Public Notice

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200250319
Date: December 17, 2002
Comments Due: January 17, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act and water quality certification under Section 401 to discharge fill material into approximately 5.69 acres of wetlands and waters of the U.S. in order to construct the four main components of Section 203(a) of the Uinta Basin Replacement Project. The project would also discharge fill material temporarily into approximately 4.5 acres of waters of the U.S., including wetlands. The Uinta Basin Replacement Project consists of a proposal to construct a combination of features that will develop water supplies for the Section 203 project area of the Central Utah Project (CUP) in the Uinta Basin of northeastern Utah. These features include the following: stabilization of 13 High Uinta Wilderness Lakes; construction of a diversion structure, pad, and access road within the Lake Fork River; installation of the Big Sand Wash Feeder and Big Sand Wash Roosevelt Pipelines; and expansion of the Big Sand Wash Reservoir, which requires raising the height of the dam and construction of a new outlet. Stabilization of the 13 High Uinta Wilderness Lakes does not require the discharge of fill material into wetlands and waters of the U.S., therefore it will not be discussed in detail in this Public Notice.

APPLICANT: Lee Wimmer, Assistant General Manager, Central Utah Water Conservancy District, 355 West 1300 South, Orem, UT 84058-7303

LOCATION: The project area is located in Duchesne County near the towns of Altamont, Upalco, and Roosevelt, Utah (Figure 1). The Big Sand Wash Feeder Pipeline diversion structure, diversion pad, and diversion access road construction are proposed on the Lake Fork River, 1.5 miles south of Altamont in the NW 1/4 of Section 2, Township 2 South, Range 4 West, Duchesne County, Utah.

The Big Sand Wash Feeder pipeline starts at the diversion structure and continues in a southeasterly direction within the Lake Fork River Canyon bottom, roughly parallel with Utah State Route 87, and ultimately crosses Utah State Route 87 to enter the western side of the Big Sand Wash Reservoir.

The Big Sand Wash Dam and Reservoir are located between Utah State Route 87 and Local Road 199, approximately 1.5 miles northwest of the town of Upalco within Sections 9, 15, 16, 21 and 22 of Township 2 South, Range 4 West in Duchesne County, Utah. The proposed outlet would start at approximately the midpoint of the southwestern side of Big Sand Wash Dam and Reservoir just southeast of the small peninsula. It would parallel the eastern side of the irrigation ditch that runs along the eastern side of State Route 87 until it meets the "C" Canal, located south of Big Sand Wash Dam.

The Big Sand Wash Roosevelt Pipeline is proposed to begin at the southeastern corner of the Big Sand Wash Dam and continues eastward for approximately 16.1 miles to the town of Roosevelt. It would cross through Sections 21, 25, 26 and 27 of Township 2 South, Range 3 West, Duchesne County, Utah. It would also cross through Sections 30, 29, 28, 27, 26, 25, 30, 19, 20, 17, and 21 of Township 2 South, Ranges 1 and 2 West, of Duchesne County, Utah. Immediately prior to reaching Roosevelt, the pipeline bifurcates and continues north to the Golf Course Turnout and State Road Turnout as well as southeast to the Baseball Field Turnout and Cemetery Turnout.

AREA DESCRIPTION: The Uinta Mountains and Uinta Basin are the result of processes occurring from over 2 billion years. The fossil record of the Uinta Mountains and Uinta Basin extends from Precambrian time to Quaternary time, which is a period of about 1 billion years. The rock record of this area extends back another 15 billion years.

Prior to settlement by European-Americans, the natural upland vegetation of the Uinta Basin generally consisted of a variety of high desert shrub and shrub/grass communities. Species composition varied considerably depending on elevation, precipitation, aspect, and soil type. The high desert of the project area was interrupted by two major drainages, the Lake Fork and Yellowstone Rivers, as well as several minor ones that drained the south slope of the Uinta Mountains. The Duchesne River drained the lower portion of the Basin from west to east.

