Draft Environmental Assessment

BLOCK NOTICE 7A-2 TEMPORARY USE IN NORTH UTAH COUNTY

June 2021

Joint Lead Agencies

Central Utah Water Conservancy District

U.S. Department of the Interior, CUPCA Office

Utah Reclamation Mitigation and Conservation Commission

CENTRAL UTAH WATER CONSERVANCY DISTRICT

U.S. DEPARTMENT OF THE INTERIOR · MARCH 3, 1849

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

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Cooperating Agency

U.S. Bureau of Reclamation

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TABLE OF CONTENTS

LIST OF FIGURES AND TABLES

ABBREVIATIONS AND ACRONYMS

ACHP	Advisory Council on Historic Preservation
AF	acre-feet
APA	agricultural protection areas
APE	Area of Potential Effects
BMP	Best Management Practice
CAAA	Clean Air Act Amendments
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
cfs	cubic feet per second
CUP	Central Utah Project
CUPCA	Central Utah Project Completion Act
CUPCA Office	Central Utah Project Completion Act Office
CUWCD	Central Utah Water Conservancy District
CWA	Clean Water Act
DEQ	Utah Division of Water Quality
District	Central Utah Water Conservancy District
DPR	Definite Plan Report
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
Interior	U.S. Department of the Interior, Central Utah Project Completion Act Office
ITAs	Indian Trust Assets
JLAs	Joint Lead Agencies
JSRIP	June Sucker Recovery Implementation Program
M&I	Municipal and Industrial
MBTA	Migratory Bird Treaty Act
MG	million gallon
Mitigation Commission	Utah Reclamation Mitigation and Conservation Commission
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places

NUCAC	North Utah County Aquifer Council
NUCWCD	North Utah County Water Conservancy District
PL	Public Law
Reclamation	U.S. Bureau of Reclamation
SFHA	Special Flood Hazard Area
SFSP	Spanish Fork – Santaquin Pipeline
SHPO	State Historic Preservation Office
SPC	species of concern
SR	state road
SWPPP	Storm Water Pollution Prevention Plan
UAC	Utah Administrative Code
UDAQ	Utah Division of Air Quality
UDCC	Utah Data Conservation Center
UDEQ	Utah Department of Environmental Quality
UDOT	Utah Department of Transportation
UDWR	Utah Division of Wildlife Resources
UNHP	Utah Natural Heritage Program
ULS	Utah Lake Drainage Basin Water Delivery System
UPDES	Utah Pollutant Discharge Elimination System
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
UST	underground storage tank

CHAPTER 1: PURPOSE AND NEED

1.1 Introduction

The Central Utah Water Conservancy District (CUWCD), the United States Department of the Interior – Central Utah Project Completion Act Office (CUPCA Office), and the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission), as Joint Lead Agencies (JLAs), are proposing the temporary use in North Utah County of water allocated under Block Notice 7A-2 and have prepared this draft Environmental Assessment (draft EA) to analyze and disclose the effects of the proposed project.

1.1.1 National Environmental Policy Act

This draft EA presents and evaluates the potential effects of the Block Notice 7A-2 Temporary Use in North Utah County (Project) in order to determine whether it could cause significant impacts to the human or natural environment as defined by the National Environmental Policy Act of 1969 (NEPA, Public Law [PL] 91-190 and 42 USC 4321-4347), the Council on Environmental Quality (CEQ, 40 Code of Federal Regulations [CFR] Parts 1500-1508), and U.S. Department of the Interior (DOI) Regulations Implementing NEPA (43 CFR Part 46). The JLAs will use the EA process to satisfy disclosure requirements and as a means for public participation mandated by NEPA and the Central Utah Project Completion Act (CUPCA, PL 102-575). The requirements under Section 106 of the National Historic Preservation Act of 1966 (NHPA), Section 7 of the Endangered Species Act of 1973 (ESA), and other state and local regulatory obligations will be satisfied or are not applicable. If the draft EA shows no significant impacts associated with implementation of the Project, then a Final EA and Finding of No Significant Impact (FONSI) will be issued by the JLAs. During the draft EA process, if it is determined that there may be significant impacts, the JLAs would initiate the preparation of an Environmental Impact Statement (EIS) prior to implementing the Project.

1.1.2 Cooperating Agencies

As defined in 40 CFR 1501.6, a Cooperating Agency actively participates in the NEPA process, provides information for preparing environmental analyses for which the Cooperating Agency has jurisdiction by law or special expertise, and is part of a proposed project's interdisciplinary team. The JLAs invited the U.S. Bureau of Reclamation (Reclamation) to participate in the preparation and review of this draft EA as a Cooperating Agency. Reclamation accepted the invitation and has assisted in the preparation of this draft EA.

1.2 Project Background

1.2.1 Joint Lead Agencies

Central Utah Water Conservancy District

The CUWCD is a political subdivision of the State of Utah, organized in 1964 under the laws of the State of Utah. CUWCD is the local sponsor of the Central Utah Project (CUP). Under CUPCA

legislation, CUWCD acts as a federal agency with respect to environmental requirements (Title II, section 205(b) of PL 102-575):

> (b) COMPLIANCE WITH ENVIRONMENTAL LAWS AND THE TERMS OF THIS ACT. - Notwithstanding any other provision of this Act, Federal funds authorized under this title may not be provided to the District until the District enters into a binding agreement with the Secretary to be considered a "Federal Agency" for purposes of compliance with all Federal fish, wildlife, recreation, and environmental laws with respect to the use of such funds, and to comply with this Act.

CUWCD entered into such an agreement with the Secretary of the Interior on August 11, 1993.

Utah Reclamation Mitigation and Conservation Commission

The Utah Reclamation Mitigation and Conservation Commission is an Executive branch agency of the federal government. The Mitigation Commission was authorized under the Central Utah Project Completion Act of 1992. In addition to meeting Utah's growing demand for water, a major impetus for passage of CUPCA was awareness that prior efforts to mitigate or offset loss of natural resource values lagged the construction of CUP water development features. The Mitigation Commission is therefore responsible for designing, funding, and implementing projects to offset the impacts to fish, wildlife, and related recreation resources caused by CUP and other federal reclamation projects in Utah. The Mitigation Commission was established in the mid-1990s and consists of five commissioners, appointed by the President of the United States.

Central Utah Project Completion Act Office

The Central Utah Project Completion Act Office located in Provo, Utah, was created in 1993 to oversee completion of the Central Utah Project and is staffed by a small team of professionals. The CUPCA Office provides important liaison between the Department of the Interior, the Central Utah Water Conservancy District, the Utah Reclamation Mitigation and Conservation Commission, the Bureau of Reclamation, and other key federal and state agencies involved with completion of the CUP.

1.2.2 Central Utah Project/Central Utah Project Completion Act

The Central Utah Project is the state of Utah's largest and most comprehensive federal water resource development project. It moves water from the Colorado River basin in eastern Utah to the western slopes of the Wasatch Mountain range where population growth and industrial development are rapidly growing. The CUP also develops and provides water for the Uinta Basin located on the eastern side of the Wasatch Mountains. The CUP provides water for municipal and industrial (M&I) use, irrigation, hydroelectric power, fish and wildlife, conservation, and recreation. Improved flood control and water quality are also among the project benefits. It was authorized as a participating project of the Colorado River Storage Project Act of 1956 to utilize a portion of Utah’s allotment and yield of the Colorado River. The CUP was originally divided into six units to facilitate planning and construction: Vernal, Bonneville,

Jensen, Upalco (deauthorized), Uinta (deauthorized), and Ute Indian (deauthorized). The Bonneville Unit is currently under construction while Vernal and Jensen units are completed.

The Central Utah Project Completion Act (CUPCA, P.L. 102-575) was enacted on October 30, 1992 and transferred the responsibility for planning and construction activities of the Bonneville Unit of the CUP to CUWCD and placed project oversight with the CUPCA Office of the Department of the Interior. CUPCA also authorized the creation of the Mitigation Commission, which works cooperatively to implement projects to offset environmental impacts caused by the CUP.

Bonneville Unit

The Bonneville Unit collects and diverts water within the Uinta Basin (part of the Colorado River Basin) to the Bonneville and Uinta basins providing water for Salt Lake, Utah, Wasatch, Juab, and Duchesne counties, and portions of Summit County, Utah. The Bonneville Unit contains a vast network of reservoirs, aqueducts, tunnels, canals, pipelines, pumping plants, and other conveyance facilities that develop water for irrigation, municipal, and industrial use, instream flows, and hydropower production (see Figure 1-1). The Bonneville Unit is comprised of six systems: Starvation Collection System, Strawberry Aqueduct & Collection System, Municipal and Industrial System, Diamond Fork System, Utah Lake Drainage Basin Water Delivery System (ULS), and Wasatch County Water Efficiency/Daniel Replacement Project. Much of the Bonneville Unit is completed and the remaining features of the ULS are currently under construction.

1.2.3 Utah Lake Drainage Basin Water Delivery System

The ULS is the final system of the Bonneville Unit to be constructed. The purposes of the ULS are to convey and deliver the Bonneville Unit water supply from Strawberry Reservoir to the Wasatch Front Area for municipal, industrial, environmental, and temporary agricultural uses. The ULS consists principally of buried pipelines that begin at the terminus of the Diamond Fork System at the mouth of Diamond Fork Canyon. The major components of the ULS are:

- Spanish Fork Canyon Pipeline (construction completed)
- Spanish Fork – Provo Reservoir Canal Pipeline (construction completed)
- Mapleton – Springville Lateral (construction completed)
- Spanish Fork – Santaquin Pipeline (currently under construction)
- Santaquin – Mona Pipeline (future construction)
- Hydroelectric Powerplants located in Diamond Fork Canyon (future construction)

ULS Environmental Impact Statement

The JLAs completed an EIS in the Fall of 2004 and subsequent Records of Decisions (RODs) were signed by DOI in December 2004 and the Mitigation Commission in January 2005. The ULS EIS analyzed and documented the environmental effects and authorized the design and construction of the ULS. The EIS states that ULS would provide “30,000 acre-feet (AF) of M&I water to Salt Lake County water treatment plants” which would be delivered through the “Provo

Reservoir Canal[1] and the Jordan Aqueduct" (see page 1-34 of the ULS EIS). Subsequent NEPA documents to the ULS EIS – Realignment of a Portion of the Utah Lake Drainage Basin Water Delivery System EA (2010) and the ULS Orem Reach 2 Realignment EA (2015) – described, analyzed, and approved the Spanish Fork-Provo Reservoir Canal Pipeline (SFPRCP) connection to the Alpine Aqueduct Reach. Pursuant to 40 CFR 1502.20 and 1508.28, this draft EA tiers to the ULS EIS.

Block Notice 7A-2

As discussed above, 30,000 acre-feet (AF) of Bonneville Unit water from Strawberry Reservoir was evaluated in the ULS EIS to be used in Salt Lake County. Under the previous Block Notice 7A-1, 8,000 AF was returned to the United States for use in the Provo River for instream flows in support of the June sucker (*chasmistes liorus*). The remaining 22,000 AF has been issued to CUWCD under Block Notice 7A-2 on October 1, 2020. Of that amount, 16,400 AF has been permanently allotted to the Jordan Valley Water Conservancy District (JVWCD) and 5,600 AF to Metropolitan Water District of Salt Lake and Sandy (MWDSLS).

The issuance of a block notice initiates repayment for the water development costs back to the United States. CUWCD accepted Block Notice 7A-2, has not sought a deferment under the Water Supply Act of 1958 and has fully prepaid the costs associated with the Block Notice 7A-2. However, under provisions of their respective ULS water sales contracts, JVWCD has formally requested from CUWCD up to a 10-year deferment on their use and associated payment of all or a portion of their interest in Block Notice 7A-2 water. MWDSLS has requested delivery of 3,100 AF of their portion of Block Notice 7A-2 water and requested up to a 10-year deferment on the remainder or portion of their contracted amount of ULS water. These deferment decisions by JVWCD and MWDSLS have resulted in 18,900 AF of water allocated under Block Notice 7A-2 being available for temporary use for up to 10 years.

1.2.4 Central Water Project

In 2005, CUWCD initiated a non-federal water development project called the Central Water Project (CWP). The CWP was designed and constructed to help meet the M&I water needs of the growing communities of northern Utah County, including Vineyard, Lehi, Saratoga Springs, and Eagle Mountain and in the JVWCD service area. Water for the CWP is supported with CUWCD's purchase of the Geneva Steel water rights and is combined with other non-federal CUWCD surface water rights on the Provo River. To make CWP deliveries, eight wells[2] at the Vineyard Well Field have been developed and over 23 miles of transmission pipelines have been constructed. In addition, turnouts, a pump station, chlorination facilities, and a 10-million-gallon (MG) reservoir have been constructed and additional facilities will be constructed as additional CWP water supply is contracted for. Ultimately, a total water supply of approximately 53,300 AF of CWP water is planned to be delivered annually to its customers. The CWP delivery system is shown in Figure 1-1.

[1] The Provo Reservoir Canal has been renamed to the Provo River Aqueduct.

[2] Currently, 15 high-head wells are planned to be drilled to support the CWP water supply.

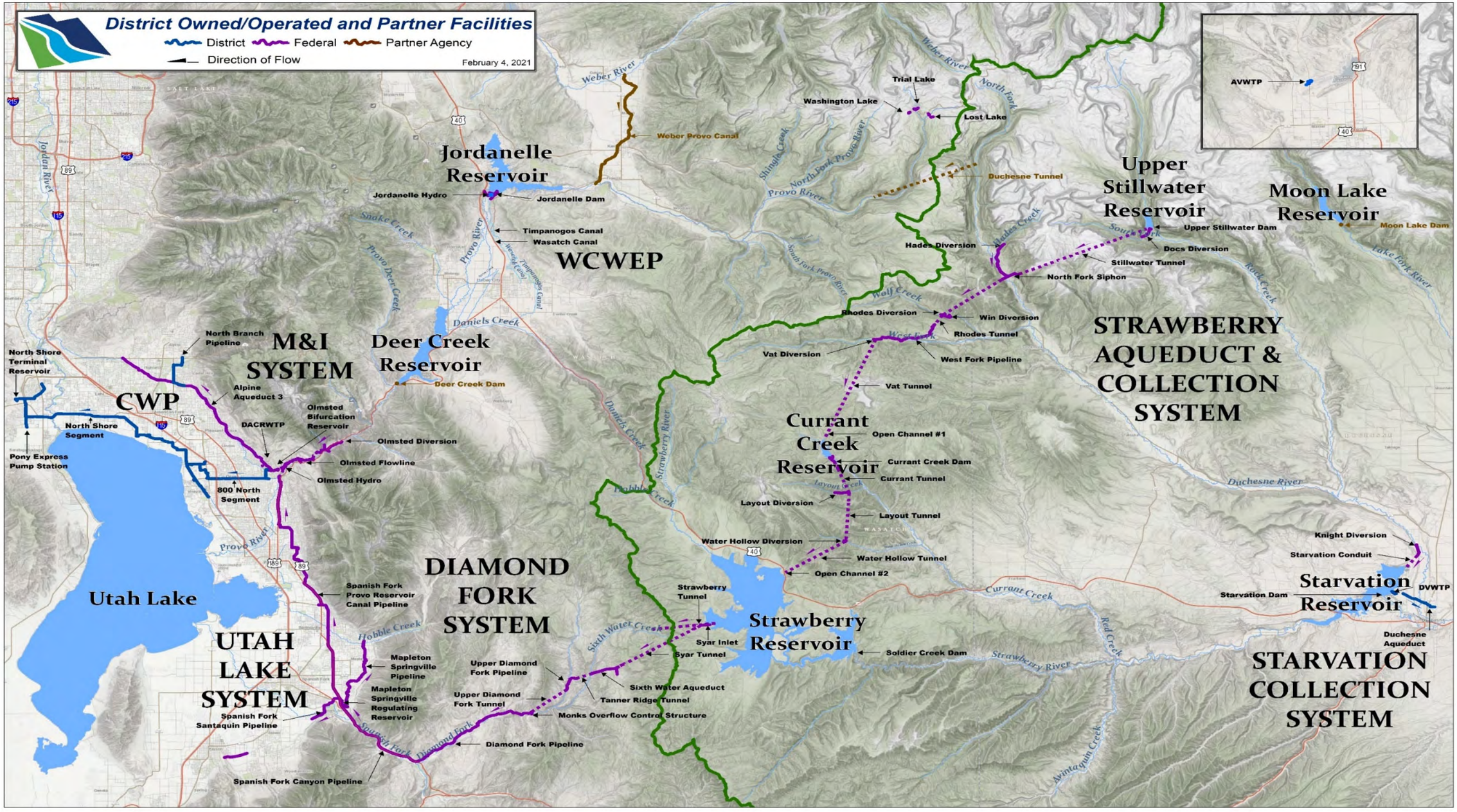

FIGURE 1-1: BONNEVILLE UNIT OF THE CUP AND CWP

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1.3 Proposed Action

The JLAs propose to temporarily use up to 18,900 AF of Block Notice 7A-2 water in north Utah County for a period of up to 10 years or until JVWCD and/or the MWDSLS request all or a portion of their allotment. This water could be delivered from Strawberry Reservoir through the Spanish Fork Provo Reservoir Canal Pipeline (SFPRCP) as documented and evaluated in the ULS EIS. From the end of the SFPRCP, the 7A-2 water could be conveyed through distribution systems involving CUWCD's CWP system, Provo River Aqueduct (analyzed in the ULS EIS), Jordan Aqueduct (analyzed in the ULS EIS), and Alpine Aqueduct. Table 1-1 summarizes the allocations of Block Notice 7A-1 and 7A-2. Through much of north Utah County, the Provo River Aqueduct, the Jordan Aqueduct, and the Alpine Aqueduct share a common right-of-way. There are locations where the Provo River Aqueduct is located outside of the Jordan and Alpine aqueduct rights-of-way.

