bear](#)

Please confirm receipt of this record of consultation and let us know if you have any comments, questions, or concerns. NRCS will keep you informed as we continue Section 106 consultation and develop an MOA to mitigate adverse effects to four historic canals. As consulting parties, we invite you to participate in the development of the MOA either as signatories or concurring parties. You may respond Yes/No/Maybe using the voting buttons included above.

Many thanks,
Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Monday, March 31, 2025 3:48 PM
To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-

R8-NEPA <EPA-R8-NEPA@epa.gov>

Cc: Hollis.G.Jencks@usace.army.mil

Subject: NRCS Record of Section 106 Initiation for Lower Bear Watershed Plan-EIS

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For the purposes of Section 106 consultation under 36 CFR 800.2(a)(2), the NRCS is serving as the lead federal agency. The U.S. Army Corps of Engineers (Corps) (SPK-2024-00064), U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation (Reclamation), and the U.S. Fish and Wildlife Service (USFWS), would be serving as consulting parties. Per Section IV(h) of the attached MOU between NRCS, Reclamation, EPA, and the Corps, as lead agency, the NRCS shall act on behalf of all agencies in fulfilling the NRCS', Corps, and Reclamation's collective responsibilities for compliance with the NHPA. These responsibilities consist of delineation of the APE, identification of historic properties, and finding of effect. The NRCS will compile a consultation list that satisfies all agencies and carry out Section 106 consultations throughout the development of the Plan-EIS. USFWS has concurred via email that the NRCS will serve as lead agency. Can the EPA provide confirmation that the NRCS shall serve as lead agency and shall act on behalf of the EPA in fulfilling EPA's responsibility for compliance with the NHPA?

In compliance with the MOU, NRCS is informing all agencies of Section 106 consultation conducted to-date. I have attached Section 106 consultation initiation letters sent in June 2024. No responses were received. A cultural resources survey of the APE was completed by SWCA last fall and earlier this month- I expect to receive the draft cultural report by the end of the week. Please review the attached tribal list and let me know if we should add any tribes for subsequent consultations (the list will be updated with current contacts).

Feel free to reach out with any questions or comments.

Cheers,

Tara

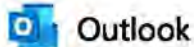
Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

National Park Service (NPS) Coordination



Re: [EXTERNAL] Project crossing California National Trail corridor- Section 106

From Jarrett, Jordan E <jordan_jarrett@nps.gov>
Date Mon 2025-03-03 3:12 PM
To Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc Suzanne Acton <sacton@jub.com>

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

Hi Tara,

I will be glad to review and provide guidance to NRCS. I am actually able to do this in a participating agency capacity without status if that works for you on your end. Cooperating agency status would need to go through the Regional Director and will limit our ability to provide comment and input into the project. If you are comfortable with my participating and providing comment on analyses regarding project-related impact to NHT resources, we can work directly with each other outside of a formal agreement and with more ease as far as timelines and turnaround. This allows our office to provide subject matter expertise and guidance while acknowledging that we are not the manager or owner of the resources nor the lead agency, nor are we a regulatory agency.

Feel free to share any project data and analyses you currently have and to include me on any contact lists you might have for recurring meetings if you would like for me to be present!

All the best,
Jordan

Jordan Jarrett, M.A., RPA
Trails Resources Specialist
National Trails Office, NPS
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 470-0426

Working with you to protect and promote National Historic Trails.
<http://www.nps.gov/ntir/>



From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Monday, March 3, 2025 3:00 PM
To: Jensen, Jill L <Jill_Jensen@nps.gov>; Jarrett, Jordan E <jordan_jarrett@nps.gov>
Cc: Malone, Patrick <Patrick_Malone@nps.gov>; Suzanne Acton <sacton@jub.com>; Sweeten, Robert L <rsweeten@blm.gov>
Subject: RE: [EXTERNAL] Project crossing California National Trail corridor- Section 106

Thanks all! Jordan, please let me know what you'll need from the NRCS regarding evaluating effects under the NHTSA and NHPA, and if you would like to meet via Teams to discuss further. Since this trail is administered by the NPS, would the NPS tentatively want to be a cooperating agency under NEPA for the EIS? I will have our office send a formal cooperating agency request letter. Who would be best to address that letter to?

I am also looping in Suzanne Acton with JUB Engineers, she is assisting in writing the EIS.

Cheers,
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Jensen, Jill L <Jill_Jensen@nps.gov>
Sent: Monday, March 3, 2025 2:07 PM
To: Sweeten, Robert L <rsweeten@blm.gov>; Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Malone, Patrick <Patrick_Malone@nps.gov>; Jarrett, Jordan E <jordan_jarrett@nps.gov>
Subject: Re: [EXTERNAL] Project crossing California National Trail corridor- Section 106

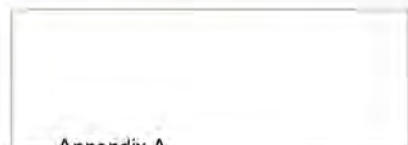
Hey all,

Looping in Jordan Jarrett has she handles our technical assistance as it pertains to compliance issues.

Jill Jensen
Lead Planner
National Park Service
National Trails
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 819-9298 cell (preferred)
(505) 988-6062 office

Working with you to protect, develop, and promote national historic trails.

<http://www.nps.gov/ntir/>



<http://findyourpark.com/>

From: Sweeten, Robert L <rsweeten@blm.gov>
Sent: Monday, March 3, 2025 2:05 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Jensen, Jill L <Jill_Jensen@nps.gov>; Malone, Patrick <Patrick_Malone@nps.gov>
Subject: Re: [EXTERNAL] Project crossing California National Trail corridor- Section 106

Tara,

Thanks for reaching out! The California NHT is administered by the NPS, so I recommend consulting Jill Jensen (CC'd). The Old Spanish NHT, however, is co-administered by BLM and NPS, making it a different matter.

Regarding the California NHT, this should be evaluated through the National Trails System Act (NTSA), considering not just on-the-ground sites but also the historic setting, recreation, scenery, natural resources, and significant events contributing to its Congressional designation. On BLM land, we follow a process for site-specific inventory, while NPS can determine if a site or route segment has high potential and define the corridor in question.

Also, the NTSA benchmark differs from NHPA—projects must avoid interfering with the trail's nature and purpose. That said, my initial thought is that filling post-period canals may enhance the historic setting over time (but don't quote me on that yet!).

I'll review your document and look forward to making this process smooth and efficient while addressing key issues. Feel free to reach out with any questions.

Rob Sweeten
Old Spanish Trail Administrator/Utah Historic Trails Lead
BLM Utah State Office
440 West 200 South Suite 500
Salt Lake City, Utah 84101-1345
801-539-4075 Office
801-558-7645 Cell

From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Monday, March 3, 2025 1:35 PM
To: Sweeten, Robert L <rsweeten@blm.gov>
Subject: [EXTERNAL] Project crossing California National Trail corridor- Section 106

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

Good Afternoon Rob,

The ^{USDA NRCS} Natural Resources Conservation Service, in partnership with the ^{Lower Bear River Watershed Project} Bear River Water Conservancy District, is proposing improvements within the Lower Bear River watershed in northern Utah. As part of the analysis, a Watershed Plan and Environmental Impact Statement is being prepared by JUB Engineers. As part of the NEPA analysis and in compliance with Section 106 of the NHPA, a cultural resources survey of the APE has been completed, and I am currently reviewing the draft cultural report. The project area does cross the corridor of the Salt Lake Cut-Off of the California National Historic Trail, though no evidence is on the ground. I have attached the draft cultural report, survey shapefiles, and vicinity map showing project components.

As part of the proposed watershed plan, several historic canals would be converted from open ditch to pipe. This would essentially return the area to a similar condition as to when the trail passed through the area. To ensure we do our due diligence in terms of identifying historic properties and assessing potential effects, how best should we go about looking at potential effects to the trail corridor? I also believe that the NPS jointly administers this trail. Do you have a POC at NPS that I could contact?

Any assistance is much appreciated.

Thank you!
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

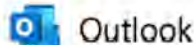
Natural Resources Conservation Service

125 S State St Rm 6416, Salt Lake City, UT, 84138

p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

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Outlook

Re: [EXTERNAL] Lower Bear EIS project - CALI alignment

From Jarrett, Jordan E <jordan_jarrett@nps.gov>**Date** Thu 2025-03-27 9:19 AM**To** Kira Coff <kcoff@jub.com>**Cc** Suzanne Acton <sacton@jub.com>**External Email - This Message originated from outside J-U-B ENGINEERS, Inc.**

Hi Kira,

I'm not familiar with that database so I don't have any insights or suggestions for that one. I can ask the BLM visual resources lead on a call that we have today in case she has any thoughts or in case there are BLM VRM polygons available to the public (I'm really not sure if they would apply outside of the field offices if there are, but I'll ask).

Our office is also the trail administrator rather than managing any portion of it, so I don't have any BMPs that I can provide, but I'm hoping that some of the info you might be looking for will exist in other examples of EISs and EAs for undertakings along the trail. If there are any land managing agencies along the length of the trail within your project area, that might be a better resource for you. The only input we would have would be within the Comprehensive Management Plan that I sent along to Suzanne earlier this week but I doubt it is going to be project specific.

Best,
Jordan

Jordan Jarrett, M.A., RPA
Trails Resources Specialist
National Trails Office, NPS
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 470-0426

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From: Kira Coff <kcoff@jub.com>**Sent:** Thursday, March 27, 2025 9:48 AM**To:** Jarrett, Jordan E <jordan_jarrett@nps.gov>**Cc:** Suzanne Acton <sacton@jub.com>**Subject:** [EXTERNAL] Lower Bear EIS project - CALI alignment

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Jordan,

I am working with Suzanne and Tara on the Lower Bear River watershed EIS project incorporating the California NHT and Hampton Ford Bear River Crossing data into the EIS language. I requested access the Enjoy the View online VRI database but haven't been able to gain access yet. I was wondering if you have access to that site and could tell me what the VRI classification for the Hampton Ford Bear River crossing site is? I was also curious if any other portions of the Cali alignment near our project area had classifications that we should mention in the EIS that you could provide?

Also, I know our impacts will be temporary since we aren't actually touching the sites but are there any BMPs or mitigation measures we should incorporate into our language for temporary impacts?

Thank you,
Kira

Kira Coff
Environmental Specialist

J-U-B ENGINEERS, Inc.

392 E Winchester St., Ste. 300, Salt Lake City, UT 84107


e kcoff@jub.com w www.jub.com

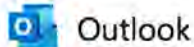
p 801 886 9052 c 801 608 6206

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RE: [EXTERNAL] NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS

From Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Date Tue 2025-05-27 8:54 AM
To Jarrett, Jordan E <jordan_jarrett@nps.gov>
Cc Suzanne Acton <sacton@jub.com>

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Thanks Jordan! It was great getting to learn more about historic trails and assessing impacts. Wonderful to work with you.

Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Jarrett, Jordan E <jordan_jarrett@nps.gov>
Sent: Wednesday, May 21, 2025 8:16 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Suzanne Acton <sacton@jub.com>
Subject: Re: [EXTERNAL] NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS

Hi Tara,

I've reviewed the documents provided by you and Suzanne and have no edits. Thank you for taking trails resources into consideration in your analyses. Please reach out should you encounter any questions as you wrap up the EIS.

Stay well,
Jordan

Jordan Jarrett, M.A., RPA
Trails Resources Specialist
National Trails Office, NPS
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 470-0426

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**FIND YOUR
PARK**



From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Friday, May 16, 2025 2:00 PM
To: Nelson, Zachary N <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>; Kellogg, Jarrod X <jarrod_kellogg@fws.gov>; Jarrett, Jordan E <jordan_jarrett@nps.gov>
Cc: Hollis.G.Jencks@usace.army.mil <Hollis.G.Jencks@usace.army.mil>
Subject: [EXTERNAL] NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS

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All,

Pursuant to Stipulation IV.2.h. of the attached MOU between the NRCS, Reclamation, and Army Corps (SPK-2024-00064), the NRCS as lead federal agency is informing all agencies of the continuation of Section 106 consultation, including the delineation of the APE, identification of historic properties, and finding of effect. Additional consulting parties consist of the U.S. Fish and Wildlife Service (Bear River Migratory Bird Refuge) and National Park Service. Attached are the SHPO and tribal consultation letters which have been electronically transmitted today. The SHPO letter is formal initiation of the Section 106 process, while the tribal letters continue consultation that was initiated in June 2024. Below is a link to the final cultural resources deliverables, including the report, site forms, and GIS data.

[Lower Bear](#)

Please confirm receipt of this record of consultation and let us know if you have any comments, questions, or concerns. NRCS will keep you informed as we continue Section 106 consultation and develop an MOA to mitigate adverse effects to four historic canals. As consulting parties, we invite you to participate in the development of the MOA either as signatories or concurring parties. You may respond Yes/No/Maybe using the voting buttons included above.

Many thanks,
Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources

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Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Monday, March 31, 2025 3:48 PM
To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>
Cc: Hollis.G.Jencks@usace.army.mil
Subject: NRCS Record of Section 106 Initiation for Lower Bear Watershed Plan-EIS

Zac, Jason, and Melissa,

The Utah NRCS, with the Bear River Water Conservancy District as the project Sponsor, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed Protection and Flood Prevention Program (Public Law 83-566). The work measures are being proposed to address agricultural water management and protect the watershed in Tremonton, Bear River City, and portions of unincorporated Box Elder County (including a very small portion within the USFWS Bear River Migratory Bird Refuge). The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

For the purposes of Section 106 consultation under 36 CFR 800.2(a)(2), the NRCS is serving as the lead federal agency. The U.S. Army Corps of Engineers (Corps) (SPK-2024-00064), U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation (Reclamation), and the U.S. Fish and Wildlife Service (USFWS), would be serving as consulting parties. Per Section IV(h) of the attached MOU between NRCS, Reclamation, EPA, and the Corps, as lead agency, the NRCS shall act on behalf of all agencies in fulfilling the NRCS', Corps, and Reclamation's collective responsibilities for compliance with the NHPA. These responsibilities consist of delineation of the APE, identification of historic properties, and finding of effect. The NRCS will compile a consultation list that satisfies all agencies and carry out Section 106 consultations throughout the development of the Plan-EIS. USFWS has concurred via email that the NRCS will serve as lead agency. Can the EPA provide confirmation that the NRCS shall serve as lead agency and shall act on behalf of the EPA in fulfilling EPA's responsibility for compliance with the NHPA?

In compliance with the MOU, NRCS is informing all agencies of Section 106 consultation conducted to-date. I have attached Section 106 consultation initiation letters sent in June 2024. No responses were received. A cultural resources survey of the APE was completed by SWCA last fall and earlier this month- I expect to receive the draft cultural report by the end of the week. Please review the attached tribal list and let me know if we should add any tribes for subsequent consultations (the list will be updated with current contacts).

Feel free to reach out with any questions or comments.

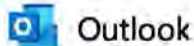
Cheers,
Tara

Tara S. Hoffmann
State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources

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United States Fish and Wildlife Service (USFWS) Coordination



[EXTERNAL] Lower Bear update- FWS Refuge site visit requested

From Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>

Date Tue 2025-04-08 8:45 AM

To Suzanne Acton <sacton@jub.com>; Christopher Slater <cslater@JUB.com>; Andy Neff <aneff@langdongroupinc.com>; Parker Vercimak <parker.v@jonesanddemille.com>; Colton Smith <csmith@jub.com>

Cc Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; Benfield, Connor - FPAC-NRCS, UT <Connor.Benfield@usda.gov>; Stanley, Shawn - FPAC-NRCS, UT <Shawn.Stanley@usda.gov>; Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; robertc.stettler@comcast.net <robertc.stettler@comcast.net>

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All,

The new Bear River Migratory Bird Refuge Manager, Carl Millegan, has requested a site visit to learn more about the proposed actions on Refuge property, adjacent to the Bear River Club, as part of the Plan-EIS. We would also need to determine if FWS will be a formal cooperating agency in preparation of the EIS, and any permitting needs during construction. Another aspect that may affect the timeline is that the FWS archaeologist is unable review the draft cultural resources report until after the site visit. I have shared the Draft Plan-EIS with Carl and maps of the proposed levee improvements.

I am proposing we try to do a site visit this week or next. It would be good to have representatives from the NRCS, JUB, and the Bear River Club. Let me know your availability and we will schedule the site visit and please share this info with anyone else who may need to be present.

Thanks,
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



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p: (801) 524-4556 | c: (385) 258-1266

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Outlook

[EXTERNAL] Lower Bear cultural report comments from FWS

From Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>**Date** Mon 2025-04-21 1:52 PM**To** Rachael Fisher <RFisher@swca.com>**Cc** Suzanne Eskenazi <suzanne.eskenazi@swca.com>; Suzanne Acton <sacton@jub.com>; Jamie Vandagriff <jvandagriff@jub.com>

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Rachael,

Below is a link that includes the comment response table with additional FWS comments at the bottom from Jarrod Kellogg. Jarrod also let me know that FWS had done a landscape report on the entire refuge back in 2020- but it never made it into UDAM or SEGO. There is a site record for the entire refuge in the Appendix- with the dikes in our APE being along Unit 1A, and identified as features in the overall historic landscape. There supposedly was an MOA for removal of some dikes, that was the catalyst for this report, but it is nowhere to be found.