The upper portions of the Lake Fork and Yellowstone Rivers, located on what is currently land managed by the Forest Service, consist of classic glacier-formed, U-shaped valleys with fairly wide floodplains that confine the rivers and limit their lateral movement. However, channel movement within the floodplains was undoubtedly substantial over time. Wetlands and riparian communities probably were extensive and occurred across the entire floodplain, as is currently observed in these areas. The river/wetland/riparian systems likely were very dynamic and the location and juxtaposition of cover types changed regularly, especially following the larger spring runoff events. A similar situation likely existed on the smaller drainages, but to a lesser degree.

Below the canyons, the Lake Fork River floodplains were probably very wide historically with the river moving several miles laterally over time. Wetland and riparian communities likely occurred across the miles-wide floodplains because of the extensive channel movements and the very large amount of water moving through the shallow groundwater system. River reaches were likely very dynamic, with new channels being formed and abandoned over time, resulting in considerable changes in plant communities. Wetlands and riparian communities were undoubtedly extensive along the Duchesne River as well.

Development of a predominantly agricultural/ranching life-style in the Uinta Basin over the past century has been a major force in modifying and shaping the Basin's resources as known today, particularly as related to the affected environment being described for the project area. The diversion and use of water for crops and livestock has been critical in the development of an agrarian life-style, but it has resulted in substantially modified hydrological regimes today compared to historic, pre-development conditions.

Today, the Lake Fork River above Moon Lake Reservoir and the Yellowstone River above the Yellowstone Feeder Canal provide most of the incoming surface water to the basin with average annual flows of 90,327 and 99,343 ac-ft, respectively. Approximately 88 percent of this annual flow is diverted for irrigation through a network of canals and pipelines and approximately 6 percent returns to the Lake Fork River near the southern part of the basin as agricultural return flows. The 13 high mountain lakes proposed for stabilization collectively contribute an average annual delivery of 6,347 ac-ft of non-project irrigation water, and have water storage rights that total 7,989 ac-ft of active storage. The Big Sand Wash Reservoir has a storage capacity of 12,100 ac-ft and receives water from the Lake Fork River via the “C” Canal. Diversions from the Lake Fork River into the “C” Canal typically fill Big Sand Wash Reservoir by mid-March and average about 48,000 ac-ft/yr.

Surface water quality in the project area is characterized by excellent quality, high mountain source waters that gradually increase in constituent concentrations as they flow downstream to lower elevations. Most constituents are contributed by non-point source inputs such as agricultural return flows. All of the high mountain lakes can be characterized as clean, clear lakes supporting a cold water trout fishery (brook trout [*Salvelinus fontinalis*] and cutthroat trout [*Oncorhynchus clarki]*). Water quality records collected by the Utah Division of Water Quality indicate that reservoirs in the project area and surrounding area possess “very good” to “excellent” water quality supportive of all beneficial uses. The Big Sand Wash Reservoir supports a popular recreational fishery for trout, bass, and sunfish. Both the Upper Lake Fork River and Yellowstone River waters as well as their tributary systems are cold and clear with low dissolved and particulate constituent concentrations. Water quality begins to decline within the middle reach waters due to agricultural flow inputs including salt, sediment, and other constituents and can be very degraded within low-elevation waters. In general, trout species composition shifts from rainbow/cutthroat hybrids and brook trout in the upper reaches of both rivers to brown trout in lower reaches.

Wetland and riparian cover types in the project area include: emergent marsh wetlands; Palustrine scrub-shrub wetlands; Palustrine forested wetlands; wet meadows; and shrub and forested riparian communities. Wetland cover types at the high mountain lakes include wet meadow, emergent wetlands, and shrub riparian habitat. The reservoir enlargement site, particularly the juniper and sagebrush/grass cover type areas, is classified by the Utah Division of Wildlife Resources as high-value, year-long range for mule deer (*Odocoileus hemionus*). This area is utilized by various raptor species including owls, eagles, and hawks and may also provide habitat for elk (*Cervus elaphas*) populations. River corridors or floodplains support extensive wetland and riparian communities intermixed with uplands. Big game use of river corridors varies considerably from year to year and many raptors use river corridors during the winter. The four primary plant communities crossed by the pipelines include sagebrush/grass, shrub riparian, agricultural, and juniper. Both pipelines would be constructed through land classified as high-value, or substantial, year-long range for mule deer, but unclassified for elk or moose.