TABLE 1-1: SUMMARY OF BLOCK NOTICE 7A-1 AND 7A-2 ALLOCATIONS

	Total AF	Delivery AF	Deferred AF	Comments
Block Notice 7A-1	8,000	N/A	N/A	Returned to DOI for use as instream flow in the Provo River for the June sucker
JVWCD	16,400	0	16,400	JVWCD deferred use of all or a portion of 16,400 AF for up to 10 years
MWDSLS	5,600	3,100	2,500	MWDSLS requested delivery of 3,100 AF and deferred up to 10-years the use of the remainder or portion thereof
Total	30,000			Analyzed in the ULS EIS for use in Salt Lake County
Temporary Use by CUWCD			18,900	The proposed project would use the deferred volume of Block Notice 7A-2 on a temporary basis for up to 10 years

During the 10-year deferment period, CUWCD proposes to temporarily[3] use up to 18,900 AF for the following purposes:

- to meet the M&I needs of CUWCD customers in north Utah County
- as a supply of water for a potential managed aquifer recharge pilot study in north Utah County
- potential use as instream flow in the lower Provo River

1.3.1 Municipal and Industrial Temporary Use in North Utah County

The Proposed Action involves potentially using up to 18,900 AF of the Block Notice 7A-2 water for M&I purposes in northern Utah County. For the Proposed Action, north Utah County encompasses the following cities/areas:

Alpine	Fairfield	Provo
American Fork	Lehi	Saratoga Springs
Cedar Fort	Lindon	Vineyard
Cedar Hills	Pleasant Grove	Unincorporated Utah County (northern)
Eagle Mountain	Orem	

[3] It is anticipated that the temporary nature of this arrangement would be for ten years maximum and that JVWCD and MWDSLS would take their full allotment of Block Notice 7A-2 water by or within ten years. In addition, the deferment of 10 years can be shortened by JVWCD or MWDSLS if they so desire to use this water.

As mentioned above, the Block Notice 7A-2 water was evaluated in the ULS EIS for use in Salt Lake County and delivered through the SFPRCP. However, the ULS EIS did not evaluate its use in northern Utah County. Temporary use of Block Notice 7A-2 water could be delivered through the SFPRCP that originates near the mouth of Spanish Fork Canyon and terminates at the mouth of Provo Canyon. From there, it could be delivered through existing federal and non-federal pipeline systems (i.e., Provo River Aqueduct, Jordan Aqueduct, Alpine Aqueduct, and the CWP system as shown in Figure 1-2). This water could be provided under short term contracts/agreements between the entity that uses the water and CUWCD. CUWCD would determine the costs of delivery, operation, and maintenance for the temporary use of the Block Notice 7A-2 water. The following pipelines/aqueducts could be used to deliver the Block Notice 7A-2 water:

- **Provo River Aqueduct** – The Provo River Aqueduct was evaluated in the ULS EIS as a delivery system for the Block Notice 7A-2 water (see Figure 1-2). It was previously known as the Murdock Canal or the Provo Reservoir Canal. The Provo River Aqueduct is 21 miles in length and begins at the Murdock Diversion at the mouth of Provo Canyon and runs to the Point of the Mountain near the Utah County/Salt Lake County border. The Murdock Canal was originally built in the early 1900s and was enclosed in 2013 with a 126-inch diameter welded-steel pipe and renamed Provo River Aqueduct. The Provo River Aqueduct is owned, maintained, and operated by the Provo River Water Users Association (PRWUA). It has a connection to the SFPRCP at the Provo River Flow Control Structure. It was evaluated in the ULS EIS as a delivery system for the Block Notice 7A-2 water.

- **Jordan Aqueduct** – The Jordan Aqueduct begins at the Don A. Christiansen Regional Water Treatment Plant (DACRWTP) located near the mouth of Provo Canyon. It is a buried pipeline that is approximately 38-miles long and terminates at 2100 South in Salt Lake County. The Jordan Aqueduct is owned by the United States and operated and maintained by the JVWCD, for and on behalf of itself, MWDSLS, and CUWCD under separate repayment contracts and joint operations and maintenance agreements. The Jordan Aqueduct was evaluated in the ULS EIS as a delivery system for the Block Notice 7A-2 water and is connected to the SFPRCP through the Alpine Aqueduct. Its alignment is shown in Figure 1-2.

- **Alpine Aqueduct** – The Alpine Aqueduct is a 14-mile pipeline that originates near the mouth of Provo Canyon and terminates near Timpanogos Highway (SR-92) in Lehi. The Alpine Aqueduct has a diameter ranging from 91-inches to 18-inches and delivers M&I water to various cities in north Utah County. The finished water segment has connections to the DACRWTP and serves Orem City, Provo City, and Vineyard Town and raw water segments bypass the DACRWTP and serve cities in north Utah County. The Alpine Aqueduct is owned by the United States and operated and maintained by CUWCD. The non-federal North Branch Pipeline connects to the Alpine Aqueduct and provides M&I water to Cedar Hills, Highland, and Alpine cities. The Alpine Aqueduct was not evaluated in the ULS EIS as a delivery pipeline for the Block Notice 7A-2 water. Part of the Project is to provide the JLAs the flexibility needed to utilize the Alpine Aqueduct for delivery of Block Notice 7A-2 water. The Alpine Aqueduct is connected to the

SFPRCP near the mouth of Provo Canyon. The Alpine Aqueduct alignment is shown in Figure 1-2 and Figure 1-3 is a map detailing the pipes and other features at the mouth of Provo Canyon.

  - **North Branch Pipeline** – The North Branch Pipeline extends north in Highland City from the Alpine Aqueduct. It delivers water to the cities of Highland, Cedar Hills, and Alpine. The North Branch Pipeline is a non-federal pipe constructed by CUWCD. Recently, CUWCD extended the North Branch Pipeline northward into Alpine City and connected it to the city's Healy Well site on the south end of the city. The North Branch Pipeline is 36-inches in diameter and approximately 2.7 miles in length with the recent extension to the Alpine City Healy Well.

- **CWP** –The CWP is shown in Figure 1-2 and its major components consist of:
  - 800 North Aqueduct. This aqueduct ranges from 42 to 36-inches in diameter and is 6.4 miles in length. The 800 North Aqueduct originates at the DACRWTP.
  - North Shore Aqueduct. This aqueduct ranges from 48 to 60-inches in diameter and is 16.9 miles in length. It delivers treated water to cities in north Utah County and south Salt Lake County.
  - High Head Well Field. The well field is located in Vineyard. It pumps and delivers high quality groundwater to CWP customers.
  - Vineyard Wellfield Collector Pipeline. This pipeline ranges from 24 to 48-inches and is 2.8 miles long. It connects the High Head Well Field to the North Shore Aqueduct.
  - North Shore Terminal Reservoir. This reservoir has a current capacity of 10 MG with another 30 MG planned in the future. It is located in Saratoga Springs and stores water that is carried in the North Shore and 800 North aqueducts and is produced at the High Head Well Field.

1.3.2 Potential Managed Aquifer Recharge Pilot Study

Up to 18,900 AF of the Block Notice 7A-2 water could be used on a temporary basis for pilot testing of a potential managed aquifer recharge pilot study in north Utah County. Managed aquifer recharge is a component of the larger aquifer storage and recovery process which utilizes surface water to increase groundwater supply reliability. Managed aquifer recharge consists of utilizing surface water to recharge a known aquifer and storing it in the aquifer for later use. The recovery or extraction and use of this stored water is not proposed as part of this project or evaluated in this draft EA.

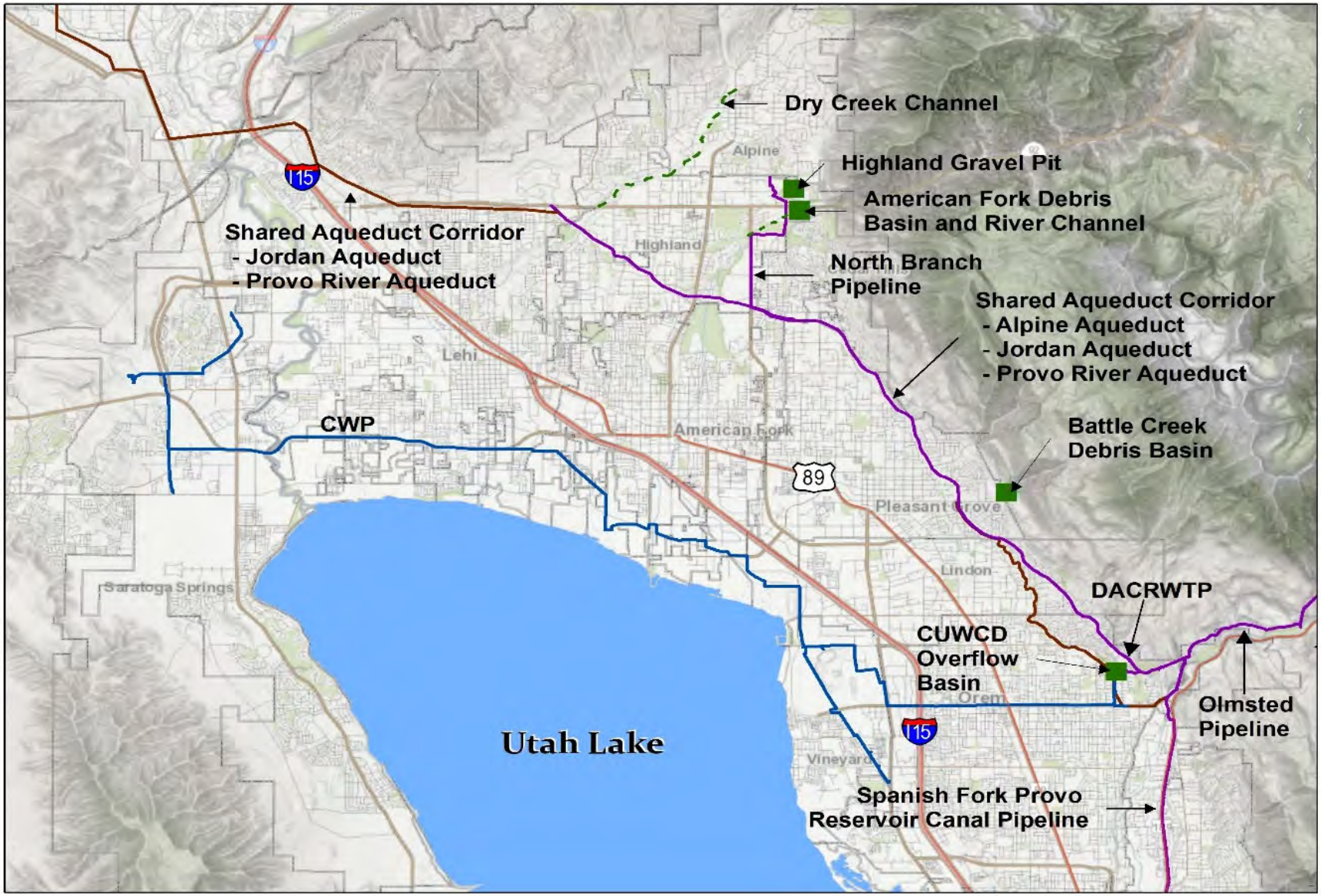

FIGURE 1-2: DELIVERY SYSTEMS AND POTENTIAL MANAGED AQUIFER RECHARGE BASINS

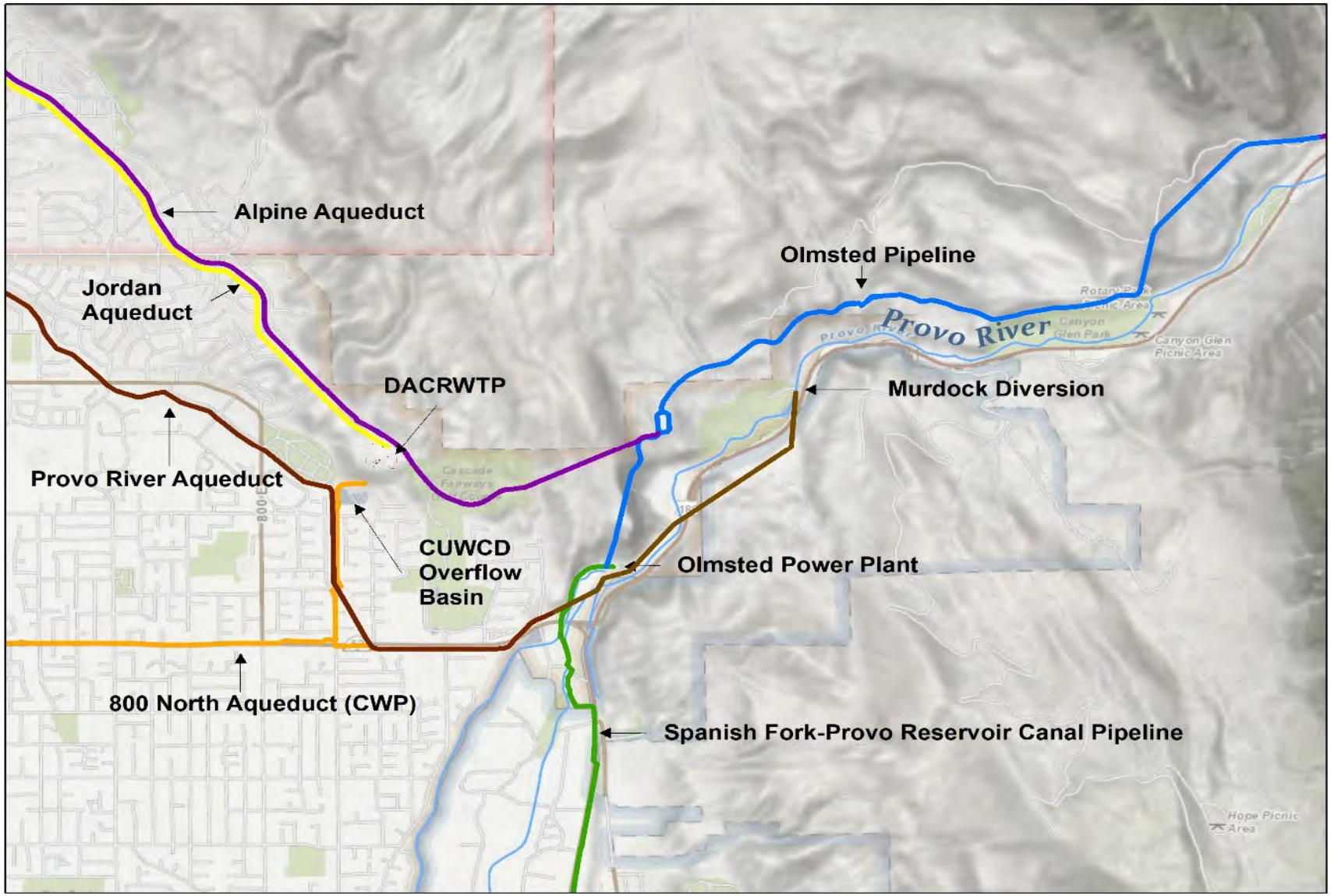

FIGURE 1-3: MAP SHOWING FEATURES AT THE MOUTH OF PROVO CANYON

The North Utah County Aquifer Association was organized to coordinate the management of the groundwater aquifer in north Utah County and was comprised of the cities of Alpine, American Fork, Highland, Lehi, Pleasant Grove, Cedar Hills, Lindon, Orem, Vineyard, Saratoga Springs, and CUWCD. This association has discontinued its formal organization. However, the cities of Alpine, Highland, American Fork, Lehi, Pleasant Grove, along with CUWCD have formed the North Utah County Aquifer Council (NUCAC) through an interlocal agreement and cooperate on an annual workplan to continue investigations to optimize the management of the groundwater sources in conjunction with each party's individual water rights. All NUCAC city agencies depend on groundwater as a drinking water source and is an area of Utah experiencing high growth rates that have resulted in declining groundwater levels.

Aquifer Storage & Recovery Feasibility Study

The North Utah County Aquifer Association acquired a grant from the CUPCA Office to study the feasibility of aquifer recharge in north Utah County. The feasibility study was completed in 2012 and identified 19 potential recharge sites along the east foothills of northern Utah County and areas near Saratoga Springs northwest of Utah Lake. The study utilized a GIS database to evaluate soil types, aquifer conductivity, and the boundaries of potential primary recharge areas to identify locations where managed artificial recharge is most likely to be successful. A site was considered suitable for artificial recharge by surface spreading if it met all three of the following criteria: presence of surface soils in certain hydrologic groups, the receiving aquifer had a hydraulic conductivity greater than or equal to 10 feet per day, and the potential primary recharge area was within the area of the principal aquifer. Member agencies each identified specific recharge sites based on their knowledge of land use and ownership, soil properties, and proximity of other infrastructure that could be used to deliver surface water to each site.

Potential Managed Aquifer Recharge Areas

The Proposed Action Alternative could provide Block Notice 7A-2 water, on a temporary basis, for a potential managed aquifer recharge pilot study in north Utah County. The aquifer storage & recharge feasibility study identified multiple sites for a potential managed aquifer recharge pilot study. Five locations are being evaluated for use of the Block Notice 7A-2 water as part of a potential managed aquifer recharge pilot study. The Proposed Action could utilize up to 18,900 AF of Block Notice 7A-2 water for surface spreading at the five recharge locations within the next ten years. The five recharge locations are existing facilities and would require no new infrastructure to surface spread water. As part of the pilot testing, existing wells in the vicinity of the recharge locations would be monitored to determine the effectiveness of the managed aquifer recharge. The five areas in north Utah County are shown in Figure 1-2 in green and are described in the following paragraphs.