<https://fws-fileshare.box.com/s/9ltsd2930tgi79heni2t1etq74arln7>

Although the dikes are included as features within the overall landscape, SHPO has agreed that they should be recorded as separate sites, with their assigned site numbers. No need to revise any documentation.

Let me know if you have any questions.

Thanks!

Tara

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Suzanne Eskenazi <suzanne.eskenazi@swca.com>**Sent:** Friday, April 11, 2025 3:47 PM**To:** Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>**Subject:** [External Email]Suzanne Eskenazi shared the folder "Lower Bear" with you

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Suzanne Eskenazi shared a folder with you

Hello everyone,

I have placed the final Lower Bear files on onedrive for you to retrieve. Please let us know if you have any comments or concerns!

Suzy

 [Lower Bear](#)

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 Outlook

Re: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

From: Kellogg, Jarrod X <jarrod_kellogg@fws.gov>
 Date: Wed 2025-05-28 4:33 PM
 To: Suzanne Acton <sacton@jub.com>
 Cc: Millegan, Carl <carl_millegan@fws.gov>; Dunphy, Michael <Michael_Dunphy@fws.gov>

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Hi Suzanne, I've finished my review; since we are such a minor component I just went to the relevant sections.

I only have a couple of comments:

-Main EIS Body (Global correction): Unnamed Levee (42BO2998) Old River Channel (42BO2999) as currently mapped/recorded are on the Bear River MBR, not the Bear River Club.
 -Appendix B-23 and 25: Suggest adding a layer to these maps and others as appropriate showing the Refuge boundary.

Thanks,

Jarrold

Jarrold X Kellogg
 Zone Archeologist (MT/UT/WY)
 Mountain Prairie Region
 US Fish and Wildlife Service
 jarrod_kellogg@fws.gov
 (c)307-309-1146

Section 106/NHPA Project Review Form: https://forms.office.com/Pages/ResponsePage.aspx?id=urWT8hhLe02TQfMvQAnUkxDRB16W15Mer_Ct2EjRBUNjU50IEVYxOEM4UjRORExOM1FIS1FWOSQIQCNQ#WcU

Supplemental Section 106 Protocol Review Form: [Cultural Resources Expedited Review Request: Supplemental Protocol](#)

From: Suzanne Acton <sacton@jub.com>
 Sent: Wednesday, May 28, 2025 10:59 AM
 To: Kellogg, Jarrod X <jarrod_kellogg@fws.gov>
 Cc: Millegan, Carl <carl_millegan@fws.gov>; Dunphy, Michael <Michael_Dunphy@fws.gov>
 Subject: Re: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

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Jarrold, Carl, and Mike,
 Please find the Lower Bear River Watershed Plan-EIS and Appendix A. I put both copies of the Plan-EIS (tracked changes V1 and clean V2). Let me know if you have any problems downloading these documents.

Respectfully,

Suzanne Acton

Environmental Services Group Technical Lead
 Environmental Planning/NEPA
 J-U-B ENGINEERS, Inc.
 846 6th Street
 Clarkston, WA 99403
 E sacton@jub.com W www.jub.com
 P 208 702-3471 cell

From: Kellogg, Jarrod X <jarrod_kellogg@fws.gov>
 Sent: Tuesday, May 27, 2025 3:01 PM
 To: Suzanne Acton <sacton@jub.com>
 Cc: Dunphy, Michael <Michael_Dunphy@fws.gov>; Millegan, Carl <carl_millegan@fws.gov>
 Subject: Re: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

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Hi Suzanne, I can't seem to find Appendix A and the body of the EIS; could you please resend?

Also, please send the documents to Carl Millegan and Mike Dunphy, they are Project Leader and Refuge Manager, respectively, at Bear River MBR

Thanks!

Jarrold

Jarrod X Kellogg
USDA-NRCS
Zone Archeologist (MT/UT/WY)
Mountain Prairie Region
US Fish and Wildlife Service
jarrod_kellogg@fws.gov
(c)307-309-1146

Lower Bear River Watershed Project

Section 106/NHPA Project Review Form: https://forms.office.com/Pages/ResponsePage.aspx?id=urWTBhhLe02TQfMvQAapUJKdJRB6l5MgR_Cjt2EjRBUNjU50FEVYyOEM4UjRORExOM1FIS1FWO5QIQCN0PWku

Supplemental Section 106 Protocol Review Form: [Cultural Resources Expedited Review Request: Supplemental Protocol](#)

From: Suzanne Acton <sacton@jub.com>
Sent: Tuesday, May 20, 2025 6:00 PM
To: dmcfarland@boxeldercounty.org <dmcfarland@boxeldercounty.org>; Jarrett, Jordan E <jordan_jarrett@nps.gov>; chadcranney@utah.gov <chadcranney@utah.gov>; tara.hoffmann@usda.gov <tara.hoffmann@usda.gov>; robertc.stettler@comcast.net <robertc.stettler@comcast.net>; trevor@brcanal.com <trevor@brcanal.com>; chanceb@brwcd.com <chanceb@brwcd.com>; jason.a.gipson@usace.army.mil <jason.a.gipson@usace.army.mil>; rigginholmgren@gmail.com <rigginholmgren@gmail.com>; cwholm@yahoo.com <cwholm@yahoo.com>; pfulgham@tremontontcity.com <pfulgham@tremontontcity.com>; nicole.d.fresard@usace.army.mil <nicole.d.fresard@usace.army.mil>; chebert@ducks.org <chebert@ducks.org>; Hollis.G.Jencks@usace.army.mil <Hollis.G.Jencks@usace.army.mil>; Carter, Wyatt J <wcarter@usbr.gov>; Kellogg, Jarrod X <jarrod_kellogg@fws.gov>; gliverson@frontier.com <gliverson@frontier.com>; nicole.steiff@usda.gov <nicole.steiff@usda.gov>; michael.a.pectol@usace.army.mil <michael.a.pectol@usace.army.mil>; anthony.beals@usda.gov <anthony.beals@usda.gov>; derek.hamilton@usda.gov <derek.hamilton@usda.gov>; hubner.matt@epa.gov <hubner.matt@epa.gov>; anders.fillerup@usda.gov <anders.fillerup@usda.gov>; kwals@ducks.org <kwals@ducks.org>; Nelson, Zachary N <znelson@usbr.gov>; randy@brcanal.com <randy@brcanal.com>; EPA-R8-NEPA@epa.gov <EPA-R8-NEPA@epa.gov>; jensen.amanda@epa.gov <jensen.amanda@epa.gov>; anthony.p.jorgensen@gmail.com <anthony.p.jorgensen@gmail.com>; cmackley@tremontontcity.com <cmackley@tremontontcity.com>; connor.benfield@usda.gov <connor.benfield@usda.gov>
Cc: Colton Smith <csmith@jub.com>; Christopher Slater <cslater@JUB.com>; Andy Neff <aneff@langdongroupinc.com>; Parker Achenbach <pachenbach@jub.com>; Jennie Fischer <jfischer@jub.com>
Subject: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

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...been having trouble sending Appendix E...here it is in 3 parts...

Suzanne Acton
Environmental Services Group Technical Lead
Environmental Planning/NEPA
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Clarkston, WA 99403
E sacton@jub.com W www.jub.com
P 208 702-3471 cell

From: Suzanne Acton
Sent: Tuesday, May 20, 2025 12:55 PM
To: Suzanne Acton <sacton@jub.com>; wcarter@usbr.gov; Hollis.G.Jencks@usace.army.mil; nicole.d.fresard@usace.army.mil; anthony.p.jorgensen@gmail.com; cwholm@yahoo.com; hubner.matt@epa.gov; nicole.steiff@usda.gov; connor.benfield@usda.gov; jason.a.gipson@usace.army.mil; michael.a.pectol@usace.army.mil; jensen.amanda@epa.gov; EPA-R8-NEPA@epa.gov; cmackley@tremontontcity.com; anders.fillerup@usda.gov; dmcfarland@boxeldercounty.org; tara.hoffmann@usda.gov; randy@brcanal.com; jarrod_kellogg@fws.gov; chanceb@brwcd.com; chadcranney@utah.gov; znelson@usbr.gov; derek.hamilton@usda.gov; rigginholmgren@gmail.com; robertc.stettler@comcast.net; anthony.beals@usda.gov; gliverson@frontier.com; kwals@ducks.org; pfulgham@tremontontcity.com; jordan_jarrett@nps.gov; chebert@ducks.org; trevor@brcanal.com
Cc: Parker Achenbach <pachenbach@jub.com>; Christopher Slater <cslater@JUB.com>; Jennie Fischer <jfischer@jub.com>; Colton Smith <csmith@jub.com>; Andy Neff <aneff@langdongroupinc.com>
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File(s):
LBRAappendixB_V2.pdf
LBRAappendixC_V2.pdf

Here are Appendices B, and C. I'll send Appendix E in the next email.

Suzanne Acton
Environmental Services Group Technical Lead
Environmental Planning/NEPA
J-U-B ENGINEERS, Inc.
846 6th Street
Clarkston, WA 99403

Appendix A

A-290

March 2026

From: Suzanne Acton <sacton@jub.com>
Sent: Tuesday, May 20, 2025 12:48 PM
To: Carter, Wyatt J <wycarter@usbr.gov>; Hollis G. Jencks <Hollis.G.Jencks@usace.army.mil>; Fresard, Nicole D CIV USARMY CESP (USA <nicole.d.fresard@usace.army.mil>); anthony.p.jorgensen@gmail.com; cwholm@yahoo.com; Hubner, Matt <hubner.matt@epa.gov>; Steiff, Nicole - FPAC-NRCS, UT <nicole.steiff@usda.gov>; Benfield, Connor - FPAC-NRCS, UT <connor.benfield@usda.gov>; Gipson, Jason A CIV USARMY CESP (USA <jason.a.gipson@usace.army.mil>); Pectol, Michael A CIV USARMY CESP (USA <michael.a.pectol@usace.army.mil>); Jensen, Amanda (she/her/hers <jensen.amanda@epa.gov>); EPA-RR-NEPA@epa.gov; cmackley@tremontoncity.com; Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; dmcFarland@howelddercounty.org; Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>; randy@hrcanal.com; jarrod_kellogg@fws.gov; jarrod_kellogg@fws.gov; Chance Baxter <chanceb@brwcd.com>; chadcranney@utah.gov; znelson@usbr.gov; Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>; digginholmgren@gmail.com; CARL STETTLER <robertc.stettler@comcast.net>; Beals, Anthony - NRCS, Salt Lake City, UT <anthony.beals@usda.gov>; gilverson@frontier.com; kwalsh@ducks.org; pfulgham@tremontoncity.com; Jarrett, Jordan E <jordan_jarrett@nps.gov>; chebert@ducks.org; Trevor Nielson <trevor@hrcanal.com>
Cc: Parker Achenbach <pachenbach@jub.com>; Christopher Slater <cslater@JUB.com>; Suzanne Acton <sacton@jub.com>; Jennie Fischer <jfischer@jub.com>; Colton Smith <csmith@jub.com>; Andy Neff <anef@langdongroupinc.com>
Subject: Lower Bear in multiple emails

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Hello Everyone—NRCS, EPA, Reclamation, USACE, NPS, and USFWS agency folks, Project Sponsors, and individuals,
We are pleased to present the second draft of the Lower Bear River Watershed Plan-EIS for your review. We have responded to your comments in Tracked Changes versions of the Plan-EIS and Appendix D, and have collated all the responses to your comments in an excel spreadsheet. We are in sending in multiple emails because of the size.
Please review by May 30, 2025, if possible.
Settle in, as it's a lengthy read!

If you have any troubles downloading the files, let me know!

Respectfully,
Suzanne Acton

Environmental Services Group Technical Lead
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*Utah Department of Natural Resources—Division of Wildlife Resources (UDWiR)
Coordination*

From: [Arie Leeflang](#)
To: [Hoffmann, Tara - FPAC-NRCS, UT](#)
Subject: Re: NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS
Date: Tuesday, June 3, 2025 2:40:07 PM
Attachments: image001.png

Hi Tara-

From what I gather, everything is square on the DWR side. I appreciate that Chad is involved in the project and I've communicated with SWCA to let them know there is no need for a retroactive Special Use Permit.

Thanks for the information on this project and please let me know if there's anything I can do to help. Please also just keep me in the loop as the project progresses.

Have a great week.

Arie.



Arie Leeflang
 Archaeologist

M: (801) 635-8897
E: aleeflang@utah.gov

Utah Department of Natural Resources
 Division of Wildlife Resources



wildlife.utah.gov

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On Fri, May 30, 2025 at 1:09 PM Arie Leeflang <aleeflang@utah.gov> wrote:

Awesome - thanks Tara. I heard from Suzy and will follow up. I honestly don't think it will be a problem but wanted to get a better feel for things before I really dove into things. I'm glad Chad is involved and I figured we were a partner at a much higher level than me. I'll follow up with Suzy and resolve anything on that end and get more acquainted with the project and deliverables soon. I can't imagine I'll have anything to contribute - but will review things just to make sure. Have a great weekend.

Arie



Arie Leeflang
 Archaeologist

M: (801) 635-8897
E: aleeflang@utah.gov

Utah Department of Natural Resources



Division of Wildlife Resources

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On Fri, May 30, 2025 at 10:52 AM Hoffmann, Tara - FPAC-NRCS, UT
<tara.hoffmann@usda.gov> wrote:

Hi Arie,

We are excited about the project- especially working on the levees in the Bear River Migratory Bird Refuge.

UDWR is a Co-Sponsor of the project, and our project team has been coordinating with Chad Cranney. I'm not sure if DWR/DNR was asked to be a signatory to the MOU- I will check with the team on that. At least for section 106 compliance, I wasn't aware of the MOU until it was already signed and saw that the Corps added a paragraph designating the NRCS as lead federal agency. I talked to SWCA, and they unfortunately did not get a SUP before surveying DWR land. Suzy Eskenazi will be reaching out to you to resolve that.

Thanks,

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist

NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

125 S State St Rm 6416, Salt Lake City, UT, 84138

p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Arie Leeflang <aleeflang@utah.gov>

Sent: Thursday, May 29, 2025 5:21 PM

To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>

Subject: Re: NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS

Hi Tara-

Thanks for the information on this project and for sharing the documents - it looks like an important project.

I might have missed something, but I believe this is the first I've heard about this project. Since it sounded like things were pretty buttoned up on the other recent one (Parowan Valley EA), has NRCS been working with anyone at DWR already on this? I know we don't have federal 106 responsibilities, but was DWR (or DNR) an invited signatory for the larger MOU or are we just a consulting party since we're not federal? And finally, did SWCA get a Special Use Permit to survey on DWR land? I'm just trying to get my bearings and decide what involvement is needed from me or others.

Thanks in advance for the additional info.

Arie



Arie Leeflang
Archaeologist

M: (801) 635-8897
E: aleeflang@utah.gov

Utah Department of Natural Resources
Division of Wildlife Resources



wildlife.utah.gov

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On Tue, May 27, 2025 at 11:03 AM Hoffmann, Tara - FPAC-NRCS, UT

<tara.hoffmann@usda.gov> wrote:

Arie,

Pursuant to Stipulation IV.2.h. of the attached MOU between the NRCS, Reclamation, and Army Corps (SPK-2024-00064), the NRCS as lead federal agency is informing all agencies of the continuation of Section 106 consultation for the proposed Lower Bear Watershed Plan-EIS in Box Elder County, including the delineation of the APE, identification of historic properties, and finding of effect. Additional consulting parties consist of the U.S. Fish and Wildlife Service (Bear River Migratory Bird Refuge), National Park Service, and Utah Department of Natural Resources. Attached are the SHPO and tribal consultation letters which have been electronically transmitted on May 16th. The SHPO letter is formal initiation of the Section 106 process, while the tribal letters continue consultation that was initiated in June 2024. Below is a link to the final cultural resources deliverables, including the report, site forms, and GIS data. SHPO concurrence is also attached

[Lower Bear](#)

The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land.

Please confirm receipt of this record of consultation and let us know if you have any comments, questions, or concerns. NRCS will keep you informed as we continue Section 106 consultation and develop an MOA to mitigate adverse effects to four historic canals. As consulting parties, we invite you to participate in the development of the MOA either as signatories or concurring parties. You may respond Yes/No/Maybe using the voting buttons included above.

Many thanks,

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Monday, March 31, 2025 3:48 PM
To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>
Cc: Hollis.G.Jencks@usace.army.mil
Subject: NRCS Record of Section 106 Initiation for Lower Bear Watershed Plan-EIS

Zac, Jason, and Melissa,

The Utah NRCS, with the Bear River Water Conservancy District as the project Sponsor, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed Protection and Flood Prevention Program (Public Law 83-566). The work measures are being proposed to address agricultural water management and protect the watershed in Tremonton, Bear River City, and portions of unincorporated Box Elder County (including a very small portion within the USFWS Bear River Migratory Bird Refuge). The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

For the purposes of Section 106 consultation under 36 CFR 800.2(a)(2), the NRCS is serving as the lead federal agency. The U.S. Army Corps of Engineers (Corps) (SPK-2024-00064), U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation (Reclamation), and the U.S. Fish and Wildlife Service (USFWS), would be serving as consulting parties. Per Section IV(h) of the attached MOU between NRCS, Reclamation, EPA, and the Corps, as lead agency, the NRCS shall act on behalf of all agencies in fulfilling the NRCS', Corps, and Reclamation's collective responsibilities for compliance with the NHPA. These responsibilities consist of delineation of the APE, identification of historic properties, and finding of effect. The NRCS will compile a consultation list that satisfies all agencies and carry out Section 106 consultations

throughout the development of the Plan-EIS. USFWS has concurred via email that the NRCS will serve as lead agency. Can the EPA provide confirmation that the NRCS shall serve as lead agency and shall act on behalf of the EPA in fulfilling EPA's responsibility for compliance with the NHPA?