Approximately 58,000 acres of cropland occur within the Section 203 project area; 14,000 of these acres are farmed by holders of Indian water rights. The Uinta Basin is highly regarded for its significant and varied outdoor recreation resources, including numerous campgrounds, trails, streams, rivers, reservoirs, and remote areas for hunting. These resources are located on lands administered by the Forest Service, Bureau of Land Management, and the State of Utah, as well as by the Ute Indian Tribe on the Uintah and Ouray Reservation.

PURPOSE: There is a need to manage the water supply within the Section 203(a) Project Area (Map 1.4-1), located in northeastern Utah, to provide early and late season irrigation water and municipal and industrial (M&I) water supplies, and to modify and operate water management facilities for environmental purposes. The Project was designed to effectively meet all of these needs. The proposed project would stabilize 13 high mountain lakes and would indirectly aid in the restoration of the High Uintas Wilderness, which was and continues to be impacted by historic water management facilities. The project would also provide replacement storage for high mountain lakes late season irrigation water thereby preventing adverse impacts to irrigation water users downstream. The Project would meet present and future M&I water demands by providing 2,000 acre-feet (ac-ft) of water per year to Roosevelt and 1,000 ac-ft of water per year to the Lake Fork drainage area. Water resources management and conservation would be improved in the Uinta basin through increased water efficiency, reduction in water loss due to leaky irrigation systems, enhancement of beneficial use, and development of water storage. Finally, the project would provide opportunities to mitigate and enhance environmental, fish, wildlife, and recreation resources through restoration of wilderness values, fish passages, and instream flows. To review additional, more detailed information regarding the purpose and need of this project, please refer to the Final EA and Final Technical Memorandum at the web site referenced at the end of this document.

PROJECT DESCRIPTION: Section 203(a) of the Uinta Basin Replacement Project includes the construction of a diversion structure to divert water from the Lake Fork River to the Big Sand Wash Reservoir, two conveyance systems carrying water to and from the reservoir, and a new reservoir outlet as well as expansion of the Big Sand Wash Dam and Reservoir. The Big Sand Wash Feeder Pipeline would carry water from the proposed diversion structure on the Lake Fork River to Big Sand Wash Reservoir. The Big Sand Wash Roosevelt Pipeline would deliver project M&I water from the enlarged Big Sand Wash Reservoir to the distribution system in Roosevelt, and would deliver both project and non-project irrigation water to the Lower K2 and State Road area northeast of Roosevelt.

The diversion structure is approximately 75 feet wide and affects 420 linear feet of the Lake Fork River (Figure 2). The channel upstream and downstream of the structure would be reshaped to accommodate the new concrete sill and inlet screening structure. The concrete sill is designed to pass a flow of 2,000 cubic feet per second (cfs) and incorporates a notch for fish passage during low flows. Channel shaping would also result in a pool being formed both upstream and downstream of the sill to accommodate the fish passage rock sills (Figure 2). The Lake Fork River would be diverted around the construction site during construction by installing a temporary diversion dike and side channel (Figure 3). Additional erosion/sediment control facilities would be installed as needed to avoid sediment discharge into the river. A concrete channel about 4 feet deep and 4 feet wide by 350 feet long would be constructed to pass and measure flows downstream of the diversion dam (Figure 2). Various areas of the diversion structure would require placement of Class IV riprap to prevent scouring and erosion of the new earth embankment channel banks. There would be a 12-foot-wide earth berm constructed on either side of the diversion structure in order to contain river water within the appropriate boundaries and therefore prevent erosion and consequently, the loss of flow.