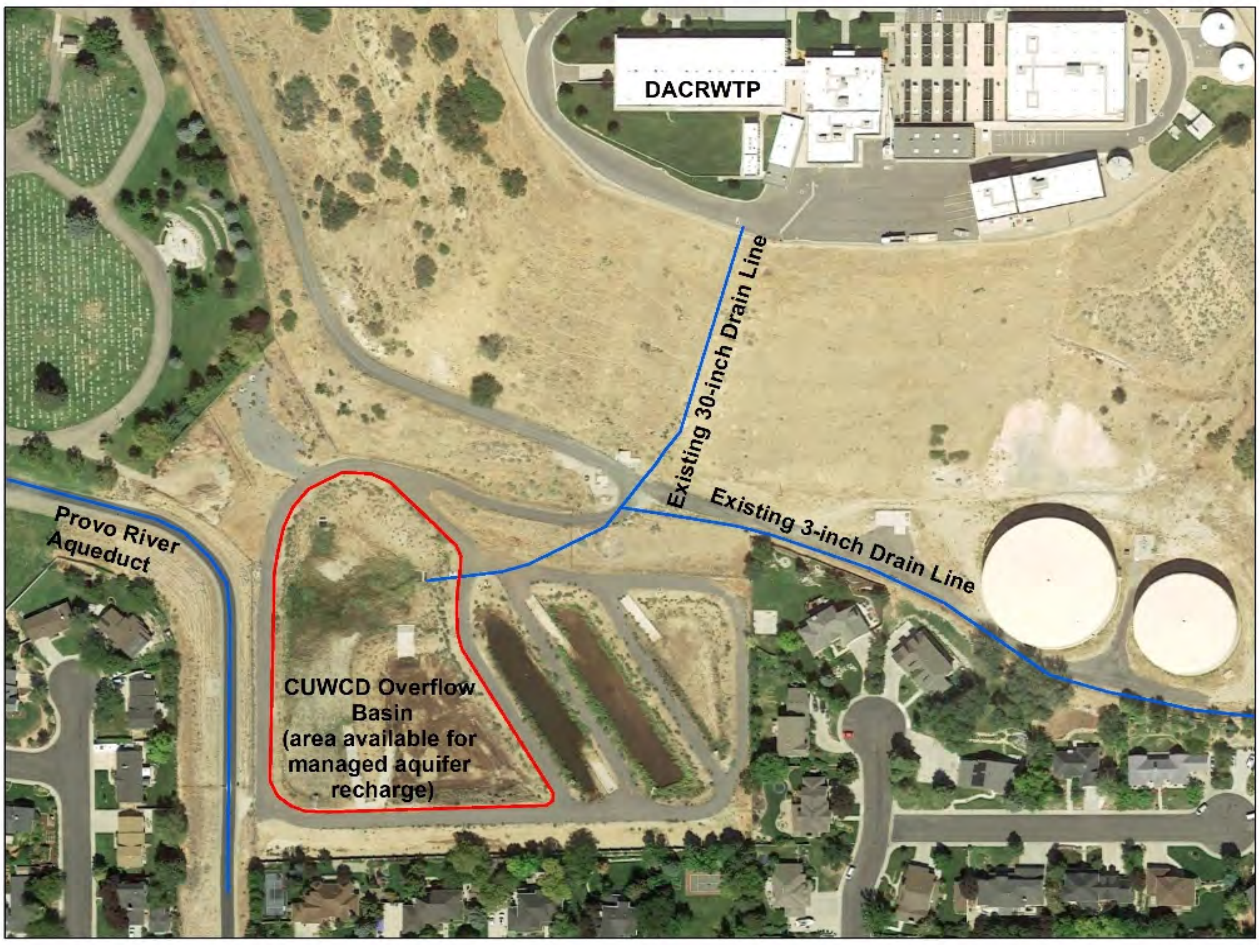

FIGURE 1-4: CUWCD OVERFLOW BASIN

CUWCD Overflow Basin – This site lies on a 3.5-acre parcel owned by the CUWCD with approximately 2.1 acres of the site that could potentially serve as a recharge basin. The remainder of the site is occupied by sludge-drying beds for DACRWTP. According to the 2012 aquifer recharge study, the CUWCD Overflow Basin has the potential to recharge the aquifer by 605 AF annually. Block Notice 7A-2 water could be delivered to the overflow basin through the SFPRCP, to the Alpine Aqueduct, and to the DACRWTP. The DACRWTP has two pipelines, a 30-inch and a 3-inch drain lines, that connect to the CUWCD Overflow Basin. The CUWCD Overflow Basin is shown in Figure 1-4.

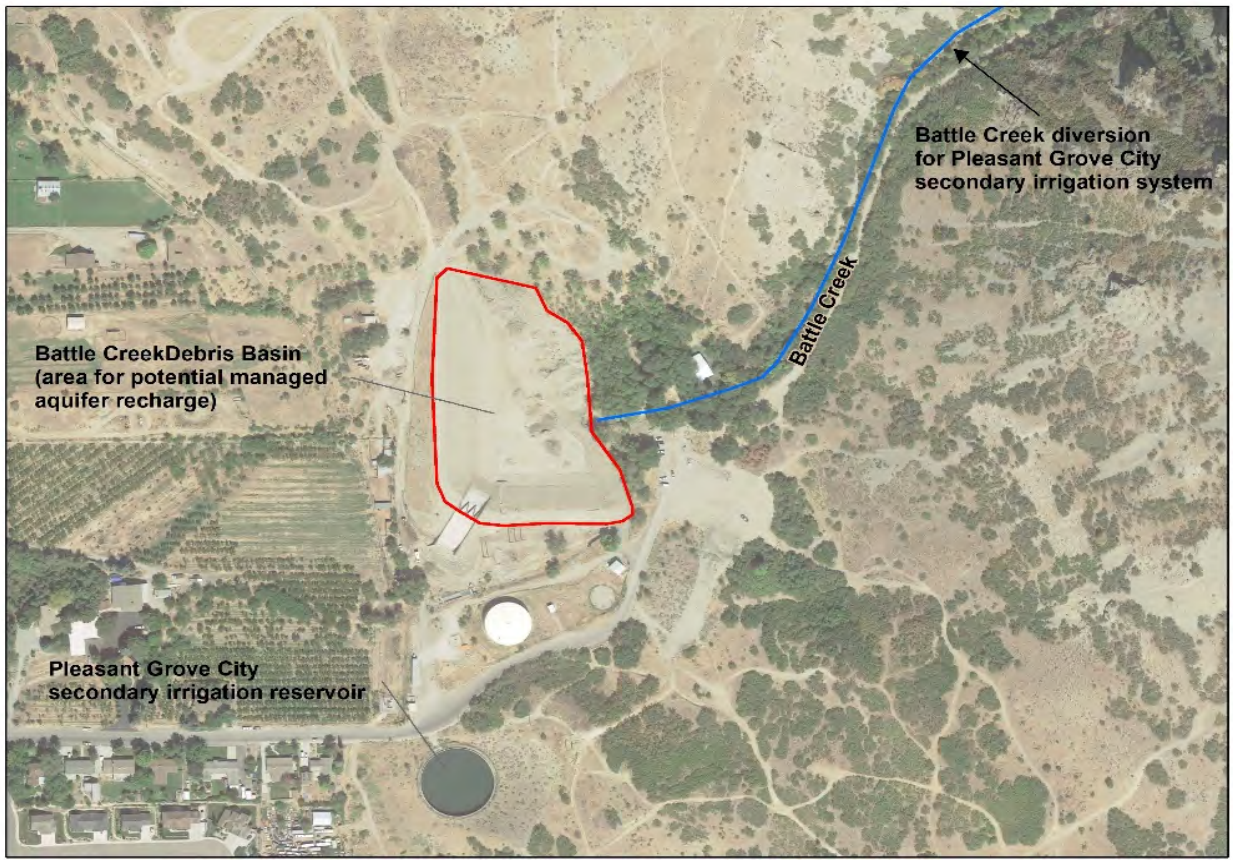

FIGURE 1-5: BATTLE CREEK DEBRIS BASIN

Battle Creek Debris Basin – This site is located on the foothills of Mount Timpanogos within Pleasant Grove City. The site is owned by the North Utah County Water Conservancy District (NUCWCD) and is 4.3 acres in size. The basin has a 44 AF capacity, and the dam structure is 47-feet high. The 2012 aquifer recharge feasibility study indicated that surface spreading in the Battle Creek Debris Basin could recharge the aquifer by 662 AF annually. The Battle Creek Debris Basin is shown in Figure 1-5.

Water flowing down Battle Creek that would normally be diverted into Pleasant Grove City's secondary irrigation system could instead continue to flow down the channel to the debris basin and not be diverted and used for the potential managed aquifer recharge pilot study. To replace Pleasant Grove City's secondary irrigation water, Block Notice 7A-2 water could be delivered through the Alpine Aqueduct and used by Pleasant Grove City. This water trade would be contingent upon agreements and/or contracts between Pleasant Grove City and CUWCD.

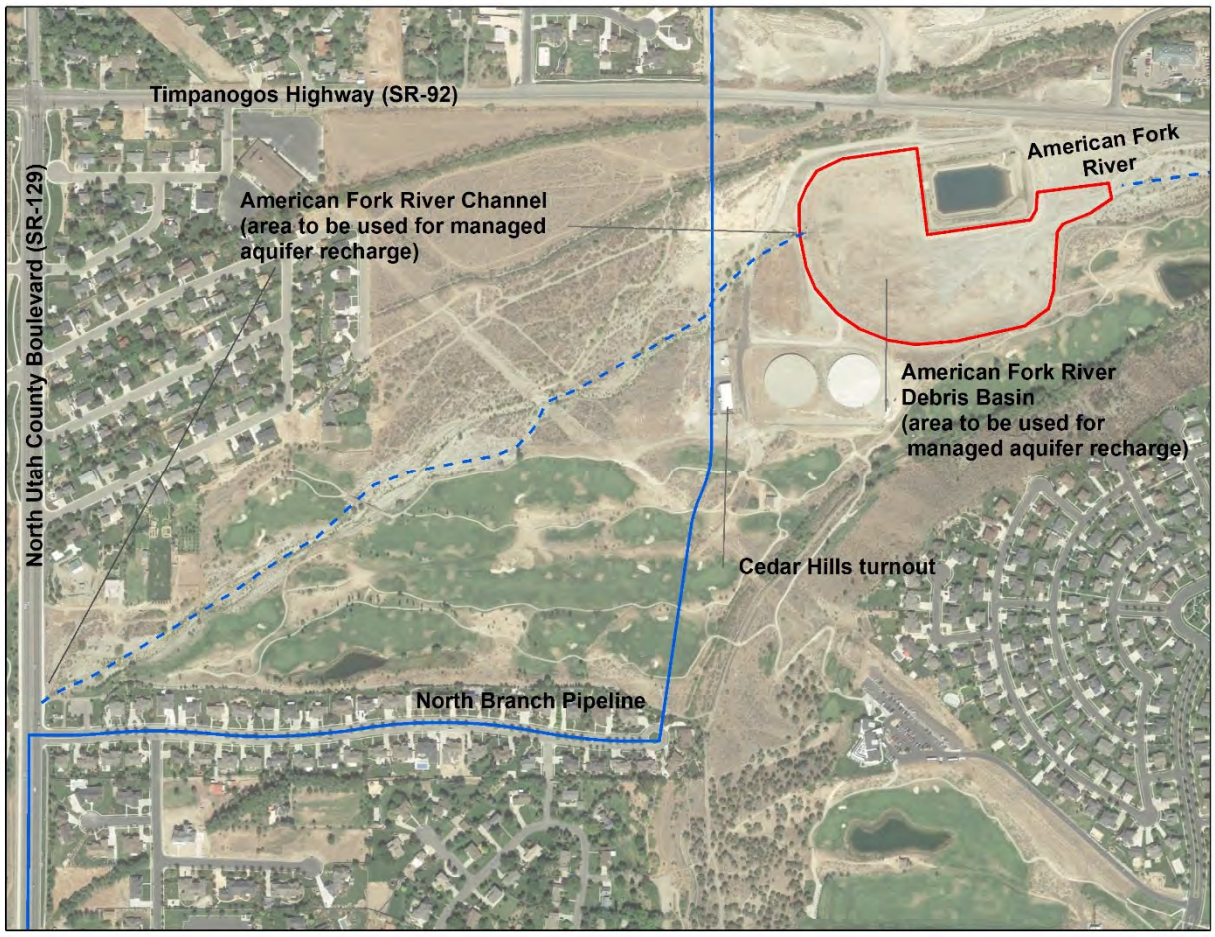

FIGURE 1-6: AMERICAN FORK RIVER DEBRIS BASIN AND RIVER CHANNEL

American Fork River Debris Basin and River Channel – This site is located at the mouth of American Fork Canyon and consists of a debris basin and reach of the American Fork River that is 3,700 feet in length[4]. The debris basin is approximately 13 acres in size, but a 3.5-acre concrete-lined pond occupies the basin's northern boundary and would not be used for a potential managed aquifer recharge pilot study. Therefore, the American Fork River Debris Basin for potential use is 9.5 acres in size. The property is owned by Highland and Cedar Hills cities and has a 90 AF capacity and a dam height of 22-feet. According to the 2012 aquifer recharge study, this site could recharge up to 5,472 AF to the aquifer annually. The American Fork River channel portion for this site extends from the outlet works of the debris basin, 3,700-feet southwest to North Utah County Boulevard (SR-129 and 4800 West in Highland City). The river channel property is owned by Highland City, Cedar Hills City, and the United States (Forest Service). The recharge area along the American Fork River is approximately 2.5 acres in size. It is unknown at this time the volume of water that could be used for a potential managed aquifer recharge pilot study. Block Notice 7A-2 water could be supplied to the American Fork River Debris Basin and the river channel through the North Branch Pipeline. CUWCD owns a turnout to Cedar Hills from the Alpine

[4] The 2012 Aquifer Storage & Recovery Feasibility Study did not evaluate the American Fork River channel as a recharge area. However, the JLAs have determined that the section of the American Fork River channel between the debris basin and the North Utah County Boulevard would be a highly effective managed aquifer recharge site.

Aqueduct nearby the American Fork Debris Basin and the American Fork River Channel. The American Fork Debris Basin and the river channel is shown in Figure 1-6.

FIGURE 1-7: HIGHLAND GRAVEL PIT

Highland Gravel Pit *(only property owned by Highland City)* – This site is located within the boundaries of Highland City just north of Timpanogos Highway (SR-92) and the American Fork River Debris Basin at the mouth of American Fork Canyon. The area proposed for a potential managed aquifer recharge project is within an active materials pit. Property ownership in the gravel pit is owned by Highland City and a private individual. It is currently being leased to a rock products company as part of their gravel mining and processing operations. The site for a potential managed aquifer recharge pilot study is owned by Highland City and is approximately 10.6 acres (see Figure 1-7). The gravel pit currently receives American Fork River water from existing irrigation ditches and pipelines. This site could recharge up to 2,200 AF to the aquifer annually (note that the 2012 aquifer recharge study evaluated 5.6 acres of property owned by Highland City). The potential for additional areas may be considered in the future relating to the private property.

Water could be supplied from the American Fork River or 7A-2 water could be delivered to the Highland Gravel Pit through the North Branch Pipeline, which is connected to the Alpine Aqueduct. CUWCD owns a turnout on the North Branch Pipeline to Highland City directly south of the potential recharge site, and its pressurized irrigation system pond which diverts into existing ditches and pipes that extend into the Highland Gravel Pit area. Water could also be delivered via the American Fork River Debris Basin and exchanged for American Fork River flows diverted to the ditches and pipelines to the potential aquifer

recharge sites. This water trade would be contingent upon agreements and/or contracts between Highland City and CUWCD.

FIGURE 1-8: DRY CREEK CHANNEL

Dry Creek Channel – This site is located in Alpine City. The portion of the Dry Creek Channel used for a potential managed aquifer recharge pilot study would begin directly below the Dry Creek Diversion in Alpine and continue to Timpanogos Highway (SR-92), a distance of approximately five miles. The Dry Creek Channel carries springtime runoff and high flow water from the mountains to the north east to Utah Lake and/or the Jordan River. The Dry Creek Channel is shown in Figure 1-8.

The potential managed aquifer recharge pilot study water to be used in the Dry Creek Channel would require an agreement between the JLAs and Alpine City and Dry Creek Irrigation Company for use of their water. Water flowing down Dry Creek that would normally be diverted into Alpine City's secondary irrigation system could instead continue to flow down the channel and be used for the potential managed aquifer recharge pilot study. To replace Alpine City's secondary irrigation water, Block Notice 7A-2 water could be delivered through the North Branch Pipeline which is connected to the Alpine Aqueduct and used by Alpine City. This water trade would be contingent upon the above-mentioned agreements and/or contracts. Table 1-2 on the following page summarizes the potential managed aquifer recharge areas.

TABLE 1-2: SUMMARY OF POTENTIAL MANAGED AQUIFER RECHARGE AREAS

	Potential Annual Recharge Volume (AF)	Size or length	Property Ownership
CUWCD Overflow Basin	605	2.1 acres	Property owned by CUWCD.
Battle Creek Debris Basin	662	4.3 acres	Property owned by NUCWCD.
American Fork River Debris Basin and River Channel	5,472+	12 acres 3,700 feet for river channel	Property owned by Highland City, Cedar Hills City, and the United States (river channel).
Highland Gravel Pit	2,200+	10.6 acres	Highland City
Dry Creek Channel	778	5 miles	Property ownership through this reach of Dry Creek is largely private. Alpine City owns several parcels adjacent to Dry Creek through this reach
Total	9,717+		

1.3.3 Instream Flows for Temporary Use in the Lower Provo River

The Proposed Action Alternative could potentially use temporarily up to 18,900 AF of the Block Notice 7A-2 water for instream flow in the lower Provo River in support of the recovery of the threatened June sucker (*Chasmistes liorus*). The June sucker is a lake sucker fish endemic to Utah Lake. It was federally listed as an endangered species with critical habitat on the lower 4.9 miles of the Provo River under the Endangered Species Act (ESA) on April 30, 1986 (51 FR 10857). On February 3, 2021, the U.S. Fish and Wildlife Service reclassified the June sucker as threatened.

CUPCA legislation authorized funding for mitigating impacts to fish, wildlife, and recreation resources including provisions for supplementing flows within the lower Provo River. On a temporary basis as described above, the Block Notice 7A-2 water could be delivered to the lower Provo River from the SFPRCP at the Olmsted Power Plant tail race located at the mouth of Provo Canyon. The flow could help support the June sucker flow hydrograph for the Provo River as identified in the *Lower Provo River Ecosystem Flow Recommendation Report* (2008) and adopted by the *Provo River Delta Restoration Project EIS and RODs* (2015). Using water for this purpose would require an entity, presumably the June Sucker Recovery Implementation Program (JSRIP), to pay for the water used, to include the apportioned share of operation, maintenance, repair, and reserves associated with facilities used to deliver the water.

1.4 Purpose and Need

This section lists the purposes and needs for the Block Notice 7A-2 Temporary Use in North Utah County project.

1.4.1 Purposes of the Proposed Project

- Provide water for temporary municipal and industrial needs in north Utah County
- Provide water for a potential temporary managed aquifer recharge pilot study in north Utah County
- Provide water for temporary instream flows in the lower Provo River in support of the recovery of the threatened June sucker

1.4.2 Needs of the Proposed Project

The need for Block Notice 7A-2 Temporary Use in North Utah County is to allow up to 18,900 AF of Block Notice 7A-2 water allocated for the JVWCD and MWDSSL service areas to be used temporarily in north Utah County.

Another Project need is to provide the JLAs the flexibility to utilize existing water systems that extend into north Utah County for the delivery of the temporary Block Notice 7A-2 water. These systems are the Provo River Aqueduct (evaluated in the ULS EIS), Jordan Aqueduct (evaluated in the ULS EIS), Alpine Aqueduct and North Branch Pipeline, and the CWP system. In addition, by providing the temporary Block Notice 7A-2 water for the uses described and as determined by CUWCD, the water may provide interim revenue during the deferral period to offset CUWCD costs associated with the water.

1.5 Permits, Contracts, and Authorizations

The Proposed Action for the Block Notice 7A-2 Temporary Use in North Utah County would comply with all federal, state, and local regulations. The Proposed Action Alternative is dependent upon approval of contracts and compliance with Utah State water right laws.