In compliance with the MOU, NRCS is informing all agencies of Section 106 consultation conducted to-date. I have attached Section 106 consultation initiation letters sent in June 2024. No responses were received. A cultural resources survey of the APE was completed by SWCA last fall and earlier this month- I expect to receive the draft cultural report by the end of the week. Please review the attached tribal list and let me know if we should add any tribes for subsequent consultations (the list will be updated with current contacts).

Feel free to reach out with any questions or comments.

Cheers,

Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

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Advisory Council on Historic Preservation Coordination

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [e106](#)
Cc: [Alexis Clark](#); [Pappas, Christina - FPAC-NRCS, AR](#); [jason.a.gipson](#); [aleeflang@utah.gov](#); [Jarrett, Jordan E](#); [Kellogg, Jarrod X](#); [EPA-R8-NEPA](#); [Hollis.G.Jencks \(Hollis.G.Jencks@usace.army.mil\)](#); [Nelson, Zachary N](#); [Christopher Merritt](#); [Fillerup, Anders - FPAC-NRCS, UT](#)
Bcc: [Boswell, Ammon - FPAC-NRCS, UT](#); [Schick, Jeff - FPAC-NRCS, UT](#)
Subject: NRCS Utah Notification of Adverse Effects- Lower Bear River Watershed
Date: Tuesday, May 27, 2025 12:02:00 PM
Attachments: e106_LowerBearWatershed_NRCSUtah_20250527.pdf
LowerBear_RecordofConsultation.pdf
U24ST1056.pdf
image001.png

Good afternoon,

As the designated lead federal agency under 36 CFR 800.2, the Natural Resources Conservation Service (NRCS) is notifying the Advisory Council on Historic Preservation of adverse effects to four historic properties (historic ditches/canals) as a result of the proposed Lower Bear River Watershed Plan and Environmental Impact Statement, Box Elder County, Utah (36 CFR 800.6(a)(1)). Included in the submission are all Section 106 consultation correspondence to-date, the cultural resources report, and MOU between the NRCS and cooperating agencies.

Sincerely,

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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Natural Resources Conservation Service
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Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format

Send to: e106@achp.gov

Please review the instructions at www.achp.gov/e106-email-form prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

I. Basic information

1. Purpose of notification. Indicate whether this documentation is to:

- Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- Invite the ACHP to participate in a Section 106 consultation
- Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- Supply additional documentation for a case already entered into the ACHP record system
- File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- Other, please describe [Click here to enter text.](#)

2. ACHP Project Number (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): [Click here to enter text.](#)

3. Name of federal agency (If multiple agencies, list them all and indicate whether one is the lead agency):

USDA Natural Resources Conservation Service (NRCS) is the lead federal agency, per 36 CFR 800.2. Other consulting agencies consist of the U.S. Army Corps of Engineers, Sacramento District (Corps), the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), the U.S. Environmental Protection Agency (EPA), and the Utah Department of Natural Resources (DNR).

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

Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah

5. Location of undertaking (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

In eastern Box Elder County, Utah around Tremonton, Corinne, and Fielding. The undertaking is located on 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the FWS, and 477.7 acres of privately owned land.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 ☐ Washington, DC 20001-2637

Phone: 202-517-0200 ☐ Fax: 202-517-6381 ☐ achp@achp.gov ☐ www.achp.gov

6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:

Tara S. Hoffmann, MA
Water and Cultural Resources Specialist
Salt Lake City, Utah
Tara.hoffmann@usda.gov
385-258-1266

II. Information on the Undertaking*

7. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

The USDA-NRCS, with the Bear River Water Conservancy District and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. These proposed actions constitute and undertaking per 36 CFR 800.

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Impact Statement is being prepared by JUB Engineers, on behalf of the Project Sponsor(s) and the NRCS.

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

Per 36 CFR 800.4, The NRCS has established the Direct Area of Potential Effects (APE) as 634.1 acres of land, comprising 148.1 acres of state wildlife refuge managed by the Utah Department of Natural Resources (DNR), 8.3 acres of federal wildlife refuge managed by the U.S. FWS, and 477.7 acres of privately owned land. The Direct APE includes all proposed ground disturbance, staging areas, and access roads. The APE may decrease in size as project planning continues. No new borrow sources will be required. No Visual APE has been established due to the absence of potential visual effects from proposed project measures.

9. Describe steps taken to identify historic properties:

To identify historic properties within the APE, a literature review, followed by an intensive pedestrian inventory was completed by SWCA Environmental Consultants (SWCA). Survey methodology was developed through joint communication between SWCA, NPS, FWS, J-U-B, and the NRCS. Of the APE, 386.8 acres were surveyed at a Class III (intensive) level and 0.5 acres were surveyed at a Class II (reconnaissance) survey was limited to unpaved road corridors. In total, 246.8 acres (31.2 acres of DNR land and 215.6 acres of private land) of the APE was excluded and could not be surveyed at either an intensive or a reconnaissance level. Some areas could not be surveyed because they were on private property or in areas where access was prevented by locked gates. Other areas could not be surveyed because the ground surface had been obscured by dense vegetation, flooding, or modern development activities. Fieldwork was managed by SWCA Principal Suzanne Eskenazi, M.A., RPA, who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

Please refer to the attached cultural resources report (U24ST1056) for additional information.

10. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

In total, 14 sites were recorded as a result of the archaeological resources survey (Table 1). Three sites (42BO1775, 42BO2889, and 42BO2999) are within the boundaries of the Refuge landscape and may be contributing features of the landscape, but they are recorded here as individual archaeological sites per SHPO guidance. A segment of one previously recorded site, 42BO2059, the Highline Canal, had been piped belowground within the survey area, and the original site in that area is destroyed; a Utah Archaeology Site

Form Part A was completed as a site update. Although the California National Historic Trail is plotted as extending through the survey area, no traces of it were found during survey. Table 1 below summarizes the recorded cultural sites and NRCSs eligibility determinations.

Table 1. Cultural Resources Identified within the APE and Eligibility.

Smithsonian No.	Documentation Status	Site Class	Site Type/Name	NRHP Determination (Criterion/a)	Eligibility	Land Status
42BO822	Update	Historic	Union Pacific Railroad	Eligible, A, contributing		Private
42BO1182	Full rerecord	Historic	West Main Canal	Eligible, A, C, contributing		Private
42BO1185	New segment	Historic	East Main Canal/ Corinne Canal	Eligible, A, C, contributing		Private
42BO1507	Full rerecord	Historic	Hammond Main Canal	Eligible, A, C, contributing		Private
42BO1775	Update	Historic	Bear River National Wildlife Refuge Headquarters	Not eligible		FWS Refuge
42BO2059	Update, destroyed	Historic	Highline Canal	Not eligible		Private
42BO2989	New	Historic	Highland Ditch	Not eligible		Private
42BO2990	New	Historic	Willow Ditch	Eligible, A, contributing		Private
42BO2991	New	Historic	Central Canal	Not eligible		Private
42BO2992	New	Historic	Transmission line	Not eligible		Private
42BO2993	New	Historic	Artifact scatter	Not eligible		Private
42BO2997	New	Historic	Bear River Club Dike	Eligible, A, B, C, contributing		FWS Refuge
42BO2998	New	Historic	Unnamed levee	Eligible, A, B, C, contributing		FWS Refuge
42BO2999	New	Historic	Old River Channel Canal	Eligible, A, B, C, contributing		FWS Refuge

11. Describe the undertaking’s effects on historic properties:

Project measures proposed at the eight historic properties consist of boring underneath 42BO822 without disturbing the surface. Four canals (42BO1182, 42BO1185, 42BO1507, and 42BO2990) would either be lined with concrete or piped underground. The project sponsors have also proposed improving the existing levees (42BO2997 and 42BO2998) in the Bear River Duck Club project component by adding road base gravel to these features. No changes are proposed at the Old River Channel Canal (42BO2999). Table 2 summarizes the historic properties, proposed project impacts, and NRCSs findings of effect.

Table 2. Historic Properties and Findings of Effect.

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
42BO822	Union Pacific Railroad	Eligible (A)	BRCC Red Flume	Bore underneath	No adverse effect
42BO1182	West Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	Adverse effect

Site Number	Site Name	NRHP Eligibility (Criterion/a)	Project Component	Proposed Project Impacts	Finding of Effect
42BO1185	East Main Canal/ Corinne Canal	Eligible (A, C)	BRCC Red Flume, Central Canal Company, Highland Ditch, and Tremonton PI	Potentially line and/or pipe; replace aqueduct(?)	<i>Adverse effect</i>
42BO1507	Hammond Main Canal	Eligible (A, C)	BRCC Canyon	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2990	Willow Ditch	Eligible (A)	Bear River City	Potentially line and/or pipe	<i>Adverse effect</i>
42BO2997	Bear River Club Dike	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2998	Unnamed levee	Eligible (A, B, C)	Bear River Duck Club	Add road base gravel	No adverse effect
42BO2999	Old River Channel Canal	Eligible (A, B, C)	Bear River Duck Club	None	No adverse effect

12. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

Applying the Criteria of Adverse Effect (36 CFR 800.5), the NRCS has determined that the alteration from earthen canal to concrete-lined or underground pipe at 42BO1182, 42BO1185, 42BO1507, and 42BO2990 constitute adverse effects to those characteristics that qualify the properties for inclusion in the NRHP. The addition of gravel road base to the historic levees (42BO2997 and 42BO2998) would not diminish the integrity or alter those characteristics that qualify the levees for the NRHP under Criterion C. The gravel will benefit the levees by preserving their character and protecting them from further degradation. Boring underneath 42BO822, without disturbing the surface, would result in no adverse effect.

The NRCS will continue consultation with the Utah SHPO, the Project Sponsor(s), applicable tribal governments, and other consulting parties, in drafting mitigation strategies which will be executed in a Memorandum of Agreement (MOA).

13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai’ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

See attached SHPO, agency, and tribal consultation letters, documenting Section 106 consultation to date. No tribal responses have been received. SHPO concurred with the APE, site eligibility, and finding of effects in a letter dated May 23, 2025. Consultation will be ongoing throughout the Plan-EIS process.

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP’s review response.

Concurrent with the National Environmental Policy Act scoping period in October 2023, and as part of Section 106 of the NHPA, Executive Order 13007, 13175, and the AIRFA, the NRCS reached out to tribes with ancestral lands in Box Elder County. The following Tribes/THPOs were sent scoping letters, welcoming information on historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis:

- Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
- Northwest Band of the Shoshone Nation
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Skull Valley Band of Goshute Indians
- Confederated Tribes of the Goshute Reservation
- Ute Indian Tribe of the Uintah & Ouray Reservation

No responses were received.

In July 2024, the NRCS entered into a Memorandum of Understanding with the Corps and EPA in the Preparation of the Watershed Plan-Environmental Impact Statement. This MOU designated the NRCS as lead federal agency under Section 106, and other applicable laws/regulations, and outline roles and responsibilities.

Per 36 CFR 800.3, the NRCS formally initiated Section 106 consultation with the aforementioned tribes in letters during June 2024. SHPO consultation was initiated in a letter dated May 16, 2025. Per the Prototype Programmatic Agreement between the Utah NRCS and SHPO, the delineation of the APE, identification of historic properties, and finding of effect were submitted in a single transmittal. The SHPO concurred with the APE, site eligibility, and finding of effect in a letter dated May 23, 2025. The NRCS as lead federal agency, also submitted a record of consultation to the Corps, EPA, FWS, and DNR via email on May 16th and May 27, 2025. Consultation is ongoing. All consultation correspondence is included with this submission.

To resolve adverse effects, per 36 CFR 800.6, once the 30-day consultation period on the delineation of the APE, identification of historic properties, and finding of effect has elapsed, the NRCS will follow up via email and telephone with tribes, and then continue consultation with the Utah SHPO, the Sponsors, applicable tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement.

15. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

This is the project information website. We are currently not in a public comment period. The draft Plan-EIS will be available for public comment in Summer 2025.

[Lower Bear Watershed](#)

16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link:

No.

The following are attached to this form (check all that apply):

- Section 106 consultation correspondence
- Maps, photographs, drawings, and/or plans
- Additional historic property information
- Consulting party list with known contact information
- Other: Cultural Resources Report with maps and MOU



June 10, 2025

Tara S. Hoffmann
State cultural Resources Specialist
NRCS State Office
125 South State Street, Room 4010
Salt Lake City, UT 84138-1100

Ref: *Lower Bear River Watershed Improvement Project*
Box Elder County, Utah
ACHP Project Number: 023011

Dear Ms. Hoffman:

On May 27, 2025, 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.

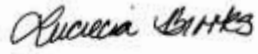
However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot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

Pursuant to Section 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Utah SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the 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 Max Sickler at (202) 517-0220 or by e-mail at msickler@achp.gov

and reference the ACHP Project Number above.

Sincerely,

A handwritten signature in black ink that reads "Lucrecia Brooks". The signature is written in a cursive style.

Lucrecia Brooks
Historic Preservation Technician
Office of Federal Agency Programs

Cultural Memorandum of Agreement (MOA)

MOA Correspondence

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Gipson, Jason A CIV USARMY CESPCK \(USA\)](#)
Subject: RE: MOA for NRCS Lower Bear Watershed Plan-EIS
Date: Tuesday, June 10, 2025 9:31:00 AM
Attachments: image001.png
image002.png

Thanks, Jason.

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Gipson, Jason A CIV USARMY CESPCK (USA) <Jason.A.Gipson@usace.army.mil>
Sent: Tuesday, June 10, 2025 9:25 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Subject: RE: MOA for NRCS Lower Bear Watershed Plan-EIS

Tara,

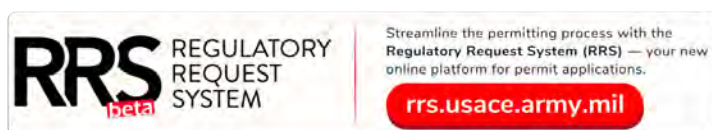
The Corps has no objections or edits to the MOA, other than my signature block. See that highlighted edit.

Jason Gipson

533 West 2600 South, Suite 150
Bountiful, Utah 84010

O: 801-295-8380 ext. 8314
C: 801-725-1275

How am I doing? Let my supervisor know at michael.g.nepstad@usace.army.mil



From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Tuesday, June 10, 2025 8:24 AM
To: Nelson, Zachary <znelson@usbr.gov>; Gipson, Jason A CIV USARMY CESPCK (USA)

<Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>;
jarrod_kellogg@fws.gov; Jarrett, Jordan E <jordan_jarrett@nps.gov>
Cc: Jencks, Hollis G CIV USARMY CESP (USA) <Hollis.G.Jencks@usace.army.mil>
Subject: [Non-DoD Source] MOA for NRCS Lower Bear Watershed Plan-EIS

All,

Attached is a final draft MOA to mitigate adverse effects to four historic canals that would result from implementation of the Lower Bear River Watershed Plan-EIS. The Utah SHPO has reviewed and has no comment. All canals are located entirely on private land, but NRCS is asking if any of the cooperating agencies would like to be concurring parties to the MOA?

Jason,

Per previous MOAs, I have included the Corps as a concurring party.

Cheers,
Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT

Sent: Friday, May 16, 2025 2:01 PM

To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>; jarrod_kellogg@fws.gov; Jarrett, Jordan E <jordan_jarrett@nps.gov>

Cc: Hollis.G.Jencks@usace.army.mil

Subject: NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS

All,

Pursuant to Stipulation IV.2.h. of the attached MOU between the NRCS, Reclamation, and Army Corps (SPK-2024-00064), the NRCS as lead federal agency is informing all agencies of the continuation of Section 106 consultation, including the delineation of the APE, identification of historic properties, and finding of effect. Additional consulting parties consist of the U.S. Fish and Wildlife Service (Bear River Migratory Bird Refuge) and National Park Service. Attached are the

SHPO and tribal consultation letters which have been electronically transmitted today. The SHPO letter is formal initiation of the Section 106 process, while the tribal letters continue consultation that was initiated in June 2024. Below is a link to the final cultural resources deliverables, including the report, site forms, and GIS data.

 [Lower Bear](#)

Please confirm receipt of this record of consultation and let us know if you have any comments, questions, or concerns. NRCS will keep you informed as we continue Section 106 consultation and develop an MOA to mitigate adverse effects to four historic canals. As consulting parties, we invite you to participate in the development of the MOA either as signatories or concurring parties. You may respond Yes/No/Maybe using the voting buttons included above.