A pad would be constructed adjacent to the diversion structure to be used for vehicle turnaround and for placement of materials that would be used in operating or maintaining the diversion structure (Figure 2). The pad would require excavation to sound granular foundation material (6 inches or less). A 12-inch layer of rock refill or drain rock with an overlay of geotextile would be installed and then covered with earth fill and a 6-inch top layer of untreated base course (UBC) to finished grade. There would be approximately 6.5 feet of fill used to build the pad. A 6-inch perforated drain pipe would be installed within the limits of the pad. A 24-inch wide vertical wall of drain rock would be installed from the perforated drain pipe to the 12-inch rock refill layer.

A 1,700-foot-long access road would be constructed to access the diversion structure (Figure 4). The access road would connect to an existing road on the Cook property and terminate at the pad discussed above. The Cook property road would be improved and ultimately would connect to County Road 134. Construction of the access road would require cut and fill, due to the steep slope through which the road would be built.

The Big Sand Wash Feeder Pipeline is proposed to extend for approximately 4.3 miles from the diversion structure to the Big Sand Wash Reservoir (Figure 1). The Big Sand Wash Roosevelt Pipeline is proposed to extend for 16.1 miles from the Big Sand Wash Reservoir outlet to the four turnouts in Roosevelt (Figure 1). Both pipeline routes would require a 50-foot-wide right-of-way (ROW) comprised of a 25-foot-wide temporary construction easement and 25-foot-wide permanent easement. In some areas the temporary construction easement is wider than 25 feet to accommodate construction activities. Whenever possible, measures would be taken to minimize the width of the pipeline ROW within jurisdictional wetlands. Pipeline

installation would require trenching and backfilling activities. The pipeline trench would be approximately 10 feet wide at the top, decreasing to a 6-foot-wide trench at a depth of 4 feet, which would be maintained to a depth of 8 feet.

The project would also expand the capacity of Big Sand Wash reservoir by raising the height of the south, southeast, and southwest dams, which would increase the full pool elevation by 26 feet. This would inundate approximately 285 additional acres of land surrounding the reservoir, including several drainages and wetland areas. The area below the dam within the Big Sand Wash Canyon would be used as a stockpile area, and vehicle turn-around area (Figure 5). A significant amount of the existing dam's fill would be removed and stored in this area below the dam as the dam is rebuilt. It is possible that some borrow material would be removed from this area. Raising the dam would impact wetlands below the existing dam as a result of the activities listed above or by being buried under the rebuilt dam.

The outlet of the Big Sand Wash Reservoir is currently located within the Big Sand Wash Canyon, which would be impacted by the rebuilt dam as well as stockpiled materials during construction activities. As a result, an outlet would be added to the southwestern side of Big Sand Wash Reservoir. The new outlet would consist of an underground 6-foot-diameter pipeline. The outlet corridor for installation activities would be approximately 50 feet wide which includes a 25-foot temporary ROW and a 25-foot permanent ROW. The outlet would be approximately 5,400 feet in length, running from the reservoir to the "C" Canal located south of Big Sand Wash Reservoir.

PROJECT IMPACTS: Proposed wetland impacts were minimized to the extent possible through strategic location of project components. In some cases, temporary and permanent discharge of fill materials into existing wetlands is unavoidable. A total of 5.69 acres of wetlands would be permanently impacted by the Project and a total of 4.65 acres would be temporarily impacted by the Project. Figures 6 through 15 show the locations of the permanently and temporarily impacted wetlands for all components of the Project. Tables 1 and 2 summarize the total permanent and temporary impacts and provide wetland identifiers and types for impacted wetlands as well as the proposed type of fill to be placed within impacted wetlands.

The following sections provide additional information regarding required discharges of fill materials into wetlands for the various components of the Project.

Diversion Structure, Pad, and Access Road
Permanent placement of fill within wetlands and the Lake Fork River (Waters) is required for the purpose of constructing the diversion dam and related facilities. Some of the fill is proposed to provide adequate fish passage over the structure. Wetlands need to be filled in order to construct the turnaround pad to provide adequate structure for vehicle access. Three different road alignment alternatives were evaluated and the route selected was chosen to minimize wetland impacts, but still provide a southern exposure for safety in the winter time.