In January 2005, CUWCD finalized, with the assistance of the CUPCA Office and the Mitigation Commission, the 2004 Definite Plan Report (2004 DPR) for the Bonneville Unit, CUP. The 2004 DPR was prepared as required in Section 205 of the CUPCA legislation. The 2004 DPR is a guiding document for completion of the Bonneville Unit of the CUP. A Plan Report will be prepared which will amend the 2004 DPR for the temporary use of the Block Notice 7A-2 water in North Utah County.

The issuance of a block notice initiates repayment for the reimbursable water development costs to the United States. CUWCD accepted the block notice, has not sought a deferment under the Water Supply Act of 1958, and has fully prepaid the costs associated with Block Notice 7A-2. The Proposed Action consists of three temporary potential uses of the Block Notice 7A-2 water: municipal and industrial uses in north Utah County, as a water source for a potential managed aquifer recharge pilot study, and for instream flows in the lower Provo River. Payment for the temporary use of Block Notice 7A-2 water would be determined by CUWCD based on the volume of water and type of use. In addition, operation, maintenance, and replacement costs associated with that use would be assessed as part of the contract(s) and agreement(s).

1.6 Related Projects and Documents

The Proposed Action has been developed with consideration given to the related planning and environmental documents listed below:

- Final Environmental Statement, Bonneville Unit of the CUP (1972)
- Final Supplement to the Final Environmental Impact Statement for the Diamond Fork System (1999)
- Supplement to the Bonneville Unit Definite Plan Report (2004)
- Final Environmental Impact Statement and Records of Decisions, Utah Lake Drainage Basin Water Delivery System (2004 and 2005)
- Lower Provo River Ecosystem Flow Recommendation Report (2008)

- Final Environmental Assessment, Realignment of a Portion of the Utah Lake Drainage Basin Water Delivery System, (2010)
- Aquifer Storage & Feasibility Study (2012)
- Final Environmental Impact Statement, Provo River Delta Restoration Project (2015)
- Final Environmental Assessment, ULS Orem Reach 2 Realignment (2015)

2.1 Introduction

This chapter describes the alternatives considered for the Block Notice 7A-2 Temporary Use in North Utah County project: No-Action Alternative and Proposed Action Alternative in accordance with 40 CFR 1502.14.

2.2 No-Action Alternative

Under the No-Action Alternative, the 18,900 AF of Block Notice 7A-2 would remain in Strawberry Reservoir and not be used for municipal and industrial needs in north Utah County, for a potential managed aquifer recharge pilot study, or for the temporary use for instream flows in the lower Provo River to support the June sucker. The 18,900 AF of Block Notice 7A-2 water would not be used until JVWCD and MWDSLS requested its use or until the end of the 10-year deferral period.

2.3 Proposed Action Alternative

The Proposed Action Alternative would allow the JLAs to use, on a temporary basis as described in Chapter 1, up to 18,900 AF of the Block Notice 7A-2 water for:

- Municipal and industrial needs in north Utah County and to allow that water to be delivered through CUWCD's CWP system and or the Alpine Aqueduct/North Branch Pipeline. The Provo River Aqueduct and the Jordan Aqueduct were evaluated as delivery systems in the ULS EIS.
- Potential managed aquifer rechange pilot study at five locations within north Utah County.
- Instream flows in the lower Provo River to support the June sucker.

2.3.1 Municipal and Industrial Temporary Use in North Utah County

The Proposed Action Alternative could potentially use up to 18,900 AF of the Block Notice 7A-2 water for M&I purposes in northern Utah County in the following cities/areas:

Alpine	Fairfield	Provo
American Fork	Lehi	Saratoga Springs
Cedar Fort	Lindon	Vineyard
Cedar Hills	Pleasant Grove	Unincorporated Utah County (northern)
Eagle Mountain	Orem	

The Block Notice 7A-2 water was evaluated in the ULS EIS for use in Salt Lake County but did not evaluate its use in northern Utah County. The Block Notice 7A-2 water could be delivered through existing federal and non-federal delivery systems and could be provided under short term contracts/agreements.

The following pipelines/aqueducts could be used to deliver the Block Notice 7A-2 water:

- Provo River Aqueduct (evaluated in the ULS EIS)

- Jordan Aqueduct (evaluated in the ULS EIS)
- Alpine Aqueduct
    - North Branch Pipeline
- CWP pipelines and aqueducts

Part of the Project is to provide the JLAs the flexibility needed to utilize both federal (i.e., Jordan Aqueduct, Alpine Aqueduct) and non-federal (i.e., CWP, North Branch Pipeline, Provo River Aqueduct) delivery systems for conveying Block Notice 7A-2 water.

2.3.2 Potential Managed Aquifer Recharge Pilot Study

The Block Notice 7A-2 water could be used on a temporary basis as described for a potential managed aquifer recharge pilot study in north Utah County. A specific managed aquifer recharge pilot study project has not been identified at this time. Managed aquifer recharge is a component of the larger aquifer storage and recovery process which utilizes surface water to increase groundwater supply reliability. Managed aquifer recharge consists of spreading surface water to recharge a known aquifer and storing it in the aquifer for later use. The recovery or extraction and use of this stored water is not proposed as part of this project or evaluated in this draft EA.

The Proposed Action Alternative consists of the potential use of five managed aquifer recharge locations to utilize up to 18,900 AF of Block Notice 7A-2 water for a pilot test of surface spreading. The five recharge locations are existing facilities and would require no new infrastructure for a managed aquifer recharge project. The five potential recharge locations are shown in Figure 1-2 and are:

- CUWCD Overflow Basin
- Battle Creek Debris Basin
- American Fork River Debris Basin and River Channel
- Highland Gravel Pit
- Dry Creek Channel

As part of the pilot testing, existing wells in the vicinity of the recharge locations could be monitored to determine the effectiveness of the managed aquifer recharge.

2.3.3 Instream Flows for Temporary Use in the Lower Provo River

The Proposed Action Alternative could potentially use up to 18,900 AF of the Block Notice 7A-2 water for instream flow in the Provo River in support of recovery of the threatened June sucker on a temporary basis as described. The June sucker is a lake sucker fish endemic to Utah Lake. It was federally listed as an endangered species with critical habitat on the lower 4.9 miles of the Provo River under the Endangered Species Act (ESA) on April 30, 1986 (51 FR 10857). However, on February 3, 2021, the U.S. Fish and Wildlife Service moved the June sucker to threatened status. Use of Block Notice 7A-2 water for this purpose would require the JSRIP or another entity to pay the appropriate costs of the water (see discussion in section 1.5).

CUPCA legislation authorized funding for mitigating impacts to fish, wildlife, and recreation resources including provisions for acquiring or leasing water rights to provide supplemental instream flows within the lower Provo River and other ecosystem benefits (Section 302(a) of CUPCA). On a temporary basis as described above, the Block Notice 7A-2 water could be delivered to the lower Provo River from the SFPRCP at the Olmsted Power Plant tail race located at the mouth of Provo Canyon. The water could help support Provo River flows in the manner identified in the *Lower Provo River Ecosystem Flow Recommendation Report (2008)* which was adopted and evaluated in the *Provo River Delta Restoration Project EIS and RODs (2015)*.

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CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 Introduction

This draft EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Council on Environmental Quality's regulations implementing NEPA at 40 CFR 1500-1508 that went into effect September 14, 2020, to examine the potential environmental impacts of the Block Notice 7A-2 Temporary Use in North Utah County project. In accordance with the NEPA regulations codified in 40 CFR §1502, this chapter discusses the existing environmental conditions that may be impacted by the alternatives as described in chapters 1 and 2 and the environmental consequences of these alternatives. As discussed throughout this draft EA, due to the temporary nature of the available water supply all affected environment and environmental consequences would be temporary.

3.1.1 Affected Environment

The affected environment or the existing conditions were identified based on prior experience and knowledge of the surrounding area along with coordination with federal, state, and local agencies. In addition, information was used from studies and previously completed NEPA documents to help define and outline the affected environment.

3.1.2 Environmental Consequences

The environmental consequences section describes the potential effects, both negative and beneficial, that the project may have on the environment.

3.1.3 Resources Considered but Dismissed from Further Analysis

The alternatives do not involve construction or any ground disturbing activities. The debris basins have been constructed as well as the pipelines and aqueducts proposed for delivery of the Block Notice 7A-2 water. The Proposed Action Alternative is mainly an administrative consideration requiring this draft EA.

The JLAs considered all phases of the Proposed Action Alternative and the impact-causing elements associated with the action alternative to identify resources potentially affected by the project. The JLAs first considered whether a resource was present in the project area, and if it was not, no further analysis was warranted. For resources present, the JLAs identified preliminary substantive issues based on internal agency and public scoping. Issues were then evaluated to see if they could be addressed through measures to avoid or minimize environmental impacts. The issues that required detailed analysis to make a determination on significance were moved forward for analysis. Those resources and issues that were not significant or did not require detailed analysis were eliminated from further discussion.

Resources considered but dismissed from analysis are those that may not be present within or near the project study area and/or would not be impacted by the No-Action or Proposed Action alternatives. The resources considered for inclusion but dismissed are:

- Air Quality
- Noise
- Transportation
- Cultural Resources
- Prime, Unique, and Statewide Important Farmland
- Soils and Vegetation
- Land Use Plans and Policies
- Wild and Scenic Rivers
- Water Quality
- Wilderness
- Energy
- Socioeconomics
- Hazardous Waste

3.1.4 Resources Evaluated Further

The following resources have been analyzed further and addressed in more detail in this chapter:

- Aquatic Resources
- Surface Water Resources
- Wetlands
- Groundwater
- Floodplains
- Threatened and Endangered Species
- Recreation
- Visual Resources
- Environmental Justice
- Indian Trust Assets
- Climate Change

3.2 Aquatic Resources

This section discusses the potential impacts on aquatic resources and habitats resulting from the Proposed Action within the lower Provo River, Battle Creek, American Fork River, and Dry Creek.

3.2.1 Affected Environment

Lower Provo River

The lower Provo River extends from the base of Deer Creek Dam in Provo Canyon to Utah Lake. There are a wide variety of fish species and other aquatic resources that exist in this reach. Section 3.7 of the *Provo River Delta Restoration Project EIS* states:

"Fisheries of the lower Provo River—from Provo Canyon to Utah Lake—are managed under several designations according to State and federal laws. Sections of the lower Provo River upstream of the study area are managed under a Special Fish Species concept by UDWR. Under this management strategy, focus is on conservation and population enhancement for genetically unique special fish species within their historic habitats and their use for recreation in the sportfish program. Additionally, this section of the Provo River is classified as a Class 4 Wild Fish Water, which means that sportfish species are maintained by natural reproduction only. The lower 4.9-mile section of the Provo River (below Lower City Dam) is designated as Critical Habitat for June sucker, and management focuses on conservation and enhancement of the species relative to guidelines outlined in the June Sucker Recovery Plan (USFWS 1999a).

The UDWR periodically monitors fish populations in the lower Provo River. In recent sampling downstream of the Fort Field Diversion, mottled sculpin (*Cottus bairdii*) and brown trout (*Salmo trutta*) made up approximately 68 percent of the total abundance of fish captured, with mottled sculpin being the most abundant species (Landress and Watson 2008). Additional fish species that have been observed in this section of the river include speckled dace (*Rhinichthys osculus*), Utah sucker (*Catostomus ardens*), mountain sucker (*Catostomus platyrhynchus*), Bonneville cutthroat trout (*Oncorhynchus clarkii utah*), mountain whitefish (*Prosopium williamsoni*), common carp (*Cyprinus carpio*), white bass (*Morone chrysops*), green sunfish (*Lepomis cyanellus*), largemouth bass (*Micropterus salmoides*), and walleye (*Sander vitreus*) (SWCA 2002, Landress and Watson 2008, Watson and Landress 2011)."

Battle Creek

The Proposed Action would provide a water source for a potential managed aquifer recharge pilot study in Battle Creek Debris Basin. It would require leaving the natural Battle Creek flows in a reach that is 2,100 feet long between the Pleasant Grove City secondary irrigation diversion and the debris basin (see Figure 1-5 for section of Battle Creek channel to be used). At times during the summer months, all the water in Battle Creek may be diverted into Pleasant Grove City's secondary irrigation system. This reach of Battle Creek channel contains a narrow riparian corridor along both banks and has little aquatic diversity.

American Fork River

The Proposed Action would use a 3,700-foot reach of the American Fork River for a potential managed aquifer recharge pilot study reach. This proposed recharge section of the American Fork River would extend between the American Fork River Debris Basin to North Utah County Boulevard (SR-129). This reach of American Fork River often dries up during the summer months and has little aquatic diversity.

Dry Creek

The Proposed Action would provide a water source for a potential managed aquifer recharge pilot study in a five-mile reach of Dry Creek. The use of Dry Creek under the Proposed Action would require that up to 12 cfs, that would normally be diverted into Alpine City's secondary irrigation system or other ditch systems, would remain in the Dry Creek channel for a distance of about five miles. This reach of Dry Creek often dries up during the summer months. This reach of Dry Creek has little aquatic diversity.

3.2.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to aquatic resources.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

This element of the Proposed Action would have no effect on aquatic resources.

Potential Managed Aquifer Recharge Pilot Study

This element of the Proposed Action would utilize reaches of Battle Creek, American Fork River, and Dry Creek.

CUWCD Overflow Basin

Block Notice 7A-2 water could be delivered to the CUWCD Overflow Basin through the DACRWTP which is connected to the Alpine Aqueduct. Two existing pipelines from the DACRWTP could supply water to the overflow basin as shown in Figure 1-4. There would be no effect to aquatic resources from the use of the CUWCD Overflow Basin.

Battle Creek Debris Basin

The use of Battle Creek Debris Basin under the Proposed Action for a Potential Managed Aquifer Storage Pilot Study would require that up to 4 cfs, that would normally be diverted into Pleasant Grove City's secondary irrigation system, would remain in this reach of the Battle Creek channel for a distance of about 2,100 feet. The timing for the Block Notice 7A-2 water use would be during the irrigation season and delivered to Pleasant Grove City as described. Water flowing down Battle Creek that would normally be diverted into Pleasant Grove City's secondary irrigation system could instead continue to flow down the channel to the debris basin and not be diverted and used for the potential managed aquifer recharge pilot study. To replace Pleasant Grove City's secondary irrigation water, Block Notice 7A-2 water could be delivered through the Alpine Aqueduct and used by Pleasant Grove City. This water trade would be contingent upon agreements and/or contracts between Pleasant Grove City and CUWCD.

This reach of Battle Creek often dries up or has little flow during the summer months. The Proposed Action to use this section of Battle Creek channel would benefit the limited aquatic resources present in the system.

American Fork River Debris Basin and River Channel

The Proposed Action would use a reach of the American Fork River that is approximately 3,700 feet long for a potential managed aquifer recharge pilot study. The section of the American Fork River would extend between the American Fork River Debris Basin to North Utah County Boulevard (SR-129). This reach of American Fork River often dries up during the summer months. The use of the American Fork River channel would most likely be during the dry summer months when no water is flowing in this reach. However, Block Notice 7A-2 water could be delivered, when space is available, through the North Branch Pipeline to the Cedar Hills turnout and discharged into the American Fork River channel.

The Proposed Action to use this section of the American Fork River channel would benefit the limited aquatic resources present in the system. Block Notice 7A-2 water could be delivered to the American Fork River through the Cedar Hills turnout (see Figure 1-6).

Highland Gravel Pit

Block Notice 7A-2 water could be delivered to the Highland Gravel Pit through the North Branch Pipeline and/or existing ditches that divert water from the American Fork River. Currently, the Highland Gravel Pit uses non-Block Notice 7A-2 water from the American Fork River as part of the mineral extraction operation. The same ditches could be used to supply the Highland Gravel Pit. There would be no impact on aquatic resources from use of the Highland Gravel Pit.

Dry Creek Channel

The use of Dry Creek under the Proposed Action would require that up to 12 cfs that would normally be diverted into Alpine City's secondary irrigation system or other ditch systems would remain in the Dry Creek channel for a distance of about five miles. This reach of Dry Creek often dries up during the summer months. The Proposed Action to use this section of the Dry Creek channel would benefit the limited aquatic resources present in the system. The timing for this water use would be during the irrigation season. Water flowing down Dry Creek that would normally be diverted into Alpine City's secondary irrigation system could instead continue to flow down the channel and be used for the potential managed aquifer recharge pilot study. To replace Alpine City's secondary irrigation water, Block Notice 7A-2 water could be delivered through the North Branch Pipeline and used by Alpine City. This water trade would be contingent upon agreements and/or contracts between Alpine City and CUWCD.

This reach of Dry Creek often dries up during the summer months. The Proposed Action to use this section of Dry Creek channel would benefit the limited aquatic resources present in the system.

Instream Flows for Temporary Use in the Lower Provo River

The use[5] of Block Notice 7A-2 water, on a temporary basis, for instream flows in the lower Provo River would benefit aquatic resources in this reach of the river. This component of the Proposed

[5] To be used in the lower Provo River for instream flows, the Block Notice 7A-2 water would be delivered from Strawberry Reservoir, through the Diamond Fork System, and into the SFPRCP. Water deliveries through these systems are constrained by actual capacity of the delivery facilities and periodic maintenance needs.

Action may bring lower Provo River flows closer to meeting the guidelines outlined in the *Lower Provo River Ecosystem Flow Recommendation Report (2008)* which was adopted by the *Provo River Delta Restoration Project EIS and RODs (2015)*. However, if Block Notice 7A-2 water were added to the lower Provo River, it would not exceed the channel capacity.

3.3 Surface Water Resources

This section discusses surface water resources that may be affected by the Proposed Action for the Block Notice 7A-2 Temporary Use in North Utah County project.

3.3.1 Affected Environment

The surface water resources that could be affected by the Proposed Action Alternative are the lower Provo River, Battle Creek, American Fork River, and Dry Creek.

Battle Creek Channel

Battle Creek

The Battle Creek drainage area is approximately 4.7 square miles. It originates on the western slope of Mount Timpanogos and is approximately seven miles long and is about 10-12 feet wide (see photo). The reaches of Battle Creek directly below the debris basin are frequently dewatered, channelized, and virtually nonexistent as it moves through Pleasant Grove City. The upper reach of Battle Creek above the debris basin is a perennial stream with a narrow riparian corridor and steep gradients. Battle Creek produces on average 4,000 AF annually (*Ground-Water Resources of Northern Utah Valley, Utah, 1985*).