Many thanks,
Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Monday, March 31, 2025 3:48 PM
To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson <Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>
Cc: Hollis.G.Jencks@usace.army.mil
Subject: NRCS Record of Section 106 Initiation for Lower Bear Watershed Plan-EIS

Zac, Jason, and Melissa,

The Utah NRCS, with the Bear River Water Conservancy District as the project Sponsor, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed Protection and Flood Prevention Program (Public Law 83-566). The work measures are being proposed to address agricultural water management and protect the watershed in Tremonton, Bear River City, and portions of unincorporated Box Elder County (including a very small portion within the USFWS Bear River Migratory Bird Refuge). The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary

water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

For the purposes of Section 106 consultation under 36 CFR 800.2(a)(2), the NRCS is serving as the lead federal agency. The U.S. Army Corps of Engineers (Corps) (SPK-2024-00064), U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation (Reclamation), and the U.S. Fish and Wildlife Service (USFWS), would be serving as consulting parties. Per Section IV(h) of the attached MOU between NRCS, Reclamation, EPA, and the Corps, as lead agency, the NRCS shall act on behalf of all agencies in fulfilling the NRCS', Corps, and Reclamation's collective responsibilities for compliance with the NHPA. These responsibilities consist of delineation of the APE, identification of historic properties, and finding of effect. The NRCS will compile a consultation list that satisfies all agencies and carry out Section 106 consultations throughout the development of the Plan-EIS. USFWS has concurred via email that the NRCS will serve as lead agency. Can the EPA provide confirmation that the NRCS shall serve as lead agency and shall act on behalf of the EPA in fulfilling EPA's responsibility for compliance with the NHPA?

In compliance with the MOU, NRCS is informing all agencies of Section 106 consultation conducted to-date. I have attached Section 106 consultation initiation letters sent in June 2024. No responses were received. A cultural resources survey of the APE was completed by SWCA last fall and earlier this month- I expect to receive the draft cultural report by the end of the week. Please review the attached tribal list and let me know if we should add any tribes for subsequent consultations (the list will be updated with current contacts).

Feel free to reach out with any questions or comments.

Cheers,
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: [Trevor Nielson](#)
To: [Hoffmann, Tara - FPAC-NRCS, UT](#); randy@brcanal.com; [Chance Baxter](#)
Cc: [Andy Neff](#); [Suzanne Acton](#); [Christopher Slater](#)
Subject: RE: For Review: Lower Bear Draft Cultural Resources Memorandum of Agreement
Date: Thursday, June 12, 2025 1:56:36 PM
Attachments: image001.png

Dear Tara,
Riggin Holmgren would be the contact person. I don't have an e-mail, but his phone number is:
435-452-1741
Sincerely,

Trevor Nielson
General Manager
Bear River Canal Company
275 N 1600 E
Tremonton, UT 84337
Office: 435-257-5975
Cell: 435-535-1761

On 06/12/2025 1:48 PM MDT Hoffmann, Tara - FPAC-NRCS, UT
<tara.hoffmann@usda.gov> wrote:

Trevor,

Thanks for catching that. Do you know who would be best to contact at Bear River City to see if they would want to sign the MOA?

Thanks,

Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
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p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Trevor Nielson <trevor@brcanal.com>
Sent: Thursday, June 12, 2025 1:08 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>; randy@brcanal.com;
Chance Baxter <chanceb@brwcd.com>
Cc: Andy Neff <anef@langdongroupinc.com>; Suzanne Acton <sacton@jub.com>;
Christopher Slater <cslater@jub.com>
Subject: Re: For Review: Lower Bear Draft Cultural Resources Memorandum of Agreement

Dear Tara,

Thank you for sending over the maps. The only item I had questions on was site 42BO2990. This site is the Bear River City ditch. It is owned and operated by Bear River City. I was wondering if it was placed in our SHPO documents by accident? Other than that, everything looked good. Jeff Hardy should be the signatory.

Sincerely,

Trevor Nielson
General Manager
Bear River Canal Company
275 N 1600 E
Tremonton, UT 84337
Office: 435-257-5975

Cell: 435-535-1761

On 06/11/2025 10:49 AM MDT Hoffmann, Tara - FPAC-NRCS, UT
<tara.hoffmann@usda.gov> wrote:

Randy, Trevor, and Chance,

As part of the Lower Bear Watershed Plan, four historic canals will be “adversely affected” as a result of piping or lining them, and replacement of the Red Flume. The NRCS is required to mitigate these adverse effects through the development of a Memorandum of Agreement that outlines the mitigation stipulations. The MOA has no financial obligation, it simply is an agreement between NRCS, the Sponsors, the Utah State Historic Preservation Office (SHPO), and the Army Corps, stating that we will implement the mitigation requirements. Funding for mitigation is included with construction funds and is cost-shared at the appropriate rate based on purpose. Below are the proposed mitigation stipulations:

1. Aerial video flyovers and detail photographs of select contributing features to fully document Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990; and
2. Site 42BO1185 Feature-01 (aqueduct): Informal HAER documentation to include select existing drawings (where available), detailed photographs, and NPS short form for historical reports; and
3. Creation of a Story Map of the ditches to be made available to the public online; and
4. Historic context of Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990, as applicable given available data; and
5. Post-construction updated Utah Archaeology Site Forms for each site, with revised eligibility, to be submitted to SHPO upon review and approval by NRCS.

Could you review the attached MOA and let me know if you have any comments? The Utah SHPO and Corps reviewed and had no comments. I included Jeff Hardy as the signatory for the Bear River Canal- let me know if that is correct. We don't need to sign the MOA until just before the end of the planning phase.

Thanks!

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Jarrett, Jordan E](#)
Subject: RE: [EXTERNAL] MOA for NRCS Lower Bear Watershed Plan-EIS
Date: Monday, June 16, 2025 11:11:00 AM
Attachments: image001.png

Thanks Jordan. Happy Monday.

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Jarrett, Jordan E <jordan_jarrett@nps.gov>
Sent: Monday, June 16, 2025 9:51 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Subject: Re: [EXTERNAL] MOA for NRCS Lower Bear Watershed Plan-EIS

Hi Tara,

No need to include our office.

Best,
Jordan

Jordan Jarrett, M.A., RPA
Trails Resources Specialist
National Trails Office, NPS
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 470-0426

Working with you to protect and promote National Historic Trails.
<http://www.nps.gov/ntir/>



From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Tuesday, June 10, 2025 8:24 AM

From: [Hoffmann, Tara - FPAC-NRCS, UT](#)
To: [Arie Leeflang](#)
Subject: RE: FW: MOA for NRCS Lower Bear Watershed Plan-EIS
Date: Monday, June 16, 2025 11:11:00 AM
Attachments: image001.png

Hi Arie,

I'll change it from DNR to DWR in the MOA. In terms of timing, the MOA won't need to be signed until we release the Draft Plan-EIS for public comment this fall/early winter. I'll add Mike Canning as the signatory, and once we are ready to sign, will send you the MOA to run through your review process. Two weeks is no problem at all.

Thanks!

Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Arie Leeflang <aleeflang@utah.gov>
Sent: Friday, June 13, 2025 8:38 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Subject: Re: FW: MOA for NRCS Lower Bear Watershed Plan-EIS

Morning Tara-

Thanks for sending this over. I quickly read through the MOA and thought it looked good. Admittedly I don't have a ton of experience with piping canals - but the mitigation sounds great.

The only suggestion I would share is changing the "Utah Department of Natural Resources" to the "Utah Division of Wildlife Resources" - unless you've been told by the WMA managers otherwise. I can double check on this, but the Division is usually the signatory on these and not the Department.

For a signature - it would be Mike Canning here at DWR in the Director's Office. I can provide his signing information and be the one to route for signatures. But I should ask what

the timeline is. I'll need to run this through our AAG office, quickly update my immediate administration, and then route for signatures (our basic process). Based on the recent NRCS PPA, that might take a couple of weeks. Is that too long? I think it would be good to have DWR sign, but it's probably not critical. If you have timeline thoughts, it would be great.

Thanks and happy Friday.

Arie



Arie Leeflang
Archaeologist
M: (801) 635-8897
E: aleeflang@utah.gov

Utah Department of Natural Resources
Division of Wildlife Resources



wildlife.utah.gov

The content of this email is confidential and intended for the recipient specified in the message only. It is strictly forbidden to share any part of this message with any third party without the written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion so that we can ensure such a mistake does not occur in the future.

On Thu, Jun 12, 2025 at 8:36 AM Hoffmann, Tara - FPAC-NRCS, UT
<tara.hoffmann@usda.gov> wrote:

Arie,

I'm also forwarding you the draft MOA for the Lower Bear project. None of the canals that are being adversely affected are on DWR property, however with DWR being a Co-Sponsor, should I add DWR as an invited signatory? If so- who would sign on behalf of the agency?

Thanks,
Tara

Tara S. Hoffmann
Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Tuesday, June 10, 2025 8:24 AM
To: 'Nelson, Zachary' <znelson@usbr.gov>; 'jason.a.gipson' <Jason.A.Gipson@usace.army.mil>; 'EPA-R8-NEPA' <EPA-R8-NEPA@epa.gov>; 'jarrod_kellogg@fws.gov' <jarrod_kellogg@fws.gov>; 'Jarrett, Jordan E' <jordan_jarrett@nps.gov>
Cc: 'Hollis.G.Jencks@usace.army.mil' <Hollis.G.Jencks@usace.army.mil>
Subject: MOA for NRCS Lower Bear Watershed Plan-EIS

All,

Attached is a final draft MOA to mitigate adverse effects to four historic canals that would result from implementation of the Lower Bear River Watershed Plan-EIS. The Utah SHPO has reviewed and has no comment. All canals are located entirely on private land, but NRCS is asking if any of the cooperating agencies would like to be concurring parties to the MOA?

Jason,

Per previous MOAs, I have included the Corps as a concurring party.

Cheers,
Tara

Tara S. Hoffmann

Water & Cultural Resources Specialist
NRCS Utah | Water Resources



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From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Friday, May 16, 2025 2:01 PM
To: Nelson, Zachary <znelson@usbr.gov>; jason.a.gipson

<Jason.A.Gipson@usace.army.mil>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>;
jarrod_kellogg@fws.gov; Jarrett, Jordan E <jordan_jarrett@nps.gov>

Cc: Hollis.G.Jencks@usace.army.mil

Subject: NRCS Record of continued Section 106 consultation for Lower Bear Watershed Plan-EIS

All,

Pursuant to Stipulation IV.2.h. of the attached MOU between the NRCS, Reclamation, and Army Corps (SPK-2024-00064), the NRCS as lead federal agency is informing all agencies of the continuation of Section 106 consultation, including the delineation of the APE, identification of historic properties, and finding of effect. Additional consulting parties consist of the U.S. Fish and Wildlife Service (Bear River Migratory Bird Refuge) and National Park Service. Attached are the SHPO and tribal consultation letters which have been electronically transmitted today. The SHPO letter is formal initiation of the Section 106 process, while the tribal letters continue consultation that was initiated in June 2024. Below is a link to the final cultural resources deliverables, including the report, site forms, and GIS data.

 [Lower Bear](#)

Please confirm receipt of this record of consultation and let us know if you have any comments, questions, or concerns. NRCS will keep you informed as we continue Section 106 consultation and develop an MOA to mitigate adverse effects to four historic canals. As consulting parties, we invite you to participate in the development of the MOA either as signatories or concurring parties. You may respond Yes/No/Maybe using the voting buttons included above.

Many thanks,
Tara

Tara S. Hoffmann

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NRCS Utah | Water Resources



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Cc: Hollis.G.Jencks@usace.army.mil
Subject: NRCS Record of Section 106 Initiation for Lower Bear Watershed Plan-EIS

Zac, Jason, and Melissa,

The Utah NRCS, with the Bear River Water Conservancy District as the project Sponsor, is preparing an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The EIS is being funded through the NRCS Watershed Protection and Flood Prevention Program (Public Law 83-566). The work measures are being proposed to address agricultural water management and protect the watershed in Tremonton, Bear River City, and portions of unincorporated Box Elder County (including a very small portion within the USFWS Bear River Migratory Bird Refuge). The primary purposes for watershed planning and preparation of the EIS are to: 1) provide a secure water supply to agricultural water users, 2) improve flood prevention to protect areas that have had flooding issues, 3) develop secondary water systems (non-potable irrigation water for lawns and gardens) for growing communities with limited water resources, and 4) support and enhance wildlife habitat and recreational opportunities in the watershed.

For the purposes of Section 106 consultation under 36 CFR 800.2(a)(2), the NRCS is serving as the lead federal agency. The U.S. Army Corps of Engineers (Corps) (SPK-2024-00064), U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation (Reclamation), and the U.S. Fish and Wildlife Service (USFWS), would be serving as consulting parties. Per Section IV(h) of the attached MOU between NRCS, Reclamation, EPA, and the Corps, as lead agency, the NRCS shall act on behalf of all agencies in fulfilling the NRCS', Corps, and Reclamation's collective responsibilities for compliance with the NHPA. These responsibilities consist of delineation of the APE, identification of historic properties, and finding of effect. The NRCS will compile a consultation list that satisfies all agencies and carry out Section 106 consultations throughout the development of the Plan-EIS. USFWS has concurred via email that the NRCS will serve as lead agency. Can the EPA provide confirmation that the NRCS shall serve as lead agency and shall act on behalf of the EPA in fulfilling EPA's responsibility for compliance with the NHPA?

In compliance with the MOU, NRCS is informing all agencies of Section 106 consultation

conducted to-date. I have attached Section 106 consultation initiation letters sent in June 2024. No responses were received. A cultural resources survey of the APE was completed by SWCA last fall and earlier this month- I expect to receive the draft cultural report by the end of the week. Please review the attached tribal list and let me know if we should add any tribes for subsequent consultations (the list will be updated with current contacts).

Feel free to reach out with any questions or comments.

Cheers,

Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



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Draft MOA

MEMORANDUM OF AGREEMENT
AMONG
THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES
REGARDING
THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

WHEREAS, the Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to the Bear River Water Conservancy District (BRWCD) and Bear River Canal Company (BRCC) as project sponsors, is planning the Lower Bear River Watershed Plan, funded through the authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566). The proposed project has three objectives: agricultural water management, flood prevention, and watershed protection. Project components are located predominantly on private land, federal wildlife refuge managed by the U.S. Fish and Wildlife Service (FWS), and state wildlife refuge managed by the Utah Division of Wildlife Resources (DWR) (hereafter referred to as the “Project”); and

WHEREAS, the NRCS has determined that the Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. §306108, and its implementing regulations, 36 C.F.R. 800; and

WHEREAS, the Sponsor(s) will apply for, and the United States Army Corps of Engineers, Sacramento District (Corps), proposes to issue a permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) for the Project; and

WHEREAS, the NRCS, as the lead Federal agency under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. §306108, and its implementing regulations, 36 C.F.R. 800 will consult on behalf of the Corps, FWS, National Park Service (NPS), EPA, and DWR; and

WHEREAS, the NRCS has established the Project’s Area of Potential Effects (APE), as defined at 36 C.F.R. 800.16(d), as 634.1 acres, which encompasses all locations of anticipated ground disturbance, including staging areas and access roads; and

WHEREAS, a cultural resources inventory of the APE has been completed, as required by 36 C.F.R. 800, and described in the report entitled *Archaeological Resources Survey for the Lower Bear River Watershed Plan Environmental Impact Statement, Box Elder County, Utah*, prepared by SWCA Environmental Consultations and dated May 2025, which the NRCS and the Utah State Historic Preservation Office (Utah SHPO) agree that historic canal sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990 are eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A and/or C; and

Lower Bear River Watershed Plan-EIS MOA for the Mitigation of Adverse Effects
Page 2 of 12

WHEREAS, the NRCS has determined that the Project will result in an adverse effect to 42BO1182, 42BO1185, 42BO1507, and 42BO2990 due to conversion of the sites from open ditches to pressurized pipe or concrete-lined; and

WHEREAS, the NRCS has consulted with the Utah SHPO, the FWS, NPS, Corps, EPA, DWR, the Eastern Shoshone Tribe of the Wind River Reservation, Wyoming, Northwest Band of the Shoshone Nation, Shoshone-Bannock Tribes of the Fort Hall Reservation, Skull Valley Band of Goshute Indians, Confederated Tribes of the Goshute Reservation, and the Ute Indian Tribe of the Uintah & Ouray Reservation; and

WHEREAS, the NPS, EPA, FWS, Eastern Shoshone Tribe of the Wind River Reservation, Wyoming, Northwest Band of the Shoshone Nation, Shoshone-Bannock Tribes of the Fort Hall Reservation, Skull Valley Band of Goshute Indians, Confederated Tribes of the Goshute Reservation, and the Ute Indian Tribe of the Uintah & Ouray Reservation declined or failed to respond to requests for further participation in the development of this MOA; and

WHEREAS, the Utah SHPO, BRWCD, BRCC, the Corps, and DWR have requested to participate in the development of this MOA; and

WHEREAS, the NRCS has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects to Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990, and has invited the ACHP's participation in the Project, pursuant to 36 C.F.R. 800.6(a)(1), in a transmittal dated May 27, 2025; and

WHEREAS, the ACHP, in a letter dated June 10, 2025, declined to participate in consultation; and

WHEREAS, "Signatories" hereafter collectively refers to the Signatories (NRCS, Utah SHPO, BRWCD, BRCC, and DWR) with Bear River City and the Corps as a Concurring Parties; and

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

WHEREAS, the NRCS will file a copy of this executed MOA to the ACHP; and

NOW, THEREFORE, the Signatories agree that upon the decision of the NRCS to proceed with the Project, the NRCS shall ensure that the following stipulations are implemented in order to resolve the adverse effect of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until this MOA expires or is terminated.