The temporary diversion dam would only require temporary dredging and placement of fill and dredged materials within the Lake Fork River during construction activities. Once construction is complete, all fill materials used to construct the temporary diversion structure would be removed and the area would be restored to preexisting conditions.

Big Sand Wash Feeder and Big Sand Wash Roosevelt Pipelines
All placement of fill into wetlands along the pipeline routes would be temporary. The temporary fill is needed because material excavated from the trench must be stockpiled while the pipeline is being installed and construction equipment needs to move through the right of way. The actual temporary fill area is likely smaller than this number, as the entire corridor would not be trenched or have side-cast material deposited on it. Appropriate BMP's, such as the use of trench plugs in wetland areas, would be implemented.

Big Sand Wash Reservoir, Dam, and Outlet
Fill placed into the wetlands to increase the dam height cannot be avoided because of the topography of the area. In order to expand the size of the dam, the existing core needs to be repaired so that the existing dam can be rebuilt to a higher elevation. During repair, the existing dam material must be stored in an adjacent location. There is no alternative to the proposed location because of the topographic constrictions. The new outlet was strategically located in a manner to avoid additional wetland impacts.

IMPACTED HABITAT TYPES, FUNCTIONS, AND VALUES: This section provides a general discussion applicable to all wetlands in the project area. Wetlands within the project area primarily consist of RRB (Lake Fork River), RUB, PEM, PSS and PFO as well as complexes of two of these wetland types.

The wetlands identified within the proposed diversion structure, diversion dam pad, and access road provide medium functions, value, and social significance (Figures 6, 7, and 8). Generally, the more diverse wetlands provide a higher degree of value and function by providing sediment stabilization and retention, groundwater recharge, flood flow alteration, and wildlife habitat. The PSS and PFO wetlands may support large and small game species and recreational opportunities to hunters.

Similarly, fishermen also utilize the Lake Fork River. Passive recreation uses may include wildlife watching, but are most likely minimal due to the limited access.

The Lake Fork River (RRB wetland) is classified as a high-quality water by Utah and is protected for uses such as drinking water supply, secondary contact recreation (boating, wading, etc.) and cold water species of game fish (Utah Administrative Code [UAC], 2002). The Utah Department of Environmental Quality (UDEQ) has identified several areas of concern regarding the Lake Fork River including: sediment loading, temperature changes, and habitat alteration in its lower reaches (UDEQ,2002). The Lake Fork River itself provides moderate value, providing wildlife habitat and recreational uses.

The surrounding PEM, PSS, and PFO wetland systems (Wetlands #1,2,3,4AB,5AB,6AB, and 7B) are generally supported by groundwater flow and irrigation system seepage caused by impermeable rock layers and formations throughout the area (Figures 6,7, and 8). Wetland #3 appears to have formed within an old channel or oxbow of the Lake Fork River, although the upstream dam most likely limits direct river flow to this area. These wetlands and wetland complexes provide wildlife habitat, improved water quality through surface water interception, nutrient retention, and suspended sediment reduction, as well as flood protection and erosion control. Most importantly they act as a "sink" for irrigation water and allow for groundwater recharge. Dominant vegetation within the PEM wetlands included herbaceous species such as Baltic rush (*Juncus balticus*), cattails (*Typha latifolia*), and various *Carex* species. At the time of the delineation in June, standing water was limited, most likely due to the 4-year regional drought. Dominant shrub and tree species identified within wetlands associated with the Lake Fork River system include Russian olive (*Eleagnus angustifolia*), narrowleaf cottonwood (*Populus angustifolia*), and sandbar willow (*Salix exigua*).

The three drainage systems (RUB) located on the northern and northwestern sides of the reservoir are small stream channels supplied by agricultural flow return (Figures 10 and 11). The vegetation is dominated by one species, reed canary grass (*Phalaris arundinacea*) and the species composition is low in diversity providing low quality wildlife habitat. The density of the vegetation immediately along the stream channel provides low to moderate sediment retention and nutrient removal, improving the water quality as it flows into the reservoir. The wetlands identified within the Big Sand Wash Canyon are associated with seeps from the reservoir, as well as the former Big Sand Wash channel (Wetland #12), (Figures 12,13, and 14). Together, the five wetlands make up an intricate network of PEM and PSS wetlands, which provide groundwater recharge and moderate quality wildlife habitat. No listed rare or endangered species were identified in this area. The recreational value of these wetlands is limited by their remote location and poor access. Dominant shrub species include cottonwoods, willows, Russian olive, and tamarisk (*Tamarix ramosissima*). Herbaceous species predominantly consist of *Juncus* species, *Equisetum* species, and Few-flower spikerush (*Eleocharis pauciflorus*).