Most of the water rights in Battle Creek are owned by Pleasant Grove City for municipal and industrial uses. The city owns and operates a diversion structure approximately 2,100 feet up

the canyon from the Battle Creek Debris Basin (see Figure 1-5). The reach of Battle Creek channel between the diversion and debris basin contains a narrow riparian corridor along both banks and has little aquatic diversity. The city diverts Battle Creek water into its secondary system during the irrigation season.

American Fork River near the mouth of American Fork Canyon

American Fork River

The American Fork River drainage is about 51 square miles in size. The river flows southwest and originates in Mineral Basin and terminates at Utah Lake. The American Fork River produces an annual average flow of 44,000 AF (*Ground-Water Resources of Northern Utah Valley, Utah, 1985*). American Fork River has several tributaries (e.g., Tibble Fork Creek, Snake Creek) and three reservoirs that feed into it – Tibble Fork, Silver Lake Flat, and Silver Lake. At the mouth of American Fork Canyon, the American Fork River channel is approximately 30-40 feet wide. There is a diversion located at the mouth of American Fork Canyon directly above the debris basin which during the irrigation season, often diverts the full flow of the river. The American Fork River below this diversion dam often dries up.

The reach of the American Fork River channel proposed for a potential managed aquifer recharge pilot study is located directly below the American Fork River Debris Basin (see Figure 1-6). This reach is approximately 3,700 feet in length extending between the debris basin to North Utah County Boulevard (SR-129). The channel width in this reach ranges from approximately 20 to 25 feet wide. This reach of American Fork River often dries up during the summer months.

Dry Creek during high flows

Dry Creek Channel

The Dry Creek drainage basin is approximately 39 square miles in size. Dry Creek is a smaller stream that originates on the southwestern slopes of Lone Peak Mountain located north of Mount Timpanogos. It flows southwest for approximately 15 miles to Utah Lake and or the Jordan River where it terminates. Dry Creek is fed by snowmelt, several small lakes, and its tributaries are Fort Creek and School House Springs. Dry Creek produces an annual average flow of 14,000 AF (*Ground-Water Resources of Northern Utah Valley, Utah, 1985*).

Dry Creek transitions from an alpine environment at its headwaters to more of an urban environment as it flows through Alpine City. Through the city, Dry Creek is channelized with a width of approximately 15-25 feet and the channel has been encroached on by developments. The creek is crossed over by several bridges through the city. The reach of the Dry Creek channel proposed for a potential managed aquifer recharge pilot study begins directly below the Dry Creek Diversion Dam in Alpine City (see Figure 1-8). This reach is approximately five miles in length extending to Timpanogos Highway (SR-92). Below the Dry Creek Diversion, Dry Creek often dries up during the summer and irrigation season.

Lower Provo River

The Provo River is a major source of drinking water for residents along the Wasatch Front in Wasatch, Utah, and Salt Lake counties – about 50 percent of Utah's population. The river is also heavily used for agricultural and recreational purposes. The section of the Provo River between Deer Creek Reservoir and Olmsted Diversion is known nationally as a blue-ribbon trout fishery. Also, the section of the Provo River between Jordanelle and Deer Creek reservoirs is heavily

used for fishing and habitat restoration projects have been constructed through CUPCA. The Provo River is approximately 71 miles in length and originates in the Uintah Mountains and terminates at Utah Lake. Block Notice 7A-2 water could be carried in the SFPRCP and delivered to the lower Provo River at the Olmsted Power Plant tail race (see Figure 1-3). As discussed above, this potential water source would be part of the flow regime that has been evaluated and adopted. The Block Notice 7A-2 water would not be used during high runoff periods and would not exceed the capacity of the Provo River channel.

The lower Provo River extends from the base of Deer Creek Dam in Provo Canyon to Utah Lake. There are a wide variety of fish species and other aquatic resources exist in this reach. Section 3.7 of the *Provo River Delta Restoration Project EIS* provides additional information about the lower Provo River.

3.3.2 Environmental Consequences

The Proposed Action would have no negative effect and very minor beneficial effect to surface water resources. In addition, the Proposed Action is temporary, and any effect would be unmeasurable.

No-Action Alternative

The No-Action Alternative would have no effect to surface water resources.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on surface water resources. The pipelines and aqueducts proposed to carry the Block Notice 7A-2 water have been constructed.

Return Flows to Utah Lake

The temporary use of up to 18,900 AF of Block Notice 7A-2 water would produce a return flow into Utah Lake. The ULS EIS section 1.4.9.3.2 (Bonneville Unit Return Flows) documents that municipal and industrial uses in northern Utah County would produce a return flow rate of 35 percent. Therefore, up to 6,615 AF of return flow would be accounted for in Utah Lake if all 18,900 AF of Block Notice 7A-2 water would be used in northern Utah County for municipal and industrial uses. Generally, if 18,900 AF would be used for temporary instream flows in the lower Provo River up to the full 18,900 AF would be accounted for in Utah Lake.

Return flows to Utah Lake produced by the temporary uses of Block Notice 7A-2 would be credited as exchange water for Jordanelle Reservoir the same way as the other exchange water (e.g., instream flows, return flows). There would be no long-term use or effect to Utah Lake or the Jordanelle Reservoir exchange. Return flow ratios would be part of contracts and agreements prior to use of the temporary Block Notice 7A-2 water in north Utah County. Water would eventually flow through the Jordan River and on to the Great Salt Lake. As described in the ULS EIS, return flows to the Jordan River and Great Salt Lake would have no measurable impacts.

Utah Lake is an important component of the Strawberry Reservoir Jordanelle Reservoir Exchange. In order to make the Bonneville Unit work there must be an exchange of water between Jordanelle and Strawberry Reservoirs with Utah Lake as the center piece of that exchange. Jordanelle Reservoir stores Provo River water that historically flowed into Utah Lake. Utah Lake water originating from the Provo River is replaced by Bonneville Unit return flows to the lake, water rights previously acquired by CUWCD in Utah Lake, direct releases of water from Strawberry Reservoir to Utah Lake, and flows that are surplus to Utah Lake rights. The exchange water is stored in Jordanelle Reservoir for M&I and irrigation deliveries to Salt Lake County and northern Utah County under existing contracts.

Potential Managed Aquifer Recharge Pilot Study

CUWCD Overflow Basin

Block Notice 7A-2 water could be provided through existing pipelines that extend from the DACRWTP as shown on Figure 1-4. This basin could be utilized year-round for a potential managed aquifer recharge pilot study in coordination with the operation schedule of the DACRWTP. The use of the CUWCD Overflow Basin would have no impact on surface water resources.

Battle Creek Debris Basin

To provide a water source for Battle Creek Debris Basin, the Proposed Action would require leaving the natural Battle Creek flows in a 2,100-foot reach between the Pleasant Grove City secondary irrigation diversion and the debris basin (see Figure 1-5 for section of Battle Creek channel to be used). The Proposed Action may provide up to 4 cfs, that would normally be diverted into Pleasant Grove City's secondary irrigation system, by having it remain in this reach of the Battle Creek channel for a distance of about 2,100 feet. Water flowing down Battle Creek that would normally be diverted into Pleasant Grove City's secondary irrigation system could instead continue to flow down the channel to the debris basin and not be diverted and used for the potential managed aquifer recharge pilot study. To replace Pleasant Grove City's secondary irrigation water, Block Notice 7A-2 water could be delivered through the Alpine Aqueduct and used by Pleasant Grove City. This water trade would be contingent upon agreements and/or contracts between Pleasant Grove City and CUWCD.

The Proposed Action to use this section of Battle Creek channel would have minor, temporary benefits to the reach described above.

American Fork River Debris Basin and River Channel

The existing American Fork River Debris Basin and the American Fork River Channel, between the American Fork River Debris Basin and North Utah County Boulevard (SR-129), have been proposed for use for a potential managed aquifer recharge pilot study. The channel is approximately 3,700 feet in length and its width ranges between 20 and 25 feet. Natural American Fork River water flows in this reach of the channel during spring runoff and at other times of high flows. This reach also carries water for diversions downstream. Block Notice 7A-2 water supplied to this location could be delivered through CUWCD's North Branch Pipeline at

the Cedar Hills turnout. The turnout is located about 250 feet south of this reach of the American Fork River Channel (see Figure 1-6).

The Proposed Action to use this section of the American Fork River channel would have minor, temporary benefits to the reach described above.

Highland Gravel Pit

Block Notice 7A-2 water could be delivered to the Highland Gravel Pit through the North Branch Pipeline and/or existing ditches that divert water from the American Fork River. Currently, the Highland Gravel Pit uses non-Block Notice 7A-2 water from the American Fork River as part of the mineral extraction operation. The same ditches could be used to supply the Highland Gravel Pit. There would be no impact on surface water resources from use of the Highland Gravel Pit.

Dry Creek Channel

The use of Dry Creek under the Proposed Action would require that up to 12 cfs that would normally be diverted into Alpine City's secondary irrigation system or other ditch systems would remain in the Dry Creek channel for a distance of about five miles. This reach of Dry Creek often dries up during the summer months. The Proposed Action to use this section of Dry Creek would have minor, temporary benefits to the reach described above.

Instream Flows for Temporary Use in the Lower Provo River

The use of Block Notice 7A-2 water, on a temporary basis, for instream flows in the lower Provo River would benefit water resources in this reach of the river. This component of the Proposed Action may bring lower Provo River flows closer to meeting the guidelines outlined in the *Lower Provo River Ecosystem Flow Recommendation Report (2008)* which was adopted by the *Provo River Delta Restoration Project EIS and RODs (2015)*. However, if the Block Notice 7A-2 water were added to the lower Provo River, it would not exceed its channel capacity.

3.4 Wetlands

The Federal Water Pollution Control Act (33 USC §1251-1376), as amended by the Clean Water Act (CWA) of 1977 and 1987, acts as the primary regulation for water quality. Water quality, including wetlands, are regulated by the U.S. Environmental Protection Agency (EPA) through the CWA. In Utah, water quality standards are regulated by the Utah Division of Water Quality (DWQ). The CWA also controls the discharge of dredged or fill materials into "Waters of the United States", including wetlands, which is administred by the U.S. Army Corps of Engineers (USACE). Executive Order 11990 (May 24, 1977) requires federal agencies to not undertake or provide assistance to activities that impact wetlands.

3.4.1 Affected Environment

Municipal and Industrial Temporary Use in North Utah County

The delivery of Block Notice 7A-2 water could be through the Provo River Aqueduct, Jordan Aqueduct, Alpine Aqueduct (and North Branch Pipeline), and the CWP system. This water would flow from Strawberry Reservoir through the Diamond Fork System to the SFPRCP where it could

be diverted into these pipelines and aqueducts. There are no jurisdictional wetlands associated with this component of the Proposed Action.

Potential Managed Aquifer Recharge Pilot Study

CUWCD Overflow Basin

The CUWCD Overflow Basin is part of the DACRWTP and is regularly maintained and cleaned out. There are no jurisdictional wetlands located within the CUWCD Overflow Basin.

Battle Creek Debris Basin

The Battle Creek Debris Basin is regularly maintained and cleaned out as part of the operation of this debris basin. There are no known wetlands within the Battle Creek Debris Basin. Most likely there could be wetlands along the banks of Battle Creek.

American Fork Debris Basin and River Channel

The American Fork Debris Basin is regularly maintained and cleaned out as part of the operation of this debris basin. There are no known wetlands within the American Fork River Debris Basin. Most likely there could be wetlands along the reach of the American Fork River proposed for a potential managed aquifer recharge pilot study.

Highland Gravel Pit

The Highland Gravel Pit is an active gravel pit. There are no known wetlands within the Highland Gravel Pit.

Dry Creek

Most likely there could be wetlands along the banks of the reach of Dry Creek proposed for a potential managed aquifer recharge pilot study.

Instream Flows for Temporary Use in the Lower Provo River

There are wetlands along the banks and in the proximity of the lower Provo River.

3.4.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to wetlands.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on wetlands. The pipelines and aqueducts proposed to carry the Block Notice 7A-2 water have been constructed.

Potential Managed Aquifer Recharge Pilot Study

CUWCD Overflow Basin

There are no jurisdictional wetlands located within the CUWCD Overflow Basin.

Battle Creek Debris Basin

The Proposed Action may have a beneficial effect to the wetlands along the Battle Creek within the area of effect. However, the effects would be temporary in nature.

American Fork Debris Basin and River Channel

The Proposed Action may have a beneficial effect to the wetlands along the American Fork River within the area of effect. However, the effects would be temporary in nature.

Highland Gravel Pit

There are no jurisdictional wetlands located within the Highland Gravel Pit.

Dry Creek

The Proposed Action may have a beneficial effect to the wetlands along the Dry Creek within the area of effect. However, the effects would be temporary in nature.

Instream Flows for Temporary Use in the Lower Provo River

The Block Notice 7A-2 instream flows may have a beneficial effect to the wetlands along the lower Provo River by supplying water more frequently to hit the target flows. However, the effects would be temporary in nature.

3.5 Groundwater

Groundwater is regulated by the State Engineer through the Utah Division of Water Rights. The groundwater in northeastern Utah County is mainly recharged from the Wasatch Range located to the east. In northeast Utah County, the groundwater moves generally from the east (mountains) to the west (Utah Lake). Ultimately, the groundwater discharges to Utah Lake and the Jordan River.

3.5.1 Affected Environment

Groundwater recharge in this area of Utah is mainly from natural precipitation, irrigation including seepage from canals, river/creek seepage, and subsurface inflow. Groundwater discharge occurs to municipal and irrigation wells, flowing wells, drains, and springs. Mountain groundwater is a subsurface source of recharge to the adjacent unconsolidated basin-fill of northern Utah Valley.

3.5.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to groundwater resources.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on the groundwater levels.

Potential Managed Aquifer Recharge Pilot Study

Chapter 7 of the *Aquifer Storage & Recovery (ASR) Feasibility Study* (2012) provides an analysis of how the groundwater would respond to a managed aquifer recharge project. The study states

"Potential impacts of the proposed aquifer storage and recovery (ASR) project were evaluated using the new groundwater model of Northern Utah Valley prepared by USGS (Gardner, 2009) … While the effects of this type of operation are not evaluated specifically in this report, there is a general understanding that this will be[sic] a benefit to the aquifer with overall increases in groundwater levels."

Further, it states "There is an overall positive impact on the groundwater system from implementation of an ASR program with 80% recovery over a 30-year period. Although there are some periods of lower water levels during extreme dry periods, the overall aquifer impact is positive while still providing an additional 6,850 acre-feet of water source to Northern Utah County."

Therefore, a potential managed aquifer recharge pilot study would have a beneficial effect on the groundwater system of north Utah County. However, the effects would be temporary in nature.

Instream Flows for Temporary Use in the Lower Provo River

The Block Notice 7A-2 instream flows may have unmeasurable effect to groundwater. However, the effects would be temporary in nature.

3.6 Floodplains

Executive Order 11988 establishes federal policy regarding floodplain management. Floodplains are defined as normally dry areas that are occasionally inundated by high stream flows or high lake water. Development in floodplains can reduce their flood-carrying capacity and extend the flooding hazard beyond the developed area.

A stream, creek, or river has a regulatory floodplain if it is identified and mapped by the Federal Emergency Management Agency (FEMA). Floodplains mapped by FEMA are managed at the local level by communities to prevent flooding. The *base flood elevation* is the computed elevation to which floodwater is anticipated to rise during the *base flood*, which is the flood that has a 1-percent chance of being equaled or exceeded in any given year. This is also called the 100-year flood. Congress established the National Flood Insurance Program (NFIP) in 1968 which is administered at the local level. The NFIP is a voluntary mitigation program made available to state and local governments by FEMA. FEMA conducts hydrologic and hydraulic studies through the NFIP and publishes flood insurance rate maps (FIRMs) that identify and delineate flood hazard risks for land use planning.

3.6.1 Affected Environment

Within north Utah County and in the area of the Proposed Action, there are floodplains associated with the Provo River, Battle Creek, American Fork River, and Dry Creek.

3.6.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to floodplains.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on floodplains.

Potential Managed Aquifer Recharge Pilot Study

CUWCD Overflow Basin

There are no floodplains located within the CUWCD Overflow Basin.

Battle Creek Debris Basin

The Proposed Action would have no effect on the existing Battle Creek floodplain. The use of the temporary instream flow water would be timed to not adversely impact existing floodplains or the creek channel conditions.

American Fork Debris Basin and River Channel

The Proposed Action would have no effect on the existing American Fork floodplain. The use of the temporary instream flow water would be timed to not adversely impact existing floodplains or the American Fork River channel conditions.

Highland Gravel Pit

There are no existing floodplains within the Highland Gravel Pit.

Dry Creek

The Proposed Action would have no effect on the existing Dry Creek. The use of the temporary instream flow water would be timed to not adversely impact existing floodplains, or the creek channel conditions.

Instream Flows for Temporary Use in the Lower Provo River

The temporary instream flows released into the lower Provo River would not cause or exacerbate flooding. The release of the temporary instream flow water would be timed to not adversely impact existing floodplains or the river channel conditions. The Proposed Action would not involve any ground disturbing activities.

3.7 Threatened and Endangered Species

Federal agencies are required to follow the guidelines set forth in the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543). The ESA is administered by the U.S. Fish and Wildlife Service (USFWS). Under the ESA, species are categorized as either threatened, endangered, or candidate:

- Endangered – An Endangered species is an animal or plant in danger of extinction within the foreseeable future throughout all or a large portion of its range
- Threatened – Threatened species are defined by the ESA and include any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range
- Candidate - Candidate species are plants and animals for which the U.S. Fish and Wildlife Service has sufficient information on their biological status and threats to propose them as

endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by other higher priority listing activities.

This section evaluates the impact the Proposed Action Alternative may have on the June sucker.

3.7.1 Affected Environment

The June sucker is a lake sucker fish endemic to Utah Lake and was federally listed as an endangered species with critical habitat on the lower 4.9 miles of the Provo River under the ESA on April 30, 1986 (51 FR 10857). Section 7 of the ESA mandates federal agencies to consult with the USFWS on any action that may affect an endangered or threatened species or adversely modify designated critical habitat. On February 3, 2021, the U.S. Fish and Wildlife Service placed the June sucker in threatened status.

June Sucker Flows

The *Provo River Delta Restoration Project EIS and RODs* (2015) adopted the *Lower Provo River Ecosystem Flow Recommendations Report* (2008) and its associated flow regime targets. The EIS states that meeting flow targets will be an adaptive process and the JLAs committed to work with the June Sucker Flow Work Group (Flow Work Group). The Flow Work Group was established prior to the JSRIP and consists of representatives from multiple agencies. The Flow Work Group meets to discuss water supply, hydrologic conditions, and water delivery operations to assist the JSRIP in the development of annual flow proposals. The JSRIP works with water managers to deliver supplemental releases of water in Provo River and Hobble Creek from water mostly acquired by DOI. Supplemental releases to the Provo River were first initiated in 1994, while releases to Hobble Creek have been provided since 2013.