STIPULATIONS

The NRCS shall ensure that the following stipulations are implemented:

I. PROFESSIONAL QUALIFICATIONS

Lower Bear River Watershed Plan-EIS MOA for the Mitigation of Adverse Effects
Page 3 of 12

- A. All tasks will be completed by personnel meeting the Secretary of the Interior's *Standards and Guidelines for Archeology* as stated in 36 C.F.R. 61.
- B. All tasks will be completed according to specifications consistent with the Secretary of Interior's *Standards and Guidelines for Archeological Documentation and Historical Documentation* and, where appropriate, guidelines required by the Utah SHPO.

II. MITIGATION OF ARCHAEOLOGICAL RESOURCES

- A. The NRCS, in consultation with the Signatories, shall complete the following mitigation measures:
 - 1. Aerial video flyovers and detail photographs of select contributing features to fully document Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990; and
 - 2. Site 42BO1185 Feature-01 (aqueduct): Informal HAER documentation to include select existing drawings (where available), detailed photographs, and NPS short form for historical reports; and
 - 3. Creation of a Story Map of the ditches to be made available to the public online; and
 - 4. Historic context of Sites 42BO1182, 42BO1185, 42BO1507, and 42BO2990, as applicable given available data; and
 - 5. Post-construction updated Utah Archaeology Site Forms for each site, with revised eligibility, to be submitted to SHPO upon review and approval by NRCS.

III. UNANTICIPATED DISCOVERIES

- A. In the event of an unanticipated archaeological discovery during mitigation work or during construction, the NRCS will document and/or treat the discovery based on the criteria and methods described in the Prototype Programmatic Agreement with the Utah SHPO. If significant discoveries requiring longer-term work stoppage for consultation and mitigation are encountered, the NRCS will consult per 36 C.F.R. 800.6 to develop a plan to further mitigate the adverse effect.
- B. If human remains/funerary objects are discovered under any circumstance, the remains will be treated in accordance with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq.) and its implementing regulations (43 C.F.R. 10). All construction activities within 100 feet of the remains shall cease immediately and the NRCS shall consult pursuant to 43 C.F.R. 10.5, to develop a written plan of action to manage the discovery. Construction in the area of the remains may need to be halted throughout the review process. Continuation of work following a discovery will be contingent upon approval by the NRCS in consultation with the Utah SHPO, tribes, and other consulting parties that the approved plan has been satisfactorily completed.

Lower Bear River Watershed Plan-EIS MOA for the Mitigation of Adverse Effects
Page 4 of 12

IV. DISPUTE RESOLUTION

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

- 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 the MOA, 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 MOA that are not the subject of the dispute.

V. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

VI. COORDINATION WITH OTHER ACTIONS

Other state or federal agencies that provide permitting or financial assistance to an undertaking covered by this MOA may satisfy their own compliance responsibilities under Section 106 of the NHPA by accepting and complying with the terms of this MOA. Other parties may have their actions covered by this MOA if they agree to its terms. Agencies shall notify the NRCS and the Utah SHPO in writing of the intent to adhere to this MOA.

VII. TERMINATION

- A. If the terms of this MOA have not been implemented within five years from the date of final signature, then this MOA shall be considered null and void. In such an event, the NRCS shall so notify the Signatories and, if it chooses to continue with the Project, then it shall

Lower Bear River Watershed Plan-EIS MOA for the Mitigation of Adverse Effects
Page 5 of 12

reinitiate review of and consultation on the Project in accordance with 36 C.F.R. 800.3 through 800.7.

- B.** In the event that the NRCS does not carry out the terms of this MOA, the Signatories shall consult to seek amendment to the MOA and proceed in accordance with 36 C.F.R. 800.6(c)(8).
- C.** Any signatory to the MOA may terminate this MOA by providing thirty (30) days' notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the NRCS shall proceed in accordance with 36 C.F.R. 800.6(c)(8), execute a new agreement in accordance with 800.6(c)(1) or request comments of the ACHP under 800.7(a).

VIII. USDA STIPULATIONS

- A.** The signatories to this agreement 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 signatories, 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.

Execution of this MOA by the NRCS and Signatories, and its submission to the ACHP in accordance with 36 C.F.R. 800.6(b)(1)(iv), shall, pursuant to 36 C.F.R. 800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(l) of the NHPA. Execution and submission of this MOA, and implementation of its terms, evidence that the NRCS has afforded the ACHP an opportunity to comment on the Project and its effects on historic properties, and that the NRCS has taken into account the effects of the Project on historic properties.

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

NATURAL RESOURCES CONSERVATION SERVICE

_____ Date: _____
Emily Fife, Utah State Conservationist

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

UTAH STATE HISTORIC PRESERVATION OFFICER

_____ Date: _____

Dr. Christopher Merritt, Utah State Historic Preservation Officer

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

BEAR RIVER WATER CONSERVANCY DISTRICT

----- Date: -----
Chance Baxter, General Manager

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

BEAR RIVER CANAL COMPANY

----- Date: -----
Jeff Hardy, President

SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

UTAH DIVISION OF WILDLIFE RESOURCES

----- Date: -----
Michael Canning, Deputy Director

CONCURRING PARTY SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

----- Date: -----
Jason Gipson, Chief

CONCURRING PARTY SIGNATORY PAGE

MEMORANDUM OF AGREEMENT

AMONG

THE NATURAL RESOURCES CONSERVATION SERVICE,
THE UTAH STATE HISTORIC PRESERVATION OFFICE,
BEAR RIVER WATER CONSERVANCY DISTRICT,
THE BEAR RIVER CANAL COMPANY,
AND THE UTAH DIVISION OF WILDLIFE RESOURCES

REGARDING

THE MITIGATION OF ADVERSE EFFECTS
TO SITES 42BO1182, 42BO1185, 42BO1507, and 42BO2990
BOX ELDER COUNTY, UTAH

BEAR RIVER CITY

----- Date: -----
Riggen Holmgren, Council Member

Agency Coordination and Consultation

Cooperating Agency Memorandum of Understanding (MOU)



Farm
Production
and
Conservation

Natural
Resources
Conservation
Service

Utah State Office
125 South State Street
Room 4010
Salt Lake City, Utah 84138-1100

**Memorandum of Understanding
Between
U.S. Department of Agriculture's Natural Resources Conservation Service
as the Lead Federal Agency
and
the U.S. Department of Interior's Bureau of Reclamation, the U.S. Environmental Protection Agency, and
the U.S. Army Corps of Engineers in the Preparation of a
Watershed Plan-Environmental Impact Statement
for the Lower Bear River Watershed Plan, Box Elder County, Utah**

I. Introduction

The Natural Resources Conservation Service (NRCS) is the Lead Federal Agency as defined in 40 CFR §1501.7 for the development of a Watershed Plan-Environmental Impact Statement (Plan-EIS) for the Lower Bear River Watershed Plan in Box Elder County, Utah. The U.S. Department of Interior's Bureau of Reclamation (Reclamation), U.S. Environmental Protection Agency (EPA), and the U.S. Army Corps of Engineers (USACE) are Cooperating Agencies as defined in 40 C.F.R. §1501.8 in the development of the Plan-EIS.

This Memorandum of Understanding (MOU) outlines the roles and responsibilities of the NRCS, Reclamation, EPA, and USACE herein referred to as Parties, with respect to preparation of the Plan-EIS. This MOU describes responsibilities and procedures agreed to by the Parties.

II. Purpose

The purposes of this MOU are:

1. To designate Reclamation, EPA, and USACE as Cooperating Agencies in the Plan-EIS process.
2. To provide a framework for mutual cooperation and coordination among the Parties that will ensure successful completion of the Plan-EIS in a timely, efficient, and thorough manner that satisfies compliance requirements.
3. To recognize that the NRCS is the Lead Federal Agency with responsibility for the completion of the Plan-EIS (EIS; see 40 CFR §1502) and Record of Decision (ROD; See 40 CFR §1505).
4. To describe the respective responsibilities, jurisdictional authority, and expertise of Reclamation, EPA, and USACE in the planning process.

III. Authorities

The authorities and regulations of the NRCS to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.)
2. Council on Environmental Quality regulations (40 CFR Parts 1500-1508)
3. NRCS Regulations Implementing the NEPA (7 CFR Part 650)
4. Watershed Protection and Flood Prevention Act (PL 83-566, 16 U.S.C. §§ 1000 et seq.)

The authorities and regulations of Reclamation to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.).
2. Council on Environmental Quality regulations (40 CFR § 1500 et seq.) (40 CFR § 1501.8).
3. Reclamation Act of 1902 (Ch. 1093, 32 Stat 388; 43 U.S.C. §§ 391 et seq.) as amended and supplemented.
4. Interior Department Appropriations Act for 1928 (Act of January 12, 1927; 44 Stat. 957; 43 U.S.C. § 397a);
5. Reclamation Project Act, August 4, 1939 (53 Stat. 1196; 43 U.S.C. § 387);

The authorities and regulations of EPA to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.).
2. Council on Environmental Quality regulations (40 CFR § 1500 et seq.), (40 CFR § 1501.8).
3. Clean Air Act (CAA), as amended, (42 U.S.C. § 7401 et seq.).
4. Clean Water Act (33 U.S.C. § 1251 et seq.).

The authorities and regulations of USACE to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.).
2. Council on Environmental Quality regulations (40 CFR § 1500 et seq.), (40 CFR § 1501.8).
3. Clean Water Act (33 U.S.C. § 1251 et seq.).
4. NEPA Implementation Procedures for the Regulatory Program (33 CFR Part 325, Appendix B)
5. Rivers and Harbors Act (33 U.S.C. § 403 et seq.).

This MOU does not grant the Parties any additional rights or powers, nor does it excuse the Parties from fulfilling any other statutory obligation they might have. Each Party is responsible for its own actions/omissions. This MOU does not incur upon the Parties a shared statutory responsibility to fulfill the obligations for the other Party. This MOU does not alter any other written agreements, authorities, or responsibilities between the Parties and the project sponsors or other government agencies, or parties.

IV. Roles and Responsibilities

1. General Responsibilities
 - a. The Parties resolve to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements.
 - b. The Parties resolve to fund their own expenses associated with the Plan-EIS process.
2. NRCS Responsibilities
 - a. The NRCS, as the Lead Federal Agency, has primary responsibility for compliance with the requirements of the National Environmental Policy Act (NEPA) and completion of the draft Plan-EIS, final Plan-EIS, and preparation of the ROD.

- b. The NRCS resolves to work cooperatively with Reclamation, EPA, and USACE to identify the necessary processes to allow the Parties to complete an appropriate analysis to formulate their respective decisions with regards to jurisdictional responsibilities.
 - c. The NRCS resolves to work with Reclamation, EPA, and USACE to identify concerns, issues, and opportunities to be addressed as part of the Plan-EIS.
 - d. The NRCS resolves to provide Reclamation, EPA, and USACE with those Plan-EIS resource characterization studies and technical reports, as determined necessary by the respective Party, for review and comment.
 - e. The NRCS resolves to consult with Reclamation, EPA, and USACE regarding the alternatives considered and associated mitigation measures to be evaluated in the Plan-EIS.
 - f. The NRCS resolves to identify Reclamation, EPA, and USACE on the draft Plan-EIS and final Plan-EIS cover pages, and will describe in the introduction sections, as provided by Reclamation, EPA and USACE, and the specific roles and authorities of Reclamation, EPA, and USACE with respect to this planning project.
 - g. Where the Parties disagree on substantive elements of the Plan-EIS, and these disagreements cannot be resolved, the NRCS resolves to include a summary of Reclamation's, EPA's, and USACE's views in the draft Plan-EIS and final Plan-EIS. The NRCS also resolves to describe substantial inconsistencies between its proposed action(s) and the objectives of state, local, or Tribal land use plans and policies.
 - h. Pursuant to 50 CFR Part 402.07, 50 CFR 600.920(b) and 36 CFR 800.2(a)(2), the NRCS will serve as the agency official who shall act on behalf of Reclamation and the USACE, fulfilling their collective responsibilities for compliance with Section 7 of the Endangered Species Act (ESA), the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), and Section 106 of the National Historic Preservation Act (NHPA). Additionally, NRCS will conduct consultations with the U.S Fish and Wildlife Service (USFWS), the National Marine Fisheries Service, the Utah State Historic Preservation Office (SHPO), as well as the Tribes on behalf of Reclamation and the USACE. The NRCS will inform Reclamation and USACE of any consultations conducted for compliance with these laws.
3. Reclamation, EPA and USACE Responsibilities
- a. Reclamation, EPA, and USACE resolve to provide early input to the NRCS regarding issues to address in the resource characterization studies, technical reports, and Plan-EIS. Reclamation, EPA, and USACE also resolve to provide comments or analyses to the NRCS in those areas where Reclamation, EPA, and USACE have regulatory authority or technical expertise.

Reclamation is recognized to have the following jurisdiction by law and/or special expertise:

Environmental statutes and regulations, including but not limited to NEPA. Reclamation is the federal agency within the United States Department of the Interior charged with the responsibility of operating and maintaining dams, power plants, and canals in the 17 western states. Reclamation manages multiple Projects that feed the Lower Bear River Watershed and its features. Reclamation is recognized to have special expertise in water management, operation, and conservation.

EPA is recognized to have the following jurisdiction by law and/or special expertise:

Environmental statutes and regulations, including but not limited to NEPA, the CAA, Section 404 of the Clean Water Act, and in surface water, ground water, stream and wetland systems, water quality, air quality, climate change, environmental justice, and public involvement and mitigation strategies. EPA also maintains its independent obligations under Section 309 of the CAA to review and publicly comment on the Plan-EIS, and in the event the EPA determines that the action is unsatisfactory from the standpoint of public health or welfare or environmental quality, to publish its determination and refer the matter to the CEQ (42 U.S.C. § 7609).

USACE is recognized to have the following jurisdiction by law and/or special expertise:

Environmental statutes and regulations, including but not limited to NEPA, Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and in matters dealing with navigable waters, interstate lakes or rivers, and the “waters of the United States,” including wetlands, surface water, ground water, water quality, and mitigation strategies.

- b. As staff and funding allow, Reclamation, EPA, and USACE will review and provide to the NRCS comments on the issued draft Plan-EIS and final Plan-EIS in accordance with the project review schedule developed as discussed in Section XI before public circulation.
 - c. The Parties resolve to coordinate with each other pursuant to this MOU to maximize the use of resources and minimize duplication of effort during the preparation of the Plan-EIS.
4. Other Terms
- a. Parties retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
 - b. J-U-B ENGINEERS, Inc. representing Bear River Water Conservancy District, serves as the contractor for the Plan-EIS preparation. Reclamation, EPA, and USACE may provide information and comments directly to the contractor as well as collaborate with the contractor’s technical staff and subcontractors on matters within Reclamation, EPA, and USACE jurisdiction or areas of special expertise. Reclamation, EPA, and USACE acknowledge that NRCS retains the exclusive responsibility to authorize modifications to the NRCS’s contract with Bear River Water Conservancy District, and that Reclamation, EPA, and USACE are not authorized to provide technical or policy direction regarding the performance of this contract.

V. Agency Representatives

- 1. Parties resolve to designate a representative and alternate representative, as described in section VIII, to ensure coordination between the Parties during the preparation of the Plan-EIS. Each Party may change its representative at will by providing written notice to the other Parties.

VI. Administration of the MOU

- 1. This MOU becomes effective upon signature by the authorized officials of the Parties and remains in effect until either a ROD is executed or five (5) years, whichever comes first.
- 2. This MOU may be extended or modified by the Parties hereto by mutual agreement only, as discussed in Section XII, Modifications. Any modification will be in writing to the Parties.

3. This MOU does not alter the authority and responsibilities of the Parties under their respective authorities and regulations (see Section III).
4. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.
5. Any Party may terminate its participation in this MOU upon written notice to the other Parties as specified in Section VII. Notices. The MOU will remain in effect for any and all remaining Parties.

VII. Notices

Termination or modification of this MOU is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, to all of the following:

1. To the NRCS Program Contact, at the address specified in the MOU or through a written change notification made pursuant to section VIII.
2. To the Reclamation Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.
3. To the EPA Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.
4. To the USACE Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

VIII. Agency Representatives

Individuals listed below are authorized to act in their respective areas for matters related to this MOU. Changes to the Principal Contacts for each of the Parties to this MOU may be made at any time by written notification to all Parties as to the name and contact information for the updated contact person by the respective Party requesting the change.