ALTERNATIVES: In addition to the Project as described in the previous section, three alternatives were also proposed. These included the Revised Section 203 Alternative, Twin Pots Section 203 Alternative; and No Action Alternative. A brief description of each alternative and why it was not selected is provided below.

Revised Section 203 Alternative - In the Revised Section 203 Alternative, the enlarged Big Sand Wash Reservoir and Dam, Diversion Structure, and Pipelines would be constructed, administered and maintained in the same manner as the Project, as described above, but would differ in operation. The increased active storage capacity of Big Sand Wash Reservoir would remain 12,000 ac-ft. Annual diversions from the Lake Fork River into the enlarged reservoir would average 53,047 ac-ft and include water diverted from the existing “C” Canal Diversion Structure and the proposed Big Sand Wash Diversion Structure. Annual releases would average 53,383 ac-ft and 10,297 ac-ft of project water would be released into the Big Sand Wash Roosevelt Pipeline and the remaining 43,086 ac-ft of non-project water would be released into the “C” Canal. The 10,297 ac-ft of project water would be distributed to Roosevelt City for municipal and industrial (M&I) purposes (2,000 ac-ft), other future M&I demands (1,000 ac-ft), and project irrigation purposes (7,297 ac-ft). The 13 high mountain lakes in the wilderness area would not be stabilized as part of this alternative and therefore no replacement storage would be required. Fish and wildlife mitigation enhancement measures would be the same as for the Project except there would be no provisions for instream flows for fish in the Lake Fork River between Moon Lake Reservoir and the Big Sand Wash Diversion Structure, no provisions for bypass instream flows past the Yellowstone Feeder and “C” Canal diversions, and no fish and wildlife/wilderness enhancements from stabilization of the high mountain lakes. The Revised Section 203 Alternative was not selected as the proposed alternative because although it is very similar to the Project, it was determined to be less beneficial for natural resource restoration due to the absence of instream flows between Moon Lake Reservoir and the Lake Fork River during winter, bypass instream flows from the Yellowstone drainage, and stabilization of the high mountain lakes within the Lake Fork and Yellowstone River drainages.

Twin Pots Section 203 Alternative - The Twin Pots Section 203 Alternative differs from the Project in several ways. The enlarged Big Sand Wash Reservoir and Dam, Diversion Structure and Feeder Pipeline would be constructed, administered, and maintained in the same manner as the Project but would differ in operation. The increased active storage capacity of Big Sand Wash Reservoir would remain 12,000 ac-ft. Annual diversions would average 50,733 ac-ft and annual releases would

average 51,229 ac-ft with 4,600 ac-ft being released into the Big Sand Wash Roosevelt Pipeline as project water and the remaining 46,629 ac-ft of non-project water would be released into the "C" Canal. The project water would be distributed to Roosevelt City for M&I purposes (2,000 ac-ft) and other future M&I demands (1,000 ac-ft) as well as to the rehabilitated Twin Pots Dam and Reservoir (1,600 ac-ft). Approximately 6,500 ac-ft of storage space would be contractually committed to the exclusive storage for 13 high water mountain lakes' storage replacement of Moon Lake Water Users Association's non-project water. The capacity of the Big Sand Wash Roosevelt Pipeline would be reduced to account for the lesser volume of project water being supplied to Roosevelt in this alternative.