The *Provo River Delta Restoration Project EIS* states further that "the work group will discuss the flow outlook for the upcoming water year, to coordinate flow patterns and discuss the needs of the June sucker, considering the target flow recommendations, available water supplies, and respective commitments for delivery of water to the Provo River. Based on these factors the JSRIP will recommend a flow pattern to the U.S. Department of the Interior".

The flow regimes for the lower Provo River were developed to protect the riverine ecosystem, are scientifically derived, ecologically defensible, and hydrologically feasible. A critical aspect of flow regimes in this system is the need to provide habitat for June sucker spawning and recruitment. Long-term protection and eventual recovery of the June sucker is dependent on the management of water to maintain sufficient flows in the Provo River in the quantity, quality, and pattern necessary to support the aquatic ecosystem that will help recover the species. Flow maintenance is particularly important within June sucker spawning and rearing habitat during these important life stages of the fish. Adequate protection of instream flows was identified as one of the components for natural recruitment of adult June sucker. One of the criteria for delisting of the June sucker is the verification of substantial natural recruitment and these stream flows are an integral part of achieving that criteria.

The instream June sucker flows for the Provo River are released at Deer Creek Reservoir or from Strawberry Reservoir and are released to follow flow proposals made by the JSRIP to DOI CUPCA. This water travels down the river passing through the 4.9 miles of critical June sucker habitat on the lower Provo River. These flows could be augmented through the SFPRCP to the Provo River subject to water rights, water agreements, water availability, program needs, and system constraints. Using water for this purpose would require an entity, presumably the JSRIP, to pay for the water used, to include the apportioned share of operation, maintenance, repair and reserves associated with facilities used to deliver the water.

3.7.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to threatened and endangered species.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on threatened and endangered species.

Potential Managed Aquifer Recharge Pilot Study

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on threatened and endangered species.

Instream Flows for Temporary Use in the Lower Provo River

The temporary use for instream flows in the lower Provo River could provide in support of the June sucker pending approved contracts and agreements. This water could supplement other available June sucker instream flow supplies, plus natural flows, to sustain a healthy aquatic ecosystem in the Provo River and the (planned) Provo River Delta upon which the June sucker depends. This water could be delivered through the SFPRCP to the lower Provo River at the Olmsted Power Plant tail race located at the mouth of Provo Canyon.

Water used as part of the temporary use of instream flows in the lower Provo River in support of the June sucker has been evaluated in the *Provo River Delta Restoration Project EIS and RODs (2015)* which adopted the seasonal flow regime targets identified and evaluated in the *Lower Provo River Ecosystem Flow Recommendations Report (2008)*. The Proposed Action to deliver instream flows to the lower Provo River would benefit the June sucker and other fisheries. If Block Notice 7A-2 water is used in support of the June sucker, it would become part of the flow regime and pattern.

3.8 Recreation

This section discusses recreational opportunities that exist along or near the rivers/creeks influenced by the Proposed Action.

3.8.1 Affected Environment

Lower Provo River

The lower Provo River is an important recreational resource in the community and provides recreational opportunities such as boating/canoeing, fishing, wildlife viewing, running/walking, and bicycling. The Provo River Parkway trail is a nearly 16-mile-long paved trail system that runs along the bank of the Provo River. It begins at Utah Lake State Park and continues to Vivian Park located in Provo Canyon. This trail is heavily used by joggers, bikers, and for other recreational purposes.

Another important recreational opportunity along the lower Provo River is fishing. From the *Provo River Delta Restoration Project Final EIS* this section of the lower Provo River is "classified as a Class 4 Wild Fish Water, which means that sportfish species are maintained by natural reproduction only. The lower 4.9-mile section of the Provo River (below Lower City Dam) is designated as Critical Habitat for June sucker, and management focuses on conservation and enhancement of the species relative to guidelines outlined in the June Sucker Recovery Plan (USFWS 1999a)".

Battle Creek

The reach of Battle Creek used to deliver the Block Notice 7A-2 water for a potential managed aquifer recharge pilot study is used for some recreational purposes. These recreational uses consist of hiking and wildlife viewing. Battle Creek Falls is located less than a mile from the debris basin. The trail to Battle Creek Falls is located on the banks of Battle Creek and is not paved.

American Fork River

The reach of the American Fork River proposed for a potential managed aquifer recharge pilot study is not used very much for recreational resources. There are no trails along this reach of the American Fork River. Fishing along this reach is nonexistent since the river runs dry at certain times of the year. However, the Cedar Hills Golf Course is bisected by this reach of the American Fork River. The American Fork River during the summer months is often dry in this reach.

Dry Creek

The reach of Dry Creek proposed for a potential managed aquifer recharge pilot study provides little recreational opportunity. This reach of Dry Creek is located in the urbanized Alpine City boundaries and has been channelized with a number of bridges crossing over it. There are no contiguous trails that run along this reach of Dry Creek. This reach of Dry Creek during the summer months is often dry. This reach of Dry Creek does flow through several city and community parks: Burgess Park and Creekside Park.

3.8.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to recreational resources.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect on recreational resources.

Potential Managed Aquifer Recharge Pilot Study

CUWCD Overflow Basin

The Proposed Action would have no effect to the recreational resources near the CUWCD Overflow Basin.

Battle Creek Debris Basin

The Proposed Action would have no effect to the recreational resources along Battle Creek or near the Battle Creek Debris Basin.

American Fork River Debris Basin and River Channel

The Proposed Action would have no effect to the limited recreational resources along the reach of the American Fork River or recreational resources near the mouth of American Fork Canyon.

Highland Gravel Pit

The Proposed Action would have no effect to the recreational resources near the Highland Gravel Pit.

Dry Creek

The Proposed Action would have no effect to the recreational resources along Dry Creek.

Instream Flows for Temporary Use in the Lower Provo River

The Proposed Action could supplement other available June sucker instream flow supplies, plus natural flows, to sustain a healthy aquatic ecosystem in the lower Provo River. The Proposed Action would have no effect to recreational resources (e.g., trail system, wildlife viewing) along the lower Provo River corridor. The Proposed Action may have a temporary benefit to the fisheries in the lower Provo River, but any effect would be unmeasurable.

3.9 Visual Resources

Visual or scenic resources within the study area are the natural and built features of the landscape that contribute to the public's experience and appreciation of the environment. For this project, these may consist of the natural creek and riverine habitats. Visual resources or scenic impacts are generally defined in terms of a project's physical characteristics and potential visibility and the extent to which the project's presence would change the perceived visual character and quality of the environment in which it would be located. The primary viewer groups of the project area include those that may use the creek and river corridors for recreation.

3.9.1 Affected Environment

Lower Provo River

As discussed, the lower Provo River provides a number of recreational opportunities. The lower Provo River, from the mouth of Provo Canyon to Utah Lake, is largely located in an urbanized setting. The Provo River Parkway runs along the Provo River. The lower Provo River contains a riparian corridor along its banks.

Battle Creek

Battle Creek is located in a steep, narrow canyon. It contains a narrow riparian corridor along its banks dominated with willows and cottonwood trees.

American Fork River

The reach of the American Fork River proposed for a potential managed aquifer recharge pilot study consists mainly of low-lying shrubs and grasses. This reach bisects the Cedar Hills Golf Course. There are some cottonwoods and other trees along its banks.

Dry Creek

The reach of Dry Creek proposed for a potential managed aquifer recharge pilot study is located within the urbanized area of Alpine City. This reach has been channelized. There are some cottonwoods and other trees along its banks.

3.9.2 Environmental Consequences

No-Action Alternative

The No-Action Alternative would have no effect to visual resources.

Proposed Action Alternative

Municipal and Industrial Temporary Use in North Utah County

The temporary use of Block Notice 7A-2 for municipal and industrial uses in north Utah County would have no effect to visual resources.

Potential Managed Aquifer Recharge Pilot Study

CUWCD Overflow Basin

The Proposed Action would have no effect to the visual resources near the CUWCD Overflow Basin.

Battle Creek Debris Basin

Leaving the natural Battle Creek flow in the reach needed for a potential managed aquifer recharge pilot study would enhance and benefit the visual aspects of the area on a limited and temporary basis. It is anticipated that this would be during the irrigation season. The duration is unknown as this time. The Proposed Action would have no effect to the visual resources along Battle Creek or near the Battle Creek Debris Basin.

American Fork River Debris Basin and River Channel

Leaving the natural American Fork River water in the reach proposed for a potential managed aquifer recharge pilot study would enhance and benefit the visual aspects of the area on a limited and temporary basis. The Proposed Action would have no effect to the visual resources along the reach of the American Fork River or the visual resources near the mouth of American Fork Canyon.

Highland Gravel Pit

The Proposed Action would have no effect to the visual resources near the Highland Gravel Pit.

Dry Creek

Leaving the natural Dry Creek water in the reach proposed for a potential managed aquifer recharge pilot study would enhance and benefit the visual aspects of the area on a limited and temporary basis. It is anticipated that this would be during the irrigation season. The duration is unknown as this time. The Proposed Action would have no effect to the visual resources along Dry Creek.

Instream Flows for Temporary Use in the Lower Provo River

The addition of instream flows could provide minimal additional enhancement to the view shed of the lower Provo River on a temporary basis.

3.10 Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by the President on February 11, 1994, directs federal agencies to take appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent possible and permitted by law. Executive Order 12898 established Environmental Justice as a federal agency priority to ensure that minority and low-income groups are not disproportionately affected by federal actions.

3.10.1 Affected Environment

The affected environment for the Proposed Action Alternative is north Utah County, the five areas where a potential managed aquifer recharge pilot study could occur, and the lower Provo River.

3.10.2 Environmental Consequences

Implementation of the Block Notice 7A-2 Temporary Use in North Utah County project would not disproportionately or unequally affect any low-income or minority communities or populations. The Proposed Action would not involve any population relocation, health hazards, hazardous waste, or substantial economic impacts. The Proposed Action would therefore have no adverse human health or environmental effects on minority and low-income populations.

No-Action Alternative

The No-Action Alternative would have no effect to Environmental Justice communities or populations.

Proposed Action Alternative

The Proposed Action Alternative would have no effect to Environmental Justice communities or populations.

3.11 Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property held in trust by the United States for federally recognized Indian tribes or individuals. Assets can be real property, physical assets, or intangible property rights, such as lands, minerals, hunting and fishing rights, and water rights. The U.S. Department of the Interior's policy is to recognize and fulfill its legal obligations to identify, protect and conserve the trust resources of federally recognized Indian tribes and tribal members, and to consult with the tribes on a government-to-government basis whenever plans or actions affect tribal trust resources, trust assets, or tribal safety. Under this policy, the federal government is committed to carrying out its activities in a manner that avoids adverse impacts to ITAs when possible, and to mitigate or compensate for such impacts when it cannot. All impacts to ITAs, even those considered insignificant, must be discussed in the trust analyses in NEPA compliance documents and appropriate compensation or mitigation must be implemented. The implementation of any of the project alignment alternatives would have no foreseeable impacts on Indian Trust Assets.

3.11.1 Affected Environment

The CUPCA Office sent letters to all Indian Tribes that may have an interest in the Block Notice 7A-2 Temporary Use in North Utah County project requesting information regarding ITAs within the project study area.

The Navajo Nation Heritage and Historic Preservation Department responded to the CUPCA Office that they have no Traditional Cultural Properties within the project study area.

The Uinta and Ouray Ute Indian Tribe (Ute Tribe) submitted a scoping comment letter which is found in Chapter 4. The Department of the Interior has responded to this letter which is also found in Chapter 4. No other Native American Tribes responded concerning Traditional Cultural Properties.

3.11.2 Environmental Consequences

There are no known ITAs in the project study area

No-Action Alternative

The No-Action Alternative would have no effect on ITAs.

Proposed Action Alternative

The Proposed Action Alternative would have no effect on ITAs.

3.12 Climate Change

Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (as amended by Executive Order 13693, Planning for Federal Sustainability in the Next Decade) established an integrated strategy towards sustainability in the Federal Government and made the reduction of greenhouse gas emissions a priority for federal agencies. Greenhouse gas emissions caused by human activities represent the largest driver of climate change and are chemical compounds found in the earth's atmosphere that absorb and trap infrared radiation or heat in the lower part of the atmosphere. Carbon dioxide (CO_2) makes up the largest component of greenhouse gas emissions.

3.12.1 Affected Environment

The EPA defines climate change as any substantial change in measures of climate lasting for an extended period of time. The principal greenhouse gases emitted into the atmosphere through human activities are CO_2, methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. Of these four gases, CO_2 is the major greenhouse gas emitted.

3.12.2 Environmental Consequences

The Block Notice 7A-2 Temporary Use in North Utah County project would not cause an increase in CO_2 or other greenhouse gas emissions. Implementation of the Proposed Action would be consistent with Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance.

No-Action Alternative

The No-Action Alternative would have no effect on climate change, nor would it create vulnerability to climate change impacts.

Proposed Action Alternative

The Proposed Action Alternative would have no effect on climate change, nor would it create vulnerability to climate change impacts.

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CHAPTER 4: PROJECT COORDINATION

Chapter 4 describes the project coordination and public involvement activities for the Proposed Project.

4.1 Public and Agency Scoping Process

As part of the EA process, the JLAs conducted public and agency scoping in January and February 2021. Scoping is a process where project proponents present the Proposed Action Alternative, provide contact information, and solicit comments from the public and resource and regulatory agencies. The scoping process occurs during the initial phase of the draft EA and comments received are then addressed and used to assist in the preparation of a draft EA.

The scoping period extended from Friday, January 10th through Friday, February 12, 2021 in which the public and agencies were invited to review project information and to submit comments. Native American Tribes comment period extended to Wednesday, February 17, 2021. Information disseminated through scoping consisted of:

- Listing project proponents – Central Utah Water Conservancy District, Department of the Interior – CUPCA Office, and the Utah Reclamation Mitigation and Conservation Commission.
- Project background.
- Stating that the NEPA process had been initiated.
- Describing the Proposed Action Alternative to be evaluated.
- Maps showing the general location of the Proposed Action Alternative.
- Soliciting comments and concerns and how to submit them.
- Providing contact information including telephone numbers, email, and web site address.

The JLAs used the following to notify the public and agencies about the Proposed Project and to solicit comments:

- Mailed a scoping document to interested parties and to local, state, and federal agencies.
- Development of a project webpage with the scoping newsletter, project contact information, and a means to provide comments on the proposed project.
- Newspaper ad with project information.
- Native American Consultation Letters with an attached scoping newsletter (sent by the CUPCA Office).

4.1.1 Scoping Comments

Two comment letters were received – one from a citizen and another from the Ute Tribe. The scoping comment from the citizen and JLA's response is in Table 4-1. The Navajo Nation Heritage and Historic Preservation Department stated that they have no Traditional Cultural Properties and another individual requested to remain informed through the EA process.

The Ute Tribe requested that information on the proposed project be resent to them. On February 5, 2021, Interior resent the letter and scoping document which requested the Ute Tribe's input. The Ute

Tribe also requested that the scoping period be extended to Friday, March 5, 2021. This request was denied. The Ute Tribe subsequently submitted a comment letter dated March 30, 2021, which did not specifically address the Block Notice 7A-2 Temporary Use in North Utah County project but discussed general issues of the Bonneville Unit and Central Utah Project. The letter suggested that additional consultation would be required for the Project. The Department of the Interior requested that the Ute Tribe review the Draft Environmental Assessment and provide input on tribal interests upon which Government to Government consultation has not yet taken place. The Ute Tribe's letter and the Department of the Interior's response is attached in this chapter.

Table 4-1: Comments Received During Scoping and Responses

Comments Received	Joint Lead Agencies Response
Comment (Richard D. Lucy) Richard D. Lucy 4140 Clover Lane Holladay, Utah 84124 801 277 1488 Dlucy@handcraftedsilver.com January 11, 2021 CUP Re: Block notice 7A-2 Greetings Please refer to the subject notice, copy attached. As I understand this notice (tucked away in the back of the sports section) MWD & JVWCD (the parties) wish to avoid payment for water under contract to them for a 10 year period. I would not call that "temporary". If the possible alternative sales of this water are in place I have no concern. Otherwise, since the other alternative uses will not produce revenue the proprty taxes I pay for CUP -- for water I will never receive -- are likely to increase. This is unreasonable and I assert that if this is the case that the parties be required to meet their contract obligations. Please keep me informed of developments as this matter goes forward. Thank you. Sincerely Richard D. Lucy CC Holliday Water Company Mr. Tom Quinn, Attorney at Law Mayor – City of Holladay	JVWCD and MWDSLS under their respective water sales contracts with CUWCD have agreed to rights to defer use of and payment for their water supplies for up to 10 years from the date of the block notice. This deferment provision is expressly authorized by the federal Water Supply Act, (Title III of Public Law 85-500) and the deferral option was included in the CUP original repayment contract, and also is part of all petitions by customer agencies. The deferment of the water was anticipated, and financial impact was anticipated and planned for. These customers have made the decision to defer all or part of their respective contractual water supplies for up to 10 years. Their decision to defer creates an opportunity for CUWCD to make an alternative temporary use of a portion of this deferred water for CUWCD's purposes during the deferral period. This is a temporary arrangement for up to 10 years. CUWCD is required by the water sales agreements to deliver the water to its customers when called either prior to or at the end of the 10-year deferral period. The JLAs intent is to utilize up to 18,900 acre-feet of the Block Notice 7A-2 water for up to 10 years upon executed and agreed upon contracts with agencies in north Utah County or for instream flow purposes. The Proposed Action Alternative will not raise nor lower property taxes in Salt Lake County.

Ute Indian Tribe of the Uintah and Ouray Reservation

Comments on the Scoping Document of the United States Central Utah Project Completion Act Office, Central Utah Water Conservancy District, and Utah Reclamation Mitigation Commission (Joint Lead Agencies) Block Notice 7 A-2

March 30, 2021

The United States Central Utah Project Completion Act Office ("CUPCA Office"), Central Utah Water Conservancy District ("District"), and Utah Reclamation Mitigation Commission ("Mitigation Commission"), as Joint Lead Agencies ("JLA"), have issued a "Scoping Document," as part of the required National Environmental Policy Act ("NEPA"), for a proposed temporary use of water from the Central Utah Project ("CUP") Strawberry Reservoir, transferred to North Utah County from what is known as Block Notice 7 A-2. The JLA are soliciting comments regarding the proposed scope of the issues to be addressed in the environmental impact statement.