NRCS Representatives:

Lead Federal Agency NRCS Primary Contact	Lead Federal Agency NRCS Backup Contact
Name: Derek Hamilton Title: Water Resource Coordinator Address: Wallace F. Bennett Federal Building 125 South State Street Room 4010 Salt Lake City, UT 84138 Telephone: 801-524-4560 Email: derek.hamilton@usda.gov	Name: Todd Allai Title: Acting Assistant State Conservationist—Water Resources Address: Wallace F. Bennett Federal Building 125 South State Street Room 4010 Salt Lake City, UT 84138 Telephone: 775-781-2472 Email: todd.allai@usda.gov

Reclamation Representatives:

Cooperating Agency Reclamation Primary Contact	Cooperating Agency Reclamation Backup Contact	Cooperating Agency Reclamation Backup Contact
Name: Wyatt Carter Title: Biologist Address: Provo Area Office 302 East 1860 South Provo, Utah 84606-7317 Telephone: 801 379-1161 Email: wcarter@usbr.gov	Name: Peter Crookston Title: Environmental Group Chief Address: Provo Area Office 302 East 1860 South Provo, Utah 84606-7317 Telephone: 801 379-1152 Email: pcrookston@usbr.gov	Name: Erik Kemp Title: Biologist Address: Provo Area Office 302 East 1860 South Provo, Utah 84606-7317 Telephone: 971-600-1940 Email: ekemp@usbr.gov

EPA Representatives:

Cooperating Agency EPA Primary Contact	Cooperating Agency EPA Backup Contact
Name: Amanda Jensen Title: Lead NEPA Reviewer Address: EPA Region 8 Office 1595 Wynkoop St Denver, CO 80202 Telephone: 303-312-6981 Email: Jensen.Amanda@epa.gov	Name: Matt Hubner Title: Lead NEPA Reviewer Address: EPA Region 8 Office 1595 Wynkoop St Denver, CO 80202 Telephone: 303-312-6500 Email: Hubner.Matt@epa.gov

USACE Representatives:

Cooperating Agency USACE Primary Contact	Cooperating Agency USACE Backup Contact
Name: Nicole Fresard Title: Senior Project Manager Address: Bountiful Utah Regulatory Field Office 533 West 2600 South, Suite 150 Bountiful, Utah 84010 Telephone: 801 295-8380 ext. 8321 Email: Nicole.D.Fresard@usace.army.mil	Name: Jason Gipson Title: Chief, Utah Section Address: Bountiful Utah Regulatory Field Office 533 West 2600 South, Suite 150 Bountiful, Utah 84010 Telephone: 801 295-8380 ext. 14 Email: Jason.A.Gipson@usace.army.mil

IX. Participation in Similar Activities

This MOU in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, and individuals.

X. Nonbinding Agreement

This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity against the Parties, their officers or employees, or any other person. This MOU does not apply to any person or entity outside of the Parties.

The Parties shall manage their respective resources and activities in a separate, coordinated, and mutually beneficial manner to meet the purposes of this MOU. Nothing in this MOU authorizes or requires any of the Parties to transfer funds or to commit, obligate, or expend their appropriations or to enter into any contract, assistance agreement, interagency agreement or incur other financial obligation. Specific projects or activities that involve the transfer of funds, services, or property among the Parties will be handled in accordance with applicable laws, regulations and procedures under separate written agreements and are contingent upon the availability of appropriated funds.

These activities must be independently authorized by statute. This MOU does not provide that authority. Negotiation, execution, and administration of these agreements must comply with all applicable laws. Each Party operates under its own laws, regulations, and policies, subject to the availability of appropriated funds. Nothing in this MOU is intended to alter, limit, or expand the statutory and regulatory authority of the Parties.

XI. Agency Review and Concurrence Timeline

NRCS, Reclamation, EPA, and USACE resolve to process the Plan-EIS and develop an environmental review and authorization schedule. Agencies will work together to develop a single Permitting Timetable for the necessary environmental review and authorization decisions, prepare the Plan-EIS, sign a ROD, and issue all necessary authorization decisions within 90 days of issuance of the ROD, subject to limited exceptions.

XII. Modifications

Modifications within the scope of this MOU must be made by mutual consent of the Parties, by the issuance of a written modification signed and dated by all properly authorized officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days before implementation of the requested change.

XIII. Authorized Representatives

By signature below, each Party certifies that the individuals listed in this document as representatives of the individual Parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the Parties hereto have executed this MOU as of the last date written below.

USDA-Natural Resources Conservation Service—Utah

<u>Emily Fife</u>	<u>Utah State Conservationist</u>
Name	Title

	
EMILY FIFE Digitally signed by EMILY FIFE Date: 2024.07.30 13:54:34 -06'00'	
Signature	Date



U.S. Bureau of Reclamation

<u>Rick Baxter</u>	<u>Area Manager</u>
Name	Title

	
	Digitally signed by RICK BAXTER Date: 2024.07.25 11:48:04 -06'00'
Signature	Date

U.S. Environmental Protection Agency

<u>Angelique D. Diaz, Ph.D., P.E.</u>	<u>Acting Director, Environmental Justice, Community Health, and Environmental Review Division</u>
Name	Title

	
ANGELIQUE DIAZ Digitally signed by ANGELIQUE DIAZ Date: 2024.07.10 09:37:10 -06'00'	July 10, 2024
Signature	Date

U.S. Army Corps of Engineers

<u>Michael S. Jewell</u>	<u>Chief, Sacramento District Regulatory Division</u>
Name	Title

	
	17 April 2024
Signature	Date

Cooperating Agencies Status Letters and Replies

October 19, 2023

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

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Jason Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Army Corps of Engineers become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT



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

January 30, 2024

Regulatory Division (SPK-2024-00064)

U.S Department of Agriculture
Natural Resources Conservation Services
Attn: Ms. Emily Fife
125 South State Street
Salt Lake City, Utah 84138-1100
Emily.fife@usda.gov

Dear Ms. Fife:

We are responding to your October 19, 2023, request for the U.S. Army Corps of Engineers to participate as a cooperating agency under the National Environmental Policy Act for the preparation of an Environmental Impact Statement (EIS) for the Lower Bear River Watershed Plan. The project site is located in the Lower Bear River Watershed in Box Elder County, Utah.

Our jurisdiction over the proposed action is under the authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. In accordance with Title 40 of the Code of Federal Regulations Part 1501.6, we agree to participate as a cooperating agency in the preparation of the EIS. Our involvement in the EIS process will be limited to those areas within our statutory authority. We will work with your office to develop a cooperating agency agreement that outlines our role and responsibilities as well as the coordination procedures for preparation of the EIS.

In addition, we acknowledge that Natural Resources Conservation Services is the lead federal agency for compliance with Section 7 of the Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA). Pursuant to 50 CFR Part 402.07, 50 CFR 600.920(b) and 36 CFR 800.2(a)(2), we designate the Natural Resources Conservation Services to act on our behalf in any consultations conducted for compliance with ESA and NHPA. We request that you include us within any consultations conducted for compliance with these laws.

Please refer to identification number SPK-2024-00064 in any correspondence concerning this project. If you have any questions, please contact Nicole Fresard at the Utah Regulatory Field Office, 533 West 2600 South, Suite 150, Bountiful, Utah 8410-7744, by email at Nicole.D.Fresard@usace.army.mil, or telephone at (801) 295-8380 ext. 8321.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Jewell".

Michael S. Jewell
Chief, Regulatory Division

October 19, 2023

Melissa McCoy, Ph.D.
Manager, NEPA Branch
U.S. Environmental Protection Agency (Region 8)
1595 Wynkoop Street
Denver, Colorado 80202

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Melissa McCoy:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Environmental Protection Agency become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm.**

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

November 13, 2023

Ref: 8ORA-N

Emily Fife, State Conservationist
USDA-NRCS
Wallace F Bennett Federal Building
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

Dear Emily Fife:

The U.S. Environmental Protection Agency received the Natural Resources Conservation Service's (NRCS) invitation to become a cooperating agency on the Lower Bear River Watershed Plan-Environmental Impact Statement (EIS) for proposed improvements in Box Elder County, Utah. We appreciate NRCS's interest in working with EPA and accept your invitation to be a cooperating agency under the Council on Environmental Quality's National Environmental Policy Act (NEPA) Implementing Regulations at 40 C.F.R. Part 1501.8 (April 2022).

As a cooperating agency, and to the extent that time and resources allow, EPA intends to:

- 1) Participate in the EIS process, including attending inter-agency coordination meetings and reviewing draft documents in accordance with the lead agency's schedule for providing cooperating agency comments. Due to limited travel funding, participation may occur via teleconference;
- 2) Assist the NRCS in identifying significant environmental issues, particularly those that relate to EPA's special expertise and jurisdiction;
- 3) Provide comments to the NRCS on preliminary versions of the Draft and Final EIS in accordance with the lead agency's schedule for providing cooperating agency comments; and
- 4) Work with the NRCS to develop an EIS consistent with EPA program or agency requirements.

Please note that EPA's status as a cooperating agency does not affect our independent responsibilities under Section 309 of the Clean Air Act to review and comment publicly on all EISs and does not obligate, commit, or transfer funds. The EPA's cooperating agency status may be acknowledged in the document, but the EPA seal or symbol should not be used unless the NRCS receives prior written

approval from EPA, and then only if a disclaimer is attached stating that the use of the Agency seal or symbol on this document does not imply any agency's endorsement of the proposed action.

The EPA looks forward to working with the NRCS as a cooperating agency on the development of the subject EIS. If you have any questions, please contact Amanda Jensen, who will serve as EPA's point of contact, at (303) 312-6981 or jensen.amanda@epa.gov.

Sincerely,

Melissa W. McCoy, Ph.D., J.D.
Manager, NEPA Branch
Office of the Regional Administrator

cc:

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



United States Department of the Interior

BUREAU OF RECLAMATION
 Provo Area Office
 302 East Lakeview Parkway
 Provo, UT 84606



IN REPLY REFER TO:

49-630-2
 2.1.4.17

Ms. Emily Fife
 State Conservationist
 USDA-NRCS
 125 South State Street, Room 4010
 Salt Lake City, Utah 84138-1100

Subject: Request to be a Cooperating Agency in the Development of the Lower Bear River Watershed Plan – Environmental Impact Statement (Plan-EIS) for Proposed Improvements in Box Elder County, Utah.

Dear Ms. Fife:

We received your letter dated October 24, 2023, regarding the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah. On behalf of the Natural Resources Conservation District, you requested the Bureau of Reclamation be a cooperating agency for the project as defined in 40 CFR 1501.8.

This letter is to inform you that we accept your request to be a cooperating agency on the Plan-EIS. Mr. Wyatt Carter from our environmental group will be the team lead on your project. Please work directly with him to develop a memorandum of understanding outlining responsibilities under the National Environmental Policy Act for the respective agencies.

If you have any questions regarding this, you can contact Mr. Carter at (801) 379-1161 or by email at wcarte@usbr.gov. For the deaf, hard of hearing or speech impaired, please dial 7-1-1 to access the telecommunication relay system.

Sincerely,

Digitally signed by RICK BAXTER
 Date: 2023.11.07 15:11:06 -07'00'

Rick Baxter
 Area Manager

cc: derek.hamilton@usda.gov
pcrookston@usbr.gov
blwhite@usbr.gov
wcarte@usbr.gov

INTERIOR REGION 7 • UPPER COLORADO BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

October 19, 2023

Jessica Wade
Field Manager, Salt Lake Field Office
Bureau of Land Management
2370 South Decker Lake Blvd.
West Valley, Utah 84119

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Jessica Wade:


In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Land Management become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,


EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

From: [Crawley, April J](#)
To: [Hamilton, Derek - FPAC-NRCS, UT](#)
Cc: [Gaddis, Benjamin T](#)
Subject: Docket ID NRCS-2024-0011: BLM Utah Comments
Date: Monday, July 8, 2024 12:53:31 PM
Attachments: [image001.png](#)

BLM Utah has reviewed the NOI for the NRCS Lower Bear River Watershed Plan and determined that there are no BLM managed lands within the area impacted by the plan as currently proposed. If that changes as the project develops we would like the opportunity to coordinate with NRCS to determine any BLM authorizations or decisions that might be required.

BLM Utah has no further comments at this time.



April Hart-Crawley

Planning and Environmental Specialist
Bureau of Land Management
Utah State Office

Phone (541) 900-4186

Email acrawley@blm.gov

October 24, 2023

Marshall Alford
District Ranger, Logan Ranger District
U.S. Forest Service
1500 East Highway 89
Logan, Utah 84321

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear Marshall Alford:

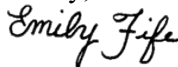
In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Forest Service become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm.**

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,



EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

Suzanne Acton

From: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Sent: Thursday, January 18, 2024 11:57 AM
To: Suzanne Acton; Andy Neff
Cc: Benfield, Connor - FPAC-NRCS, UT
Subject: [EXTERNAL] FW: Lower Bear River Plan-EIS....cooperating agency request and scoping meeting

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From: Alford, Marshall - FS, UT <marshall.alford@usda.gov>
Sent: Thursday, January 18, 2024 12:25 PM
To: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Subject: RE: Lower Bear River Plan-EIS....cooperating agency request and scoping meeting

Derek,

My apologies for a delayed response, I don't anticipate this proposal taking place on or impacting forest lands and therefore we won't proceed as a cooperating agency.



Marshall Alford
District Ranger
Forest Service
Uinta-Wasatch-Cache National Forest, Logan Ranger District

Office: 435-755-3621
marshall.alford@usda.gov

1500 East Highway 89
 Logan, UT 84321
www.fs.fed.us



Caring for the land and serving people

From: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Sent: Friday, October 27, 2023 15:45
To: Alford, Marshall - FS, UT <marshall.alford@usda.gov>
Subject: Lower Bear River Plan-EIS....cooperating agency request and scoping meeting

Hello Marshall:

Please find attached correspondence from NRCS requesting that the USFS become a cooperating agency in development of the Lower Bear River Watershed Plan-EIS.

Furthermore, pls note that there is an agency scoping meeting for the Plan-EIS on November 1 at 1 pm.....meeting details are included in attached agency scoping notice.

Contact me with questions or if you need additional info.