In addition to the Big Sand Wash Diversion Structure there is also a proposed Lake Fork-Yellowstone Diversion Structure and associated Lake Fork-Yellowstone Pipeline. The diversion structure will be owned by the United States (Department of Interior) and located approximately 2.2 miles upstream of the county road that crossed the upper Lake Fork River. This diversion structure would divert non-project water to the Lake Fork River-Yellowstone Pipeline which would then discharge the water upstream of the existing Yellowstone Feeder-Payne Diversion Structure. The diverted water is necessary to meet replacement requirements in the Yellowstone River that would result from stabilization of the nine high mountain lakes in the upper Yellowstone River drainage. This alternative would implement the same fish and wildlife mitigation and enhancement measures as the proposed action and would also provide additional fish passage and fish screens necessary for the Lake Fork-Yellowstone Diversion Structure as well as improvements to the Twin Pots Reservoir and Dam.

The existing Twin Pots Dam and Reservoir which receives water from the Lake Fork River via the Farnsworth Canal is only marginally suitable for fish and wildlife habitat and recreation activities. This alternative proposes to rehabilitate or replace the existing Twin Pots Dam at the same location in order to provide long-term reservoir storage for enhancement through fish and wildlife improvements and recreation activities. The Ute Tribe would administer, operate, and maintain the Dam and Reservoir. Water stored by exchange could be used by the Ute Tribe for irrigation. This alternative would permanently and temporarily affect Tribal lands. The Twin Pots Section 203 Alternative was found to be a less acceptable alternative due to the absence of instream bypass flows past the Yellowstone Feeder Diversion and the "C" Canal Diversion; increased wetland, riparian, and wildlife habitat impacts; increased cultural resource impacts; and the permanent and temporary Tribal Lands impacts. This alternative had features that benefitted the Tribal resources, but was rejected by the Ute Tribe and was eliminated as an alternative for consideration. The Tribe, in their comment letter, stated that they "…cannot support any of the action alternatives, including the Proposed Action, identified and evaluated in the subject EA."

No Action Alternative - Under the No Action Alternative, none of the features proposed in the Proposed Action or action alternatives would be constructed. Existing water supply conditions within the Section 203 project area would continue, and the needs and purposes of the project would remain unmet. Anticipated environmental impacts of the project would not occur. This alternative was not selected because increased water demands would remain unresolved and no beneficial effects to fish and wildlife habitats would be achieved.

MITIGATION:

Impact Minimization Measures: All practicable measures of minimizing direct and secondary construction impacts would be utilized within wetlands. The limits of the pipeline ROWs and limits of construction associated with the diversion structure, access road, pad and dam adjacent to wetland boundaries would be clearly marked and strictly observed. The width of the pipeline ROW within jurisdictional wetlands would be minimized to the extent possible that does not compromise health and safety requirements. Clearing and disturbances within wetland areas would be restricted to the established limits of construction and pipeline ROWs. Activities such as equipment or material storage or stockpiling, construction staging or maintenance, field offices, hazardous material or fuel storage, handling, turnouts, or temporary access roads would be restricted within wetland areas. No soil, rock stockpile, or excess soil materials would be placed near sensitive resource habitats, including water channels, wetlands, and riparian areas, where they may erode into these habitats or where runoff from spoils could run into the sensitive habitats. Because of the limited work space available within the pipeline ROWS, temporary material storage and stockpiling required for pipeline installation may be required. These disturbances would be minimized to the extent possible. Staging areas, access roads, and other site disturbances required for diversion dam construction would be located to reduce damage to natural plant communities. Special construction methods and materials (e.g., cutoff collars) would be used to avoid long-term impacts on site hydrology in wetlands within the pipeline ROWs and the areas adjacent to the diversion structure, pad, access road, and new dam.

In areas of temporary disturbances, specific measures would be utilized to minimize impacts and ensure successful restoration of disturbed areas. During excavations within wetlands, the upper 12 to 18 inches of soil would be removed from the trench area and stockpiled separately from non-wetland topsoil and subsoil materials. Once construction is complete within areas of temporary wetland disturbances, surface elevations would be restored to preconstruction conditions and the segregated wetland topsoil would be replaced. The area would be revegetated and the necessary erosion and sediment control measures would be installed and maintained until the site is permanently stabilized. Soils must be backfilled within wetlands in such a manner that accounts for settling of the soil and prevents a mound or depression from forming within the pipeline ROW. Excess soil material would be appropriately disposed of or stored within upland areas.