The Scoping Document identifies three purposes for the North Utah County Project: (1) municipal and industrial ("M&I") needs in North Utah County; (2) pilot testing for managed aquifer recharge in North Utah County; and (3) instream flows in the Provo River in support of the recovery of the threatened June sucker (hereafter referred to as the "Project Purposes"). Because of the limited information provided in the Scoping Document and a failure of the federal agencies, two of the three JLA, to consult with the Ute Indian Tribe ("Tribe") on the water commitments proposed to be made by the JLA, and to account for and report on the potential impact of these commitments on the Tribe's Indian reserved water rights in the Duchesne River and its Tributaries, we are unable to make an informed and detailed response to the Scoping Document and the proposed temporary transfer action for the use of Block Notice 7 A-2 water. Therefore, the Ute Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Indian Reservation submits these initial comments on the Scoping Document and identify the potential impacts on the Tribe's senior reserved water rights.

I. INTRODUCTION

The Ute Indian Tribe is located on the Uintah and Ouray Reservation ("Reservation") in northeastern Utah, approximately 150 miles east of Salt Lake City, Utah. All of the Reservation land lies within the drainage of the Colorado River Basin. Today, the Reservation is the second largest Indian reservation in the United States, covering more than 4.5 million acres. The Ute Indian

Tribe has a tribal membership of almost four thousand individuals, a majority of whom live within the exterior boundaries of the Reservation.

The Tribe has Indian reserved water rights by diversion of 549,685 acre-feet per year in the Upper Colorado River Basin. Priorities for these rights are dated 1861 for all historical, present, and practicably irrigable lands of the Uintah Valley portion of the Reservation, including municipal and industrial water rights, and 1880 for all lands served on the Uncompahgre portion of the Reservation, which the Green River borders and flows through, including tributaries to the Green River. The Ute Indian Tribe owns the highest priority water rights to natural flows from all rivers within the exterior boundaries of the Reservation.

The northwestern area of the Reservation consists of five major river drainages with seven contributing rivers that generally flow southeast and east into the Green River. The Duchesne River system to the west drains from the Wasatch and Uinta Mountains through major tributaries that include Rock Creek, the Strawberry River, the Lake Fork River (with its major tributary the Yellowstone River), and the Uinta River (with its major tributary the Whiterocks River). The White River and other desert tributaries, including Willow Creek and Bitter Creek, drain the southeastern area of the Reservation into the Green River.

The Bureau of Indian Affairs operates the Uintah Indian Irrigation Project ("UIIP"), authorized by Congress in 1906, that serves the vast majority of current Tribal agricultural operations on the Reservation, with water sourced from the Duchesne, Lake Fork, and Uinta River systems. A maximum diversion rate of 1 cubic feet per second ("cfs") to 70 acres was established for direct natural flow diversions, with an annual allocation of 3 acre-feet per acre in the Lake Fork and Uinta Basins (under 1923 federally-decreed reserved water rights), 4 acre-feet per acre in the Duchesne River, Bitter, Sweet Water, Willow, and Hill Creeks Basins, 4.8 acre-feet per acre in the White River Basin, and 4.5 acre-feet per acre in the Green River Basin. These Indian reserved water rights belong to our Tribe because, under what is known as the *Winters* doctrine (a 1908 decision of the United States Supreme Court recognizing reservation tribe's Indian reserved water rights), the primary purpose of the Federal government's establishment of our Reservation was to require members of our Tribe to become productive farmers, a government policy intended to promote Tribal self-sufficiency. These rights are established as a quantified apportionment of Tribe's Indian reserved water rights in the Upper Colorado River Basin and are a Tribal trust asset of the Ute Indian Tribe—a sovereign government, federally recognized by the United States. These Indian reserved water rights are present perfected rights, as recognized by the United States Supreme Court in *Arizona v. California* (U.S. Supreme Court, 1963) (1964 Decree). Additionally, the water on the Reservation was recognized by Congress in 1899 as the paramount rights of the Tribe, and this federal legislation directed the Secretary of the Department of Interior to secure, preserve, and protect a quantity of water necessary for the present and prospective (future) wants and needs of the Tribe.

Our tribal government provides services to our members and manages the Reservation through 60 tribal departments and agencies including land, fish and wildlife management, housing, education, emergency medical services, public safety, and energy and minerals management. The Tribe is also a major employer and engine for economic growth in northeastern Utah. Tribal businesses include a bowling alley, supermarket, gas station, feedlot, manufacturing plant, Ute Oil Field Water Services, and Ute Energy. Our governmental programs and tribal enterprises employ

approximately 450 people, 75% of whom are tribal members. The Tribe takes an active role in the development of its resources, including as a majority owner of Ute Energy and owns numerous oil and gas wells on the Reservation. We depend on our natural resources as a primary source of economic development to establish a permanent homeland and economic security for our members.

II. FAILURE TO ENGAGE IN NATION-TO-NATION CONSULTATION

Under the policy of the United States, Federal agencies are required to conduct Nation-to-Nation consultation with the Ute Indian Tribe on this matter in order to be in compliance with Presidential Memorandum, dated January 26, 2021, requiring regular, meaningful, and robust consultation with Tribal officials in order to fulfill Federal trust and treaty responsibilities, consistent with Executive Order 13175 (November 6, 2000) (Consultation and Coordination with Indian Tribal Governments). This directive requires Tribal consultation in the development of Federal policies that have Tribal implications.

Regrettably, the Federal agencies involved in the development of water in the State of Utah within the Upper Colorado River Basin have not seemed to distinguish the uniqueness of their trust responsibilities to the Tribe, as opposed to their general responsibilities. At each step of the development and use of the Colorado River and the State's allocation of it for Utah, the Federal agencies, in particular, the United States Bureau of Reclamation and the Central Utah Project Completion Act Office ("CUPCA Office"), have not initiated meaningful consultation with the Tribe—although these Federal agencies are fully aware that the Tribe has significant Indian reserved water rights in the Upper Colorado River Basin.

At this time, the Tribe is seeking a mutually agreeable date on which to conduct the required Nation-to-Nation consultation on the development and use of the Duchesne River and its Tributaries. The Tribe requests that no decision be finalized on the scope of the NEPA documentation until after the Tribe has had the opportunity to have a meaningful and robust Nation-to-Nation consultation with the Federal Joint Lead Agencies in order to obtain detailed information about the water identified to be used in the Block Notice 7 A-2 and its proposed temporary use. At the current time, the Tribe significantly lacks the type of information the Tribe requires to make an assessment and analysis of the Block Notice 7 A-2 water source and use. We require additional information and an accounting of the water to be used in order to discuss potential or real adverse impacts on the availability and development of the Tribe's reserved water rights and to ensure the protection and preservation of its Indian reserved water rights.

Below, we describe the Tribe's Indian reserved water rights in the Duchesne River and its Tributaries, which should support a conclusion by the Federal agencies that Nation-to-Nation consultation must be conducted, and the Tribe's interests considered and protected.

III. Ute Indian Tribe's Duchesne River and Tributary Indian Reserved Water Rights

Starting from the early days of the Reservation, irrigated agriculture has remained the primary economic activity in the Uintah Basin and the primary Tribal enterprise, as was the expectation of the Federal government when the Reservation was established. As a result, most of the water in the Uintah Basin is used for irrigated agriculture, and securing a reliable water supply

for crop production is a basic necessity—one which has been persistently pursued by non-Indian irrigation companies and the Federal government since the turn of the last century. The Tribe has also sought to secure a reliable water supply for its irrigation projects and had placed their trust in the Federal government's Central Utah Project. Although numerous studies were completed, the units of the Central Utah Project that were planned to provide Tribal benefits were never constructed.

In order to understand the role of the Tribe's Indian reserved water rights in the Duchesne River and its Tributaries, and its importance to the development of the Central Utah Project, it is important to understand the significance of an agreement called the 1965 Deferral Agreement. The 1965 Deferral Agreement was signed among the Ute Indian Tribe, the Federal government, represented by the Bureau of Indian Affairs and Bureau of Reclamation, and the Central Utah Water Conservancy District. Furthermore, it is important to understand the reasons why it was necessary for the Central Utah Water Conservancy District, on behalf of the Central Utah Project and the State, to sign the 1965 Deferral Agreement with the Tribe and relevant Federal government agencies.

Throughout the 1930s to 1950s, planning in the state of Utah began on what would become known as the Central Utah Project ("CUP"). This large, Federally-funded water project was meant to develop Utah's apportionment of the Colorado River by constructing reservoir storages, irrigation projects, municipal and industrial water systems, and trans-basin diversions to transfer water from the Colorado River Basin away from the Reservation and over the Wasatch Mountains to the Salt Lake area. Due to its size and complexity, the U.S. Bureau of Reclamation divided the CUP into six units: Bonneville, Jensen, Vernal, Upalco, Uintah, and Ute Indian Unit as depicted in Figure 1.

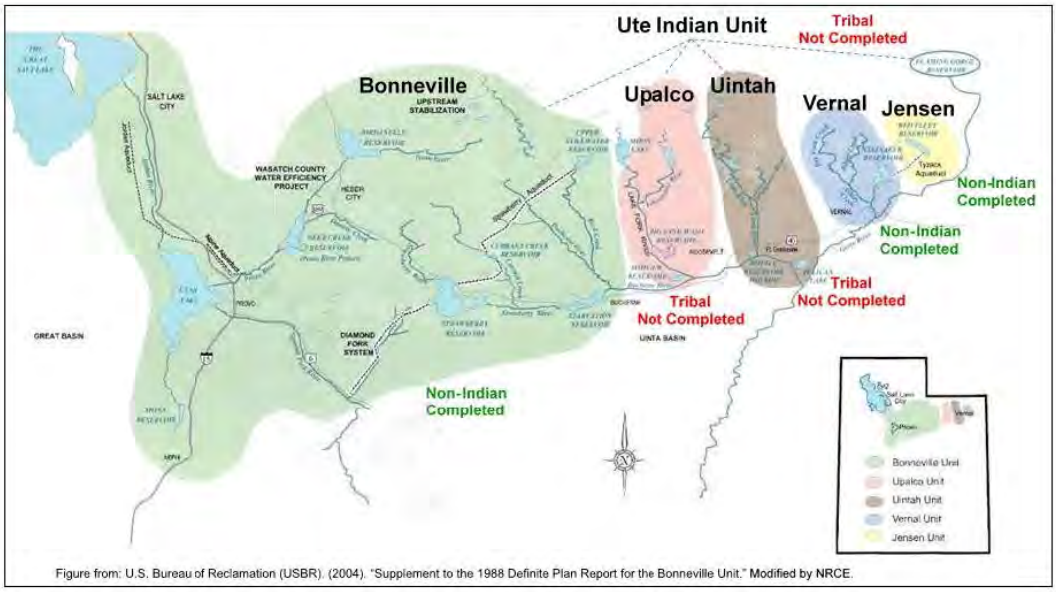

Figure from: U.S. Bureau of Reclamation (USBR). (2004). "Supplement to the 1988 Definite Plan Report for the Bonneville Unit." Modified by NRCE.

With regard to the Tribe's reserved water rights and the infrastructure needed to develop it, the 1965 Deferral Agreement addressed the storage and related infrastructure of four CUP projects,

the Bonneville, Upalco, Uinta, and the Ute Indian Unit. In a Memorandum, dated September 9, 1988, Regional Solicitor of the United States Department of Interior, Lynn Collins, stated that the Units were "to furnish irrigation water, supplemental or full service as appropriate to 109,548 acres of Reservation land containing an Indian water right, identified hereafter as Groups 1 through 5, by means of the Bonneville, Upalco, Uintah and Ute Indian Unit."

The acreages recited in Solicitor Collins memorandum are identified in the first page of the 3rd "Whereas" clause in the 1965 Deferral Agreement and states:

> WHEREAS, there are approximately 36,450 acres of land served or to be served from the Duchesne River, Bonneville Unit; 33,450 acres of land served or to be served from the Lake Fork River, Upalco Unit; and 39,648 acres of land served or to be served from the Uintah either owned by Indians or non-Indians, but all of which are supplied or are to be supplied with water through original Indian water rights.

If the three sets of numbers shown in the above "Whereas" clause, consisting of presently irrigated and practicably irrigable acreages, are summed up (i.e., 36,450 +33,450 +39,648), the total acreages, that include what are known as Groups 1 through 5 lands, exactly match Secretary Collins 109,548 acres as stated in his 1988 Memorandum explaining what the Tribe expected to receive for supplemental or full-service irrigation from Bonneville, Upalco, Uintah, and Ute Indian Unit CUP projects. On page two in the 4th "Whereas" clause of the 1965 Deferral Agreement, it describes the sources of the river water supply of the various irrigation projects that make up the 109,548 acres (shown in Figure 2).

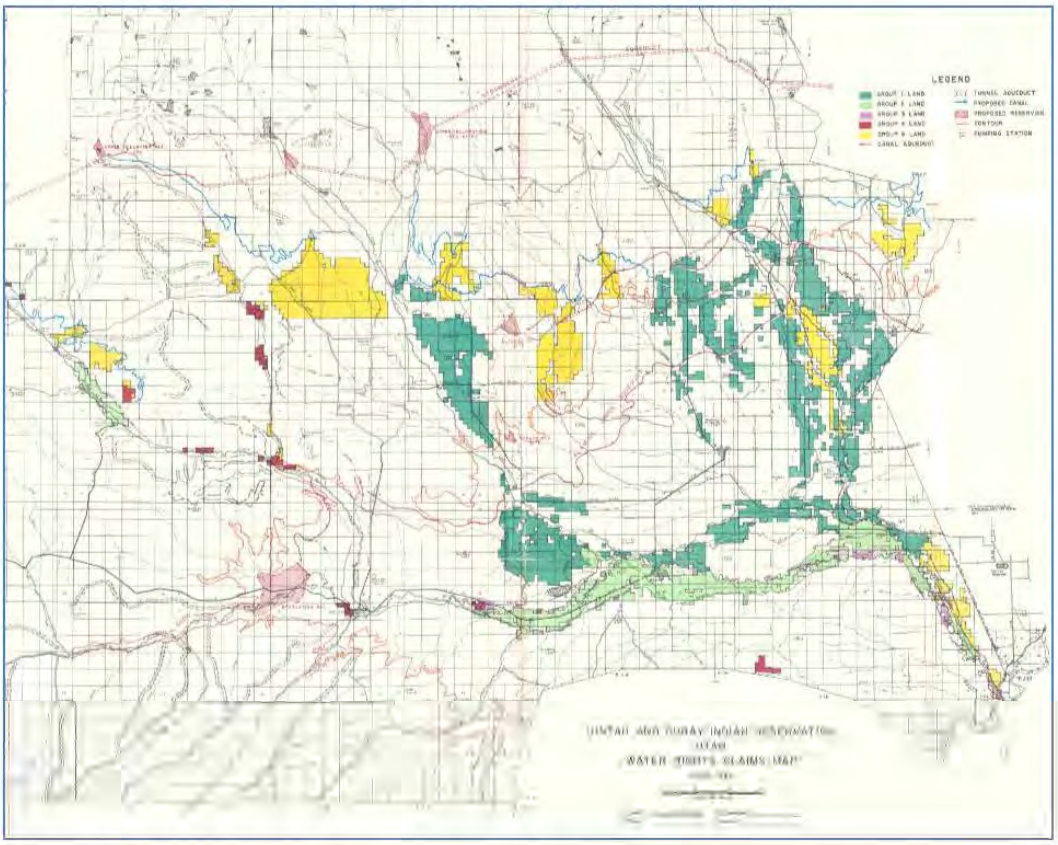

Figure 2. Water Right Land Groups (Decker, 1964)

It is important and necessary to disaggregate the 109,548 acres to determine the sources of river flows that supply each project that make up the 109,548 acres. It is essential to note the Joint Lead Agencies are proposing to release 30,000 acre-feet ("AF") of Central Utah Project water from the Strawberry Reservoir and use 18,900 AF for three project purposes. However, the *primary supply of storage water for the Strawberry Reservoir is the Duchesne River and its Tributaries.* The Duchesne River is one of the main Water Towers of the Tribe where the Tribe's existence as people is highly dependent on Duchesne River and its Tributaries. Consequently, any releases of water from Strawberry Reservoir towards the Wasatch Front are of great importance to the Tribe.

It makes it, therefore, essential to understand the Tribal Indian reserved water rights that are dependent on the Duchesne River and its Tributaries because the amount of water stored in the Strawberry Reservoir, like that of the Tribe's reserved water rights, is also dependent on water from the Duchesne River and Tributaries that are diverted for storage in the Strawberry Reservoir. In other words, some of the flows generated from the Duchesne River and its Tributaries are used to supply various Indian reserved water rights for Tribal lands that are historically, presently, and future practicably irrigable acreage ("PIA") lands, Tribal minimum instream flow rights, and Tribal storage rights. Similarly, a portion of the Duchesne River and its Tributaries, with the aid of the Strawberry

Aqueduct and Collection System (SACS) diversion facilities, is used to fill the storage reservoir of Strawberry Dam, where its primary storage releases and use is in the Wasatch Front.

Significantly, then, there must be a recognition and acknowledgement by the Federal government that (1) a portion of the Duchesne River and its Tributaries are the lifeline for Tribal reserved water rights in the Uintah Basin, and (2) a portion of the Duchesne River and its Tributaries is designed and constructed to feed the Strawberry Reservoir where the primary water use is the Wasatch Front, off the Reservation and for non-tribal water users. It is of utmost importance that individuals involved with the non-Tribal entities and their water use identify the Tribe's lands that have senior priority, reserved water rights in the Duchesne River and its Tributaries. The 1965 Deferral Agreement makes it clear that, of the 109,548 acres of the Tribal lands that are dependent on the Duchesne River and its Tributaries, they are to be identified as described in the 4th "Whereas" clause of page two of the Deferral Agreement, stated as follows:

> WHEREAS, the Indian water right land have been scheduled in five separate groups for identification purposes, described as group (1) for which a Federal Decree has been entered, 25,070 acres of which are served or to be served from the Lake Fork River and 34,152 acres from the Uintah River; group (2) consisting of 18,613 acres designated by the Secretary of the Interior as part of the Uintah Indian Irrigation Project, and for which a certificate has been issued by the State Engineer of Utah and served from the Duchesne River; group (3) consisting of 1,115 acres designated by the Secretary of the Interior as part of the Uintah Indian Irrigation Project and served or to be served from the Duchesne River but for which no certificate has been issued by the State Engineer of the State of Utah; group (4) consisting of 1,480 acres of original Indian allotted land served or to be served from the Duchesne River; and group (5) consisting of 29,118 acres of practicably irrigable land presently not under irrigation, 15,242 acres of which are to be served from Duchesne River, 8380 acres of which are to be served from Lake Fork River and 5,496 acres are to be served from the Uintah River.