Thank you...Derek

~~~~~  
Derek Hamilton  
Water Resources Coordinator

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

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October 19, 2023

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

RE: Formal request to be a Cooperating Agency in the development of the Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Box Elder County, Utah.

Dear George Weekley:


In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Fish and Wildlife Service become a cooperating agency in the planning and development of the Lower Bear River Watershed Plan-EIS. The enclosed agency scoping notice includes project information and details on an **agency scoping meeting scheduled for November 1, 2023 at 1 pm**.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The Plan-EIS is being prepared to fulfill our NEPA compliance responsibilities pertaining to our federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, roles can be defined in an informal agreement or a memorandum of understanding. If your agency is unable to participate as a cooperating agency, please return a written explanation indicating that your agency cannot participate.

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

Sincerely,




EMILY FIFE
State Conservationist

Enclosure

cc:

Ammon Boswell, Area Conservationist, NRCS, Ogden, UT
Jeff Schick, District Conservationist, NRCS, Tremonton, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

 Outlook

[EXTERNAL] Lower Bear update- FWS Refuge site visit requested

From Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>

Date Tue 2025-04-08 8:45 AM

To Suzanne Acton <sacton@jub.com>; Christopher Slater <cslater@JUB.com>; Andy Neff <aneff@langdongroupinc.com>; Parker Vercimak <parker.v@jonesanddemille.com>; Colton Smith <csmith@jub.com>

Cc Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; Benfield, Connor - FPAC-NRCS, UT <Connor.Benfield@usda.gov>; Stanley, Shawn - FPAC-NRCS, UT <Shawn.Stanley@usda.gov>; Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; robertc.stettler@comcast.net <robertc.stettler@comcast.net>

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All,

The new Bear River Migratory Bird Refuge Manager, Carl Millegan, has requested a site visit to learn more about the proposed actions on Refuge property, adjacent to the Bear River Club, as part of the Plan-EIS. We would also need to determine if FWS will be a formal cooperating agency in preparation of the EIS, and any permitting needs during construction. Another aspect that may affect the timeline is that the FWS archaeologist is unable review the draft cultural resources report until after the site visit. I have shared the Draft Plan-EIS with Carl and maps of the proposed levee improvements.

I am proposing we try to do a site visit this week or next. It would be good to have representatives from the NRCS, JUB, and the Bear River Club. Let me know your availability and we will schedule the site visit and please share this info with anyone else who may need to be present.

Thanks,
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

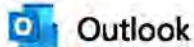
Natural Resources Conservation Service

125 S State St Rm 6416, Salt Lake City, UT, 84138

p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

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Re: [EXTERNAL] Project crossing California National Trail corridor- Section 106

From Jarrett, Jordan E <jordan_jarrett@nps.gov>
Date Mon 2025-03-03 3:12 PM
To Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc Suzanne Acton <sacton@jub.com>

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Hi Tara,

I will be glad to review and provide guidance to NRCS. I am actually able to do this in a participating agency capacity without status if that works for you on your end. Cooperating agency status would need to go through the Regional Director and will limit our ability to provide comment and input into the project. If you are comfortable with my participating and providing comment on analyses regarding project-related impact to NHT resources, we can work directly with each other outside of a formal agreement and with more ease as far as timelines and turnaround. This allows our office to provide subject matter expertise and guidance while acknowledging that we are not the manager or owner of the resources nor the lead agency, nor are we a regulatory agency.

Feel free to share any project data and analyses you currently have and to include me on any contact lists you might have for recurring meetings if you would like for me to be present!

All the best,
Jordan

Jordan Jarrett, M.A., RPA
Trails Resources Specialist
National Trails Office, NPS
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 470-0426

Working with you to protect and promote National Historic Trails.
<http://www.nps.gov/ntir/>



From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Monday, March 3, 2025 3:00 PM
To: Jensen, Jill L <Jill_Jensen@nps.gov>; Jarrett, Jordan E <jordan_jarrett@nps.gov>
Cc: Malone, Patrick <Patrick_Malone@nps.gov>; Suzanne Acton <sacton@jub.com>; Sweeten, Robert L <rsweeten@blm.gov>
Subject: RE: [EXTERNAL] Project crossing California National Trail corridor- Section 106

Thanks all! Jordan, please let me know what you'll need from the NRCS regarding evaluating effects under the NHTSA and NHPA, and if you would like to meet via Teams to discuss further. Since this trail is administered by the NPS, would the NPS tentatively want to be a cooperating agency under NEPA for the EIS? I will have our office send a formal cooperating agency request letter. Who would be best to address that letter to?

I am also looping in Suzanne Acton with JUB Engineers, she is assisting in writing the EIS.

Cheers,
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
p: (801) 524-4556 | c: (385) 258-1266
e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Jensen, Jill L <Jill_Jensen@nps.gov>
Sent: Monday, March 3, 2025 2:07 PM
To: Sweeten, Robert L <rsweeten@blm.gov>; Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Malone, Patrick <Patrick_Malone@nps.gov>; Jarrett, Jordan E <jordan_jarrett@nps.gov>
Subject: Re: [EXTERNAL] Project crossing California National Trail corridor- Section 106

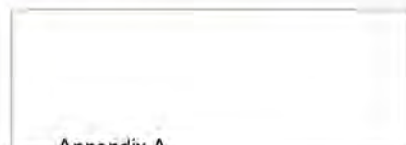
Hey all,

Looping in Jordan Jarrett has she handles our technical assistance as it pertains to compliance issues.

Jill Jensen
Lead Planner
National Park Service
National Trails
1100 Old Santa Fe Trail
Santa Fe, NM 87505
(505) 819-9298 cell (preferred)
(505) 988-6062 office

Working with you to protect, develop, and promote national historic trails.

<http://www.nps.gov/ntir/>



<http://findyourpark.com/>

From: Sweeten, Robert L <rsweeten@blm.gov>
Sent: Monday, March 3, 2025 2:05 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Jensen, Jill L <Jill_Jensen@nps.gov>; Malone, Patrick <Patrick_Malone@nps.gov>
Subject: Re: [EXTERNAL] Project crossing California National Trail corridor- Section 106

Tara,

Thanks for reaching out! The California NHT is administered by the NPS, so I recommend consulting Jill Jensen (CC'd). The Old Spanish NHT, however, is co-administered by BLM and NPS, making it a different matter.

Regarding the California NHT, this should be evaluated through the National Trails System Act (NTSA), considering not just on-the-ground sites but also the historic setting, recreation, scenery, natural resources, and significant events contributing to its Congressional designation. On BLM land, we follow a process for site-specific inventory, while NPS can determine if a site or route segment has high potential and define the corridor in question.

Also, the NTSA benchmark differs from NHPA—projects must avoid interfering with the trail's nature and purpose. That said, my initial thought is that filling post-period canals may enhance the historic setting over time (but don't quote me on that yet!).

I'll review your document and look forward to making this process smooth and efficient while addressing key issues. Feel free to reach out with any questions.

Rob Sweeten
Old Spanish Trail Administrator/Utah Historic Trails Lead
BLM Utah State Office
440 West 200 South Suite 500
Salt Lake City, Utah 84101-1345
801-539-4075 Office
801-558-7645 Cell

From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Monday, March 3, 2025 1:35 PM
To: Sweeten, Robert L <rsweeten@blm.gov>
Subject: [EXTERNAL] Project crossing California National Trail corridor- Section 106

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Good Afternoon Rob,

The ^{USDA NRCS} Natural Resources Conservation Service, in partnership with the ^{Lower Bear River Watershed Project} Bear River Water Conservancy District, is proposing improvements within the Lower Bear River watershed in northern Utah. As part of the analysis, a Watershed Plan and Environmental Impact Statement is being prepared by JUB Engineers. As part of the NEPA analysis and in compliance with Section 106 of the NHPA, a cultural resources survey of the APE has been completed, and I am currently reviewing the draft cultural report. The project area does cross the corridor of the Salt Lake Cut-Off of the California National Historic Trail, though no evidence is on the ground. I have attached the draft cultural report, survey shapefiles, and vicinity map showing project components.

As part of the proposed watershed plan, several historic canals would be converted from open ditch to pipe. This would essentially return the area to a similar condition as to when the trail passed through the area. To ensure we do our due diligence in terms of identifying historic properties and assessing potential effects, how best should we go about looking at potential effects to the trail corridor? I also believe that the NPS jointly administers this trail. Do you have a POC at NPS that I could contact?

Any assistance is much appreciated.

Thank you!
Tara

Tara S. Hoffmann

State Watershed Cultural Resources Specialist
NRCS Utah | Water Resources



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

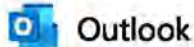
125 S State St Rm 6416, Salt Lake City, UT, 84138

p: (801) 524-4556 | c: (385) 258-1266

e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

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U.S. Army Corps of Engineers (USACE) Consultation and Coordination Regarding Potential Mitigation



Lower Bear River Aquatic Resources Delineation SPK-2024-00064

From Jason Lewis <jlewis@jub.com>

Date Thu 2025-03-06 11:57 AM

To Nicole.D.Fresard@usace.army.mil <Nicole.D.Fresard@usace.army.mil>

Cc Pectol, Michael A CIV USARMY CESP (USA) <Michael.A.Pectol@usace.army.mil>; Jason.A.Gipson@usace.army.mil <Jason.A.Gipson@usace.army.mil>; Suzanne Acton <sacton@jub.com>

Hi Nicole,

Hope you are doing well. I wanted to send you the Lower Bear River Aquatic Resources Delineation (**SPK-2024-00064**) for your review.

The link is below, please confirm the link works and let me know if you have any questions or comments.

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:15f9aeb8-7645-4cd5-bccb-d2612edd724c>

Thanks,

Jason Lewis

Environmental Specialist/Biologist - Senior

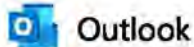
J-U-B ENGINEERS, Inc.

400 Memorial Drive, Idaho Falls, Idaho 83402

e jlewis@jub.com w www.jub.com

cell 208 527-6583

Environmental Protection Agency (EPA) Coordination



Outlook

[EXTERNAL] FW: Lower Bear in multiple emails

From Snyder, Shannon <snyder.shannon@epa.gov>**Date** Fri 2025-05-30 10:16 AM**To** Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>; Suzanne Acton <sacton@jub.com>**Cc** Jensen, Amanda <Jensen.Amanda@epa.gov>

1 attachment (34 KB)

LBRV1_CommentResponses_EPA 5-30-25.xlsx;

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Derek and Suzanne,

Good morning. Amanda is out of the office today. Attached are EPA's comments on the Lower Bear River Watershed Plan ADEIS. Please let us know if you have any questions or would like to discuss our feedback.

Have a great weekend,
Shannon

Shannon Snyder

Environmental Scientist, NEPA Lead Reviewer

U.S. EPA, Region 8
NEPA Branch
1595 Wynkoop Street
Denver, CO 80202-1129
p: (303) 312-6335

From: Jensen, Amanda <Jensen.Amanda@epa.gov>**Sent:** Friday, May 30, 2025 8:53 AM**To:** Snyder, Shannon <snyder.shannon@epa.gov>**Subject:** FW: Lower Bear in multiple emails

From: Suzanne Acton <sacton@jub.com>

Sent: Tuesday, May 20, 2025 1:48 PM

To: Carter, Wyatt J <wcarter@usbr.gov>; Hollis.G.Jencks@usace.army.mil; Fresard, Nicole D CIV USARMY CESP (USA <nicole.d.fresard@usace.army.mil>); anthony.p.jorgensen@gmail.com; cwholm@yahoo.com; Hubner, Matt <Hubner.Matt@epa.gov>; Steiff, Nicole - FPAC-NRCS, UT <nicole.steiff@usda.gov>; Benfield, Connor - FPAC-NRCS, UT <connor.benfield@usda.gov>; Gipson, Jason A CIV USARMY CESP (USA <jason.a.gipson@usace.army.mil>); Pectol, Michael A CIV USARMY CESP (USA <michael.a.pectol@usace.army.mil>); Jensen, Amanda <Jensen.Amanda@epa.gov>; EPA-R8-NEPA <EPA-R8-NEPA@epa.gov>; cmackley@tremontocity.com; Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; dmcFarland@boxeldercounty.org; Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>; randy@brcanal.com; jarrod_ke_logg@fws.gov <jarrod_kellogg@fws.gov>; Chance Baxter <chanceb@brwcd.com>; chadcranney@utah.gov; znelson@usbr.gov; Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>; rigginholmgren@gmail.com; CARL STETTLER <robertc.stettler@comcast.net>; Beals, Anthony - NRCS, Salt Lake City, UT <anthony.beals@usda.gov>; gliverson@frontier.com; kwalsh@ducks.org; pfulgham@tremontocity.com; Jarrett, Jordan E <jordan_jarrett@nps.gov>; chebert@ducks.org; Trevor Nielson <trevor@brcanal.com>

Cc: Parker Achenbach <pachenbach@jub.com>; Christopher Slater <cslater@JUB.com>; Suzanne Acton <sacton@jub.com>; Jennie Fischer <jfischer@jub.com>; Colton Smith <csmith@jub.com>; Andy Neff <aneff@langdongroupinc.com>

Subject: Lower Bear in multiple emails

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Hello Everyone—NRCS, EPA, Reclamation, USACE, NPS, and USFWS agency folks, Project Sponsors, and individuals,

We are pleased to present the second draft of the Lower Bear River Watershed Plan-EIS for your review. We have responded to your comments in Tracked Changes versions of the Plan-EIS and Appendix D, and have collated all the responses to your comments in an excel spreadsheet.

We are in sending in multiple emails because of the size.

Please review by May 30, 2025, if possible.

Settle in, as it's a lengthy read!

If you have any troubles downloading the files, let me know!

Respectfully,

Suzanne Acton

Environmental Services Group Technical Lead

Environmental Planning/NEPA

J-U-B ENGINEERS, Inc.

846 6th Street

Clarkston, WA 99403

E sacton@jub.com W www.jub.com

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U.S. Fish and Wildlife Service (USFWS) Consultation and Coordination



United States Department of Agriculture

May 17, 2024

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

RE: Lower Bear River Watershed Plan-Environmental Impact Statement (Plan-EIS)
Section 12 Notification--Public Law 83-566

Dear George Weekley:

The Natural Resources Conservation Service (NRCS) is currently preparing the Lower Bear River Watershed Plan-EIS for agricultural water management, flood protection, recreational, and watershed protection measures in Box Elder County, Utah. In accordance with Section 12 of the Watershed Protection and Flood Prevention Act, Public Law 83-566 (U.S.C. Section 1008), this letter serves to notify the U.S. Fish and Wildlife Service (USFWS) that NRCS invites the USFWS to submit survey reports or investigations regarding wildlife resources that will be considered in development of the Lower Bear River Watershed Plan-EIS. Additionally, the NRCS welcomes USFWS participation in the preparation of the Plan-EIS in accordance with Section 12 of Public Law 83-566.

Thank you for your assistance. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at derek.hamilton@usda.gov or 801/524-4560.

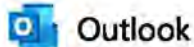
Sincerely,

TRAVIS MOTE Digitally signed by TRAVIS MOTE
Date: 2024.05.20 14:51:39 -06'00'

Travis Mote
Acting State Conservationist

cc:

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



Outlook

Lower Bear River Watershed Project YBCU Habitat Discussion

From Rebecca Hendricks Miller <rhmill@jub.com>

Date Wed 2025-02-05 11:35 AM

To Snyder, Shawn D <shawn_snyder@fws.gov>; Costantini, Danielle N <danielle_costantini@fws.gov>

Cc Benfield, Connor - FPAC-NRCS, UT <Connor.Benfield@usda.gov>; Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; Suzanne Acton <sacton@jub.com>; Autumn Davies <adavies@jub.com>

Hi Danielle and Shawn,

Thank you again for taking the time to speak with us this morning about potentially suitable YBCU habitat along the Bear River, related to the Lower Bear River Watershed Project.

In summary, USFWS agreed that marginally suitable habitat for the YBCU may occur within our 0.5-mile project buffer in the Bear River Canyon area. The primary concerns for effects to the YBCU and its habitat are related to direct removal of high-quality riparian habitat and any project activities, including vegetation removal, that would occur within the YBCU breeding season (June 30–August 31), and a MANLAA effects determination may be appropriate. A path towards informal consultation would exclude project construction or project activities within this timeframe. A careful examination of the quantity and quality of habitat within the footprint of two proposed siphons, where vegetation removal would potentially occur within breeding season, and a placement of a 0.5-mile buffer around those locations could narrow the scope of the potential area of impact that will need to be evaluated.

The BA will reflect a detailed examination of habitat quality and patch size, convey the temporary, short term and long-term impacts from the Proposed Action, and include conservation measures and temporal avoidance measures for the YBCU breeding season, as practical. USFWS will share YBCU detection occurrence data for up and downstream areas of the Bear River with J-U-B, if possible.

Please let me know if anyone has additional notes for me, or any questions.

Thank you,

Becky Hendricks Miller

Environmental Specialist & Biologist

J-U-B ENGINEERS, INC.

400 Memorial Drive Idaho Falls, ID 83402

e rhmill@jub.com w www.jub.com

p 208.270.3169

 Outlook

Re: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

From: Kellogg, Jarrod X <jarrod_kellogg@fws.gov>
 Date: Wed 2025-05-28 4:33 PM
 To: Suzanne Acton <sacton@jub.com>
 Cc: Millegan, Carl <carl_millegan@fws.gov>; Dunphy, Michael <Michael_Dunphy@fws.gov>

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Hi Suzanne, I've finished my review; since we are such a minor component I just went to the relevant sections.

I only have a couple of comments:

-Main EIS Body (Global correction): Unnamed Levee (42BO2998) Old River Channel (42BO2999) as currently mapped/recorded are on the Bear River MBR, not the Bear River Club.
 -Appendix B-23 and 25: Suggest adding a layer to these maps and others as appropriate showing the Refuge boundary.

Thanks,

Jarrod

Jarrod X Kellogg
 Zone Archeologist (MT/UT/WY)
 Mountain Prairie Region
 US Fish and Wildlife Service
 jarrod_kellogg@fws.gov
 (c)307-309-1146

Section 106/NHPA Project Review Form: https://forms.office.com/Pages/ResponsePage.aspx?id=urWT8hhLe02TQfMvQAnUkcdRBIGb15Mer_Ct2EjRBUNjU50IEVYxOEM4UjRORExOM1FIS1FWOSQIQCNQ#WcU

Supplemental Section 106 Protocol Review Form: [Cultural Resources Expedited Review Request: Supplemental Protocol](#)

From: Suzanne Acton <sacton@jub.com>
 Sent: Wednesday, May 28, 2025 10:59 AM
 To: Kellogg, Jarrod X <jarrod_kellogg@fws.gov>
 Cc: Millegan, Carl <carl_millegan@fws.gov>; Dunphy, Michael <Michael_Dunphy@fws.gov>
 Subject: Re: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

I'm using Mimecast to share large files with you. Please see the attached instructions.

Jarrod, Carl, and Mike,
 Please find the Lower Bear River Watershed Plan-EIS and Appendix A. I put both copies of the Plan-EIS (tracked changes V1 and clean V2). Let me know if you have any problems downloading these documents.
 Respectfully,
 Suzanne Acton

Environmental Services Group Technical Lead
 Environmental Planning/NEPA
 J-U-B ENGINEERS, Inc.
 846 6th Street
 Clarkston, WA 99403
 E sacton@jub.com W www.jub.com
 P 208 702-3471 cell

From: Kellogg, Jarrod X <jarrod_kellogg@fws.gov>
 Sent: Tuesday, May 27, 2025 3:01 PM
 To: Suzanne Acton <sacton@jub.com>
 Cc: Dunphy, Michael <Michael_Dunphy@fws.gov>; Millegan, Carl <carl_millegan@fws.gov>
 Subject: Re: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

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

Hi Suzanne, I can't seem to find Appendix A and the body of the EIS; could you please resend?

Also, please send the documents to Carl Millegan and Mike Dunphy, they are Project Leader and Refuge Manager, respectively, at Bear River MBR

Thanks!

Jarrod

Jarrod X Kellogg
USDA-NRCS
Zone Archeologist (MT/UT/WY)
Mountain Prairie Region
US Fish and Wildlife Service
jarrod_kellogg@fws.gov
(c)307-309-1146

Lower Bear River Watershed Project

Section 106/NHPA Project Review Form: https://forms.office.com/Pages/ResponsePage.aspx?id=urWTBhhLe02TQfMvQAptUJKdJRB6l5MgR_Cjt2EjRBUNjiUS0EVIYxOEM4UjRORExOM1FIS1FW0SOIQCN0PWku

Supplemental Section 106 Protocol Review Form: [Cultural Resources Expedited Review Request: Supplemental Protocol](#)

From: Suzanne Acton <sacton@jub.com>
Sent: Tuesday, May 20, 2025 6:00 PM
To: dmfcarland@boxeldercounty.org <dmfcarland@boxeldercounty.org>; Jarrett, Jordan E <jordan_jarrett@nps.gov>; chadcranney@utah.gov <chadcranney@utah.gov>; tara.hoffmann@usda.gov <tara.hoffmann@usda.gov>; robertc.stettler@comcast.net <robertc.stettler@comcast.net>; trevor@brcanal.com <trevor@brcanal.com>; chanceb@brwcd.com <chanceb@brwcd.com>; jason.a.gipson@usace.army.mil <jason.a.gipson@usace.army.mil>; rigginholmgren@gmail.com <rigginholmgren@gmail.com>; cwholm@yahoo.com <cwholm@yahoo.com>; pfulgham@tremontoncitiy.com <pfulgham@tremontoncitiy.com>; nicole.d.fresard@usace.army.mil <nicole.d.fresard@usace.army.mil>; chebert@ducks.org <chebert@ducks.org>; Hollis.G.Jencks@usace.army.mil <Hollis.G.Jencks@usace.army.mil>; Carter, Wyatt J <wcarter@usbr.gov>; Kellogg, Jarrod X <jarrod_kellogg@fws.gov>; gliverson@frontier.com <gliverson@frontier.com>; nicole.steiff@usda.gov <nicole.steiff@usda.gov>; michael.a.pectol@usace.army.mil <michael.a.pectol@usace.army.mil>; anthony.beals@usda.gov <anthony.beals@usda.gov>; derek.hamilton@usda.gov <derek.hamilton@usda.gov>; hubner.matt@epa.gov <hubner.matt@epa.gov>; anders.fillerup@usda.gov <anders.fillerup@usda.gov>; kwals@ducks.org <kwals@ducks.org>; Nelson, Zachary N <znelson@usbr.gov>; randy@brcanal.com <randy@brcanal.com>; EPA-R8-NEPA@epa.gov <EPA-R8-NEPA@epa.gov>; jensen.amanda@epa.gov <jensen.amanda@epa.gov>; anthony.p.jorgensen@gmail.com <anthony.p.jorgensen@gmail.com>; cmackley@tremontoncitiy.com <cmackley@tremontoncitiy.com>; connor.benfield@usda.gov <connor.benfield@usda.gov>
Cc: Colton Smith <csmith@jub.com>; Christopher Slater <cslater@JUB.com>; Andy Neff <anef@langdongroupinc.com>; Parker Achenbach <pachenbach@jub.com>; Jennie Fischer <jfischer@jub.com>
Subject: [EXTERNAL] RE: RE: Lower Bear in multiple emails...Appendix E....Last email

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...been having trouble sending Appendix E...here it is in 3 parts...

Suzanne Acton
Environmental Services Group Technical Lead
Environmental Planning/NEPA
J-U-B ENGINEERS, Inc.
846 6th Street
Clarkston, WA 99403
E sacton@jub.com W www.jub.com
P 208 702-3471 cell

From: Suzanne Acton
Sent: Tuesday, May 20, 2025 12:55 PM
To: Suzanne Acton <sacton@jub.com>; wcarter@usbr.gov; Hollis.G.Jencks@usace.army.mil; nicole.d.fresard@usace.army.mil; anthony.p.jorgensen@gmail.com; cwholm@yahoo.com; hubner.matt@epa.gov; nicole.steiff@usda.gov; connor.benfield@usda.gov; jason.a.gipson@usace.army.mil; michael.a.pectol@usace.army.mil; jensen.amanda@epa.gov; EPA-R8-NEPA@epa.gov; cmackley@tremontoncitiy.com; anders.fillerup@usda.gov; dmfcarland@boxeldercounty.org; tara.hoffmann@usda.gov; randy@brcanal.com; jarrod_kellogg@fws.gov; chanceb@brwcd.com; chadcranney@utah.gov; znelson@usbr.gov; derek.hamilton@usda.gov; rigginholmgren@gmail.com; robertc.stettler@comcast.net; anthony.beals@usda.gov; gliverson@frontier.com; kwals@ducks.org; pfulgham@tremontoncitiy.com; jordan_jarrett@nps.gov; chebert@ducks.org; trevor@brcanal.com
Cc: Parker Achenbach <pachenbach@jub.com>; Christopher Slater <cslater@JUB.com>; Jennie Fischer <jfischer@jub.com>; Colton Smith <csmith@jub.com>; Andy Neff <anef@langdongroupinc.com>
Subject: RE: Lower Bear in multiple emails

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File(s):
LBRAappendixB_V2.pdf
LBRAappendixC_V2.pdf

Here are Appendices B, and C. I'll send Appendix E in the next email.

Suzanne Acton
Environmental Services Group Technical Lead
Environmental Planning/NEPA
J-U-B ENGINEERS, Inc.
846 6th Street
Clarkston, WA 99403

From: Suzanne Acton <sacton@jub.com>
Sent: Tuesday, May 20, 2025 12:48 PM
To: Carter, Wyatt J <wcarter@usbr.gov>; Hollis G. Jencks <Hollis.G.Jencks@usace.army.mil>; Fresard, Nicole D CIV USARMY CESP (USA <nicole.d.fresard@usace.army.mil>); anthony.p.jorgensen@gmail.com; cwholm@yahoo.com; Hubner, Matt <hubner.matt@epa.gov>; Steiff, Nicole - FPAC-NRCS, UT <nicole.steiff@usda.gov>; Benfield, Connor - FPAC-NRCS, UT <connor.benfield@usda.gov>; Gipson, Jason A CIV USARMY CESP (USA <jason.a.gipson@usace.army.mil>); Pectol, Michael A CIV USARMY CESP (USA <michael.a.pectol@usace.army.mil>); Jensen, Amanda (she/her/hers <jensen.amanda@epa.gov>); EPA-RR-NEPA@epa.gov; cmackley@tremontoncity.com; Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; dmcFarland@howelddercounty.org; Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>; randy@hrcanal.com; jarrod_kellogg@fws.gov; jarrod_kellogg@fws.gov; Chance Baxter <chanceb@brwrcd.com>; chadcranney@utah.gov; znelson@usbr.gov; Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>; digginholmgren@gmail.com; CARL STETTLER <robertc.stettler@comcast.net>; Beals, Anthony - NRCS, Salt Lake City, UT <anthony.beals@usda.gov>; gilverson@frontier.com; kwalsh@ducks.org; pfulgham@tremontoncity.com; Jarrett, Jordan E <jordan_jarrett@nps.gov>; chebert@ducks.org; Trevor Nielson <trevor@hrcanal.com>
Cc: Parker Achenbach <pachenbach@jub.com>; Christopher Slater <cslater@JUB.com>; Suzanne Acton <sacton@jub.com>; Jennie Fischer <jfischer@jub.com>; Colton Smith <csmith@jub.com>; Andy Neff <anef@langdongroupinc.com>
Subject: Lower Bear in multiple emails

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Please review by May 30, 2025, if possible.

Settle in, as it's a lengthy read!

If you have any troubles downloading the files, let me know!

Respectfully,

Suzanne Acton

Environmental Services Group Technical Lead

Environmental Planning/NEPA

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Clarkston, WA 99403

E sacton@jub.com W www.jub.com

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Hamilton, Derek - FPAC-NRCS, UT

From: Hamilton, Derek - FPAC-NRCS, UT
Sent: Wednesday, June 25, 2025 5:11 PM
To: USFWS Utah Field Office (utahfieldoffice_esa@fws.gov); Weekley, George M
Cc: Weiss, Dannette T; Reisor, Rita S; Ritamay Reyna; Fife, Emily - FPAC-NRCS, UT; Fillerup, Anders - FPAC-NRCS, UT; Boswell, Ammon - FPAC-NRCS, UT; Schick, Jeff - FPAC-NRCS, UT
Subject: Lower Bear River Watershed Plan...request for USFWS concurrence
Attachments: NRCS-UT_Lower Bear River BA_concurrence request_FINAL.pdf; NRCS-UT_Lower Bear River BA_FINAL.pdf

George...

Please find attached letter (and associated BA) requesting USFWS concurrence with NRCS's determination that the Lower Bear River Watershed Plan is **not likely to adversely affect** the yellow-billed cuckoo (*Coccyzus americanus*). It has also been determined that the project would have **no effect** on the remaining federally listed species or critical habitat identified in the IPaC report.

Please contact me if you have any questions.

Thank you...Derek