Compensatory Mitigation: The nearly 10-acre area within Big Sand Wash Canyon just southeast of the south dam was selected as the proposed mitigation site (Figure 16). If this site if found to be unsuitable, two alternative mitigation sites are proposed including the Mallard Springs Wildlife Management Area or further downstream of the proposed mitigation site. The mitigation site would recreate 8.65 acres of Palustrine Emergent Marsh, Scrub-Shrub, and Forested wetlands between the new dam and the existing seep. Mitigation efforts would consist of reestablishment of a water source by piping water from the reservoir and creating a series of berms to retain water within constructed PEM areas, regrading and topsoil placement, woody and herbaceous vegetation establishment, and installation of perimeter fencing to reduce human activities and prevent cattle grazing. A 5-year monitoring and maintenance plan would be carried out by the Utah Reclamation and Mitigation Conservation Commission (Mitigation Commission). Once the monitoring period is complete and the mitigation commitments are satisfied, the Mitigation Commission and the Utah Division of Wildlife Resources would be responsible for a long-term maintenance plan ensuring the maintenance and perpetuity of the mitigation site.

In addition to the mitigation site, willow stakes would be planted within the riprap areas of the diversion structure to encourage establishment of riparian vegetation along the diversion structure. Disruptions to wetland hydrology from pipeline construction would be avoided through techniques such as construction of cutoff walls. All temporary disturbances within wetlands would be restored to preexisting conditions and monitored for restoration success. Topsoil from wetland areas would be segregated and stockpiled separately and would be replaced within disturbed wetland areas once construction is completed. All disturbed areas would be regraded to pre-construction grade to prevent long-term impacts to local hydrology within the wetlands. Backfilling activities within the wetland would be completed in such a manner as to prevent a depression or mound from forming within the temporarily impacted wetlands. Native vegetation species would be used to seed over the disturbed areas.

More specific information regarding the Mitigation Plan may be found within the permit application, pages A-22 through A-35 located at the web site referenced at the end of this document.

ADDITIONAL INFORMATION: An Environmental Assessment (EA), a Finding of No Significant Impact (FONSI), and a Final Technical Memorandum were completed for this project in October of 2001. These documents may be located at the web site referenced at the end of this document.

Cultural Resources:The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. The applicant has completed Section 106 consultation in accordance with the National Historic Preservation Act.

Threatened and Endangered Species: In a letter dated July 3, 2001, the U.S. Fish and Wildlife Service concurred with the applicant's assessment that the project would have no effect on the bald eagle (Haliaeetus leucocephalus) and the Canada lynx (Lynx canadensis). It determined that the project may affect, but is not likely to adversely affect, the Uinta Basin hookless cactus (Sclerocactus glaucus) and the Ute ladies'-tresses orchid (Spiranthes diluvialis). This determination was based upon the hydrologic changes likely to occur downstream of the Lake Fork/Duchesne River confluence. The determination has been changed to a non-jeopardy opinion as a result of the project applicant's commitment to the execution of a Recovery Implementation Plan for the Ute's ladies'-tresses orchid.

Water Quality Certification: Certification that the proposed work, if permitted, will not violate applicable water quality standards has been requested from the Utah Division of Water Quality. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, PO Box 144870, Salt Lake City, Utah 84114-4870, on or before **January 9, 2003**.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Interested parties are invited to submit written comments on or before **January 17, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National

Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

If additional information is required, please contact Mr. Harold Sersland at the Central Utah Water Conservancy District at 801-226-7110 or Ms. Amy Defreese of the Utah Regulatory Office, telephone 801-295-8380, extension 13 or email *Amy.Defreese@usace.army.mil*. Written comments should reference Public Notice Number 200250319 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Ms. Amy Defreese, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **January 17, 2003**.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures

Web Site: http://www.cucwd.com/cupca/ubrp.htm