IV. Ute Indian Irrigation Water Rights

As can be seen from the above "Whereas" clause of the 1965 Deferral Agreement, the lands that have an 1861 Indian reserved water right with an 1861 priority date include:

(1) Group 2 lands that are historically and or presently irrigated lands consisting of 18,613 acres
(2) Group 3 lands that are historically and or presently irrigated lands consisting of 1,115 acres
(3) Group 4 lands that are historically and or presently and PIA lands consisting of 1,480 acres

This is a *total of 21,208 acres*. The water duty for the 21,208 acres of Indian reserved water rights, in accordance with the 1965 Deferral Agreement, is 4-acre feet per acre per year, for a total of 84,832 acre-feet per year.

Furthermore, the irrigated and irrigable Tribal lands in Groups 2, 3, and 4 have a total of 21,208 acres with a senior priority date relative to any other (state-based) water rights in the Duchesne River and its Tributaries within the Uinta River Basin, including any water collected and stored in the Strawberry Reservoir and expected to be released and transferred for uses in the Wasatch Front.

The Tribe is, therefore, concerned about the release and use of the 18,900 AF of Block Notice 7 A-2 water for the four Project Purposes, including the pilot testing of surface spreading managed aquifer recharge at the four recharge locations, including: (1) CUWCD Overflow Basin at the Don A. Christiansen Water Treatment Plant; (2) Battle Creek Debris Basin (would require a water exchange): (3) American Fork River Debris Basin and River Channel; and (4) Dry Creek Channel (would require a water exchange). Since the Tribal reserved water right of the 21,208 acres is senior to any water right stored in the Strawberry Reservoir, the Tribe is concerned that the release of 18,900 acre-feet per year for the three Project Purposes might negatively impact the Tribe's irrigation water uses.

V. Tribal Practicably Irrigable Acreage-Undeveloped Future Lands

The basic principle of the Central Utah Project was to address water shortages on the west side of the Wasatch Front (i.e., the Salt Lake City area) by providing additional water supply from the Uinta Basin transferred to the east side of the Wasatch Front. The CUP would also further develop Utah's use of its Colorado River Basin water allocation. The Bonneville Unit is the principal component of the CUP. Its main purpose is to move water from various Reservation streams to the Wasatch Front, but it also develops storages in the Uinta Basin. A significant hurdle to implementing this principle was the fact that the Ute Indian Tribe held federal, Indian reserved water rights in the Uinta Basin, and a trans-basin diversion of Uinta Basin water would impact these Indian reserved water rights.

Given the Tribe's large water rights in the Uinta Basin, construction of the Bonneville Unit depended on the State's ability to certify to Congress that it had an uncontested water right in the Uinta Basin and would have the required water to fill the proposed storage facilities. In 1965, as a measure of good will, the Tribe agreed to enter into a Deferral Agreement (executed on September 20, 1965), between the Ute Indian Tribe, the United States, represented by the Bureau of Reclamation and Bureau of Indian Affairs, and the State Central Utah Water Conservancy District. This agreement required that the Tribe defer the development and use of a portion of its Tribal reserved water rights until 2005 for those water rights to be used on 15,242 acres of irrigable lands—in the Duchesne River Basin—so that the State and Federal parties could have an uncontested use of the water and sufficient water would be available to supply the Bonneville Unit of the CUP for the water transfer to non-Indians on the west side of the Wasatch Front.

In exchange for deferring Tribal water use, the United States acknowledged and recognized the quantification of the Tribe's presently irrigated and future PIA lands. In addition, due to the fact that the 1923 water right duty of 3 acre-feet per acre per year in the Lake Fork and Uinta River Basins is insufficient to satisfy irrigation uses, it was necessary for the CUP to provide supplemental irrigation water to the 1923 adjudicated lands in the Lake Fork and Uinta River Basins, rehabilitate the UIIP lands, and provide irrigation water to the 15,242 acres of Group 5 lands deferred in the 1965 Deferral Agreement as part of the Ultimate Phase of the Bonneville Unit.

The amount of water that the Tribe temporarily deferred in order to develop the CUP has a water duty of 4 acre-feet per acre per year. The total volume of the deferred amount of water is 60,968 acre-feet per year (i.e., 15,242 acres x 4.0 duty). In essence, therefore, the Central Utah

Water Conservancy District could temporarily collect water, using the Strawberry Aqueduct Collection System ("SACS") facilities, from the Duchesne River and its Tributaries and store the collected water in the Strawberry Reservoir. The proposed 18,900 acre-feet per year of Block Notice 7 A-2 water for the three North Utah County Project purposes is released from the Strawberry Reservoir. Since the deferred 15,246 acres of land are going to be developed by the Tribe, it is very concerning whether the use of 18,900 acre-feet per year for the three Project Purposes may negatively impact the Tribe's use of its reserved water rights.

VI. Midview Exchange Agreement Lands

The 1965 Deferral Agreement states, at 8th "Whereas" clause, page 3, as follows:

> WHEREAS part of the Bonneville unit water supply will be used to irrigate approximately 10,000 acres of Indian water right lands under the existing Duchesne Feeder Canal and Midview Reservoir in order to free Lake Fork River water for the use upstream on lands in the Moon Lake Project.

The Midview Reservoir is filled via the Midview Lateral, which receives water from the Duchesne River via the Duchesne Feeder Canal. In addition, the Tribe has direct flow rights from the Duchesne River system. Although the Midview Reservoir water right can be used for non-agricultural uses, at the present time the Midview Reservoir is primarily used to irrigate the 10,000 acres pursuant to the 1967 Midview Exchange Agreement ("Agreement"). The Tribe agreed with the Federal government and the Moon Lake Water Users Association ("MLWUA") to transfer its Tribal reserved water rights in the Lake Fork River to a point of diversion in the Duchesne River, which would provide the MLWUA access to more natural flows upstream on their Moon Lake Project lands. The Tribe has a storage right of two fills of the Midview Reservoir's storage capacity of 5,800 acre-feet per year.

Furthermore, under the Agreement, the Ute Tribe has access to up to 11,600 acre-feet per year of Starvation Reservoir storage rights to ensure that Midview Reservoir is able to be filled twice per season, as promised, to irrigate the approximately 10,000 acres. The Tribe is concerned that the 10,000 acres of irrigable lands and the Tribe storage water rights in Midview and Starvation Reservoirs could be negatively impacted by diversion to and release of 18,900 acre-feet from Strawberry Reservoir and used for the Project Purposes.

VII. Ute Indian Tribe Instream Flow

Section 303(a) of CUPCA requires the District to provide, from CUP water if necessary, minimum fishery stream flows of 44,400 acre-feet per year as follows:

(1) Release from Upper Stillwater Dam to Rock Creek 13,500 acre-feet per year, the instream flow requirement in Rock Creek as 29 cfs during the summer months and 23 cfs during the winter months; and
(2) Release from Strawberry Aqueduct to west Fork Duchesne River 7,500 acre-feet per year and release from Strawberry Aqueduct to Current Creek 10,800 acre-feet per year; and
(3) Release from Soldier Creek Dam to Strawberry River 12,600 acre-feet per year.

Instream fishery flows in certain streams within the Duchesne River and its Tributaries are of utmost importance to the Tribe. The Tribe is, therefore, concerned that the release of 18,900 acre-feet per year from the Strawberry Reservoir for the three Project Purposes will negatively impact its Indian reserved water rights in the Duchesne River and its Tributaries, and this must be accounted for in any potential contracts and use of these waters.

VIII. Strawberry Reservoir Excess Capacity

According to CUPCA, Section 502(b), the Tribe may use any excess capacity of the Bonneville Unit Strawberry Aqueduct and Collection System ("SACS") diversion facilities beyond the needs of the District for delivery and the minimum streamflow obligations. In CUPCA, Section 502(b), it is stated as follows:

> Bonneville Unit Tribal Waters. The Secretary is authorized to make any unused capacity in the Bonneville Unit Strawberry Aqueduct Collection System diversion facilities available for use by the Tribe. Unused capacity shall constitute capacity, only as available, in excess of the needs of the District for delivery of Bonneville Unit water and for satisfaction of minimum streamflow obligations established by this Act. In the event that the Tribe elects to place water in these components of the Bonneville Unit system, the Secretary and the District shall only impose an operation and maintenance charge. Such charge shall commence at the time of the Tribe's use of such facilities. The operation and maintenance charge shall be prorated on a per acre-foot basis, but shall only include the operation and maintenance costs of facilities used by the Tribe and shall only apply when the Tribe elects to use the facilities. As provided in the Ute Indian Compact, transfers of certain Indian reserved rights water to different lands or different uses will be made in accordance with the laws of the state of Utah governing change or exchange applications.

Tribal efforts to negotiate with the Federal government to secure Strawberry Reservoir storage rights were thwarted and broken down, however, when the Federal government declined to make it available—after the Tribal Water Engineer analyzed it and determined that such excess capacity in the Strawberry Reservoir was, indeed, available. The Tribe is extremely concerned that the Tribe's potential storage of water in the Strawberry Reservoir may not be realized because the available storage space for the Tribe's use may be prevented by the storage of the 18,900 acre-feet per year in the Strawberry Reservoir and later released for the three Project Purposes identified in the Scoping Document.

XI. There is No Water Compact—Group 5 Tribal Reserved Water Rights Have Not Been Transferred Out of the Duchesne River and its Tributaries

The CUPCA, Title V—Tribal Use of Water provides, at Section 503(a), as follows:_

> (a) Ratification of Revised Ute Indian Compact. The Revised Ute Indian Compact of 1990, dated October 1, 1990, reserving waters to the Ute Indian Tribe and establishing the uses and management of such Tribal waters, is hereby ratified and

> approved, *subject to re-ratification by the State and the Tribe*. The Secretary is authorized to take all actions necessary to implement the Compact.

The Tribe has never ratified the Revised Ute Indian Compact of 1990 ("Revised 1990 Compact"). The federal agencies and the State know this. It is an undisputed fact. Years of negotiations between the Tribe and the State and Federal government have occurred since the passage of Title V, where the Tribe has sought a fair and voluntary agreement on terms and conditions in the Revised 1990 Compact there are unacceptable to them as proposed, such as a 7% reduction across the board on the lands determined to be irrigated or irrigable, including the 1923 federally-adjudicated and decreed lands under the UIIP. So, although the State legislature inexplicably approved the Revised 1990 Compact in 2018, after negotiations between the State, Federal government, and the Tribe had broken down, it is not enforceable.

The Revised 1990 Compact proposed to transfer the Tribe's Indian reserved water rights from the Group 5 lands in the Duchesne River and its Tributaries for use in the Green River. Because there is no ratified Ute Indian Compact, these agreed to Group 5 lands and attendant reserved water rights remain in place in the Duchesne River and its Tributaries. The Federal Government has a trust obligation to protect these valuable Tribal trust assets (because Indian reserved water rights are titled in the United States as Trustee and held for the benefit of the Tribe). And, yet, the Federal Government continues, since the 1965 Deferral Agreement, to act in ways adverse to the Tribal interests in this most valuable Tribal natural resource.

CONCLUSION

For reasons detailed above, the Tribe requests the scheduling of a Nation-to-Nation Consultation between the Tribe and Federal agencies at a mutually agreeable time to discuss the issues and concerns we raise above, as well as to obtain additional information about the Block Notice 7 A-7 water rights and uses, and operation of the Strawberry Reservoir. This would advance our efforts to work together, in accordance with federal law and policy, to ensure that the Federal government, as Trustee of the Tribe's reserved water rights, adheres to its fiduciary responsibilities to protect and preserve the Tribe's reserved water rights in the Duchesne River and the Upper Colorado River Basin, and assists the Tribe in developing and using its Indian reserved water rights. We request that the Joint Lead Agencies take our concerns seriously and into account before further commitments, contract or otherwise, of the Duchesne River and its Tributaries by the Central Utah Project ("CUP").

After a century-and-a-half, it is difficult for us to conclude that the Joint Lead Agencies are unaware of the continuing Indian reserved water rights in the Duchesne River and its Tributaries. Nevertheless, their continued actions and ignorance or misinterpretation of current legal requirements give the appearance that they have no information that their actions may adversely impact the Tribe's senior priority Indian reserved water rights related to water diverted from the Duchesne River and its Tributaries to the Strawberry Reservoir for non-tribal use.

The Tribe has been fighting to develop and use all of its Indian reserved water rights—and has made agreements along the way with the Federal government that promised federal assistance to

develop these water rights. One would like to think that the Tribe could expect the Federal government to act in its capacity of trustee over the Tribe's Indian reserved water rights—its most valuable natural resource trust asset—and protect the Tribe's water rights by factoring in the Tribe's senior priority reserved water rights in the Duchesne River as it rushes to assist the State of Utah to fully develop and use its own Colorado River allocation outside the Colorado River Basin in the tense environment of the current negotiations over the future of the Colorado River supply and its management. [1]

The Tribe requests that the Federal government accept its role as the Trustee over the Tribe's Indian reserved water rights in the Upper Colorado River Basin and focus attention on assisting the Tribe in, first, protecting and preserving its Indian reserved water rights and, second, developing and putting these valuable trust assets to use for the betterment of the Tribe and its Tribal members in order to finally satisfy the promise of the Treaties establishing our Reservation.

[1] *See* U.S. Secretary of the Department of Interior, Record of Decision, Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead (December 2007) (expires December 31, 2025).

United States Department of the Interior
OFFICE OF THE SECRETARY
Central Utah Project Completion Act Office
302 East Lakeview Parkway
Provo, Utah 84606

CA-1000
2.1.4.17

CERTIFIED – RETURN RECEIPT REQUESTED

Honorable Shaun Chapoose
Chairman, Ute Tribe Business Committee
P.O. Box 190
Fort Duchesne, Utah 84026-0190

Subject: Block Notice 7A-2 Temporary Use in North Utah County – Section 202(a)(1) – Central Utah Project Completion Act

Dear Chairman:

We are in receipt of a letter dated March 30, 2021, from the Firm of Patterson, Earnhart, Real Bird & Wilson LLP, sent on behalf of the Ute Indian Tribe. The letter was in response to our request for comments on the Scoping Document for the proposed Block Notice 7A-2 Temporary Use in North Utah County Project (7A-2 Project).

The letter suggests that additional Government to Government consultation is required for a broader set of issues and does not appear to address the 7A-2 Project. The letter indicates that the Scoping Document provided insufficient information for a tribal assessment of the 7A-2 Project. Additional information regarding the 7A-2 Project will be provided in a Draft Environmental Assessment (EA) for tribal review and assessment.

The proposed 7A-2 Project is a temporary change to a small part of the Bonneville Unit water supply of the Central Utah Project. The 1965 Deferral Agreement provided for the development of the Bonneville Unit transmountain diversion and use along the Wasatch Front. The Agreement also recognized, among other things, the Ute Tribe's reserved water rights with an 1861 priority date. Extensive Government to Government consultations were engaged in over the deferral agreement which fixed the water supply for the Bonneville Unit.

Additionally, as a consequence of exhaustive Government to Government consultations the Indian Rights Settlement comprising Title V of the Central Utah Project Completion Act (Public Law 102-575) was enacted by Congress. It was intended to be a comprehensive settlement to resolve all the Tribe's reserved water rights claims, including issues arising under the implementation of the 1965 Deferral Agreement. The Settlement was fully funded in 2004. As a consequence of the statutory requirements and resulting compensation, including comprehensive Government to Government consultation in full satisfaction of all Secretarial orders, the water

supply for the Bonneville Unit is already quantified and guaranteed for delivery to the Wasatch Front.

As described in the Scoping Document, the 7A-2 Project would not change the Bonneville Unit water supply as previously consulted upon with the Ute Tribe on the 1965 Deferral Agreement and 1992 Indian Rights Settlement. Because the 7A-2 Project does not change the Bonneville Unit water supply, it will have no further effect upon the tribal water supply which was already the subject of extensive Government to Government consultation. Instead, the proposed 7A-2 Project would only temporarily provide Bonneville Unit water to north Utah County which ordinarily would go to contractors in Salt Lake County.

The Firm's letter also includes multiple issues that are subject to ongoing litigation which we are not at liberty to discuss pending resolution of the litigation.

The Firm's letter will be included in comments considered in preparation of a Draft EA on the 7A-2 Project. An important purpose of the Draft EA is to determine if there are any changed conditions which might necessitate consultation with the Ute Tribe. The Draft EA will be available to the Ute Tribe for review and additional comment. Upon review, if you feel that the project may affect Tribal interests upon which Government to Government consultation has not taken place, we request your input, which will be carefully considered in our decision regarding the proposed project.

If you have any questions, please contact me at (801) 379-1237 or rrmurray@usbr.gov. For Text Telephone Relay Service access, call the Federal Relay System Text Telephone (TTY) number at (800) 877-8339.

Sincerely,

Digitally signed by REED MURRAY
Date: 2021.06.03 09:09:54 -06'00'

Reed R. Murray
Program Director

cc: Mr. Gene Shawcroft
General Manager/CEO
Central Utah Water Conservancy District
Attention: Ms. Sarah Sutherland
1426 East 750 North, Suite 400
Orem, Utah 84097

Mr. Mark Holden
Executive Director, Utah Reclamation
Mitigation and Conservation Commission
230 South 500 East, Suite 230
Salt Lake City, Utah 84102

Mr. Antonio Pingree
Acting Superintendent, Uintah and Ouray
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CHAPTER 5: LIST OF PREPARERS

Name	Title	Agency
W. Russ Findlay	CUPCA Program Coordinator	CUPCA Office
Lee Baxter	CUPCA Program Coordinator	CUPCA Office
Mike Mills	Project Coordinator	Mitigation Commission
Melissa Stamp	Project Coordinator	Mitigation Commission
Sarah Sutherland	Environmental Programs Manager	District
Rich Tullis	Assistant General Manager	District
Daryl Devey	Bonneville Unit Manager	District
Dave Pitcher	Assistant General Manager	District
Devin McKrola	CUP Provo River Area Manager	District
Jared Hansen	CUP Uintah Basin Area Manager	District
Chris Hansen	CUPCA Programs Manager	District
KC Shaw	Chief Engineer	District
Mike Whimpey	Assistant Chief Engineer	District
Chris Elison	NEPA/Engineering Manager I	District
Lindsy Bentley	Senior GIS Analyst	District
Rachel Musil	Water Rights Manager	District
Bill Peatross	CWP System O&M Manager	District

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