~~~~~

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

 **U.S. DEPARTMENT OF AGRICULTURE**  
Natural Resources Conservation Service  
Utah—State Office  
125 South State Street Room 6416, Salt Lake City, UT 84138  
Mobile: 385.321.4987

~~~~~

Hamilton, Derek - FPAC-NRCS, UT

From: Jencso, Emily D <emily_jencso@fws.gov>
Sent: Friday, July 25, 2025 9:56 AM
To: Hamilton, Derek - FPAC-NRCS, UT; Ellis, Michael (Mike)
Subject: Re: [EXTERNAL] RE: Lower Bear River Watershed Plan request for USFWS concurrence

Hello Derek,

I made a correction to my email (switched from BLM to NRCS), sorry about that, copy/paste error. I tried giving you a call back it is just ringing.

Based on the Service's review of the request, we concur with the Natural Resources Conservation Service's determination that the proposed action outlined in the Assessment, may affect, but is not likely to adversely affect western yellow-billed cuckoo. Please find the attached record of concurrence.

This concludes informal consultation. Further consultation pursuant to section 7(a)(2) of the Act is not required. Reinitiation of consultation on this action may be necessary if: (1) new information reveals effects of the action that may affect listed species or designated critical habitat in a manner or to an extent not considered in the assessment, (2) the action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the analysis, or (3) a new species is listed or critical habitat designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of Utah's threatened and endangered species. If you have any questions regarding this consultation, please feel free to contact Mike Ellis.

Best,

Emily Jencso
Supervisory Fish and Wildlife Biologist, CWB
Utah Ecological Services Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
Office: 801.239.0565

Please submit all project requests to:
utahfieldoffice_esa@fws.gov

From: Jencso, Emily D <emily_jencso@fws.gov>
Sent: Friday, July 25, 2025 9:33 AM
To: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; Ellis, Michael (Mike) <michael_ellis@fws.gov>
Subject: Re: [EXTERNAL] RE: Lower Bear River Watershed Plan request for USFWS concurrence

Hello Derek,

Based on the Service's review of the request, we concur with the Bureau of Land Management's determination that the proposed action outlined in the Assessment, may affect, but is not likely to adversely affect western yellow-billed cuckoo. Please find the attached record of concurrence.

This concludes informal consultation. Further consultation pursuant to section 7(a)(2) of the Act is not required. Reinitiation of consultation on this action may be necessary if: (1) new information reveals effects of the action that may affect listed species or designated critical habitat in a manner or to an extent not considered in the assessment, (2) the action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the analysis, or (3) a new species is listed or critical habitat designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of Utah's threatened and endangered species. If you have any questions regarding this consultation, please feel free to contact Mike Ellis.

Best,

Emily Jencso
Supervisory Fish and Wildlife Biologist, CWB
Utah Ecological Services Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
Office: 801.239.0565

Please submit all project requests to:
utahfieldoffice_esa@fws.gov

From: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Sent: Thursday, July 24, 2025 3:04 PM
To: Ellis, Michael (Mike) <michael_ellis@fws.gov>
Cc: Jencso, Emily D <emily_jencso@fws.gov>
Subject: RE: [EXTERNAL] RE: Lower Bear River Watershed Plan request for USFWS concurrence

Sounds good...thx for the update...Derek

Derek Hamilton
Water Resources Coordinator

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
Utah—State Office
125 South State Street Room 6416, Salt Lake City, UT 84138
Mobile: 385.321.4987

From: Ellis, Michael (Mike) <michael_ellis@fws.gov>
Sent: Thursday, July 24, 2025 2:24 PM
To: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Cc: Jencso, Emily D <emily_jencso@fws.gov>
Subject: Re: [EXTERNAL] RE: Lower Bear River Watershed Plan request for USFWS concurrence

Hi Derek,

Thank you for your patience. I've just about wrapped up my review of the Lower Bear River Watershed Plan and have passed my report along to my supervisor, Emily (cc'd). I will be out of office tomorrow and all of next week, but I expect to get back to you the week of August 4-9 unless Emily chooses to reach out before then.

Best,

Mike Ellis, PhD
Fish & Wildlife Biologist
Utah Ecological Services Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
Phone: 801-908-5099

From: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Sent: Thursday, July 10, 2025 3:24 PM
To: Ellis, Michael (Mike) <michael_ellis@fws.gov>
Subject: [EXTERNAL] RE: Lower Bear River Watershed Plan request for USFWS concurrence

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Hi Mike...

See attached shapefiles of project measures associated with the preferred alternative

Thx...Derek

Derek Hamilton
Water Resources Coordinator

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
Utah—State Office
125 South State Street Room 6416, Salt Lake City, UT 84138
Mobile: 385.321.4987

From: Hamilton, Derek - FPAC-NRCS, UT
Sent: Thursday, July 3, 2025 3:18 PM
To: Ellis, Michael (Mike) <michael_ellis@fws.gov>
Cc: Jencso, Emily D <emily_jencso@fws.gov>; Fife, Emily - FPAC-NRCS, UT <emily.fife@usda.gov>; Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; Boswell, Ammon - FPAC-NRCS, UT <ammon.boswell@usda.gov>; Schick, Jeff - FPAC-NRCS, UT <jeff.schick@usda.gov>
Subject: RE: Lower Bear River Watershed Plan request for USFWS concurrence

Hi Mike...

Pls note that I will contact the consultant (JUB Engineers) preparing the Watershed Plan-EIS and send you shapefiles in the near future.

Enjoy the long weekend...Derek

Derek Hamilton
Water Resources Coordinator



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Utah—State Office

125 South State Street Room 6416, Salt Lake City, UT 84138

Mobile: 385.321.4987

From: Ellis, Michael (Mike) <michael_ellis@fws.gov>
Sent: Thursday, July 3, 2025 1:54 PM
To: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Cc: Jencso, Emily D <emily_jencso@fws.gov>; Fife, Emily - FPAC-NRCS, UT <emily.fife@usda.gov>; Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; Boswell, Ammon - FPAC-NRCS, UT <ammon.boswell@usda.gov>; Schick, Jeff - FPAC-NRCS, UT <jeff.schick@usda.gov>
Subject: Lower Bear River Watershed Plan request for USFWS concurrence

Hi Derek et al.,

Thank you for reaching out to our office regarding the Lower Bear River Watershed Plan. I'll be UTESFO's staff lead for this project and will be providing technical assistance throughout the review process.

If you have any GIS layers associated with the project, please send them my way when you can as they'll be helpful in our analysis. I'll be diving into the review in earnest next week.

Looking forward to working together, and happy 4th of July weekend to you,

Mike Ellis, PhD
Fish & Wildlife Biologist
Utah Ecological Services Field Office
U.S. Fish and Wildlife Service

USDA-NRCS
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
Phone: 801-908-5099

Lower Bear River Watershed Project

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United States Department of Agriculture

June 23, 2025

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

RE: Lower Bear River Watershed Plan-Environmental Impact Statement (EIS)
 Box Elder County, Utah

Dear George Weekley:

The Natural Resources Conservation Service (NRCS) is providing assistance to the Bear River Water Conservancy District through the PL-566 Watershed Protection and Flood Prevention Program to prepare the Lower Bear River Watershed Plan-EIS for proposed improvements in Box Elder County, Utah. This letter is being submitted in compliance with Section 7 of the Endangered Species Act (ESA) to document our determination of potential project effects on federally listed species and designated critical habitat; additionally, this letter serves as a request for U.S. Fish and Wildlife Service concurrence with our determinations.

The NRCS has determined that the Lower Bear River Watershed Plan **may affect, but is not likely to adversely affect** the yellow-billed cuckoo (*Coccyzus americanus*). Furthermore, it has been determined that the project would have **no effect** on the remaining federally listed ESA species, including critical habitat, identified in the Information for Planning and Consultation report. Please find the enclosed Biological Assessment that has been prepared to document the basis for our determinations and identify conservation measures for the project.

Thank you for your assistance. If you have any questions or need additional information, please contact Derek Hamilton of my staff at 385/321-4987 or derek.hamilton@usda.gov.

Sincerely,

EMILY FIFE
 State Conservationist

Enclosure

cc:

Derek Hamilton, Biologist/Water Resources
 Ammon Boswell, Area Conservationist, NRCS
 Jeff Schick, District Conservationist, NRCS,

The U.S. Fish and Wildlife Service concurs with your determination that the proposed action *may affect, and is not likely to adversely affect*:

Species: Western yellow-billed cuckoo

Critical Habitat: N/A

The proposed action is expected to be:

Insignificant: Discountable: Beneficial:

 U.S. Fish and Wildlife Utah Field Supervisor (Acting)

Office Code: 06E23000 Project Code: 2025-0037330

Paleontological Consultation

February 20, 2025

Kira Coff
J-U-B Engineers, Inc.
392 E. Winchester Street, Suite 300
Salt Lake City UT 84107

RE: Paleontological file search and recommendations for the Proposed Lower Bear River Watershed Plan Project, Box Elder County, Utah
U.C.A. 79-3-508 (Paleontological) Compliance; Request for Confirmation of Literature Search.

Dear Kira:

I have conducted a paleontological file search for the Proposed Lower Bear River Watershed Plan Project in response to your letter of February 4, 2025.

There are two paleontological localities recorded in our files in or near this project area. These consist of vertebrate fossils that have been collected from Lake Bonneville lacustrine deposits, so they would not be impacted by this project. Quaternary and Recent alluvial and lacustrine deposits that are exposed along these project rights-of-way have a low potential for yielding significant fossil localities (PFYC 2). Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

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

Sincerely,



Martha Hayden
Paleontological Assistant