



— BUREAU OF —  
RECLAMATION

# Lake Powell Pipeline Project Appendix A: Consultation and Coordination

**Coconino and Mohave Counties, Arizona  
Kane and Washington Counties, Utah**



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# 1 Introduction

The Council on Environmental Quality regulations implementing the National Environmental Policy Act of 1969 (NEPA) requires federal agencies to provide meaningful opportunities for the public and stakeholders to provide input and identify their concerns regarding the environmental impact statement (EIS) process. Federal laws, such as the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA), mandate public involvement and consultation with agencies and/or federally recognized tribal governments. This chapter provides an overview of consultation and coordination efforts undertaken by the Bureau of Reclamation (Reclamation) throughout the development of this draft environmental impact statement (DEIS).

## 1.1 Cooperating Agencies

Prior to scoping, Reclamation requested that the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the Kaibab Band of Paiute Indians (Tribe), the National Park Service (NPS), and U.S. Fish and Wildlife Service (USFWS) participate in the environmental impact statement process as cooperating agencies, as defined by 40 Code of Federal Regulations (CFR) 1508.6, due to the agencies' special expertise or jurisdictional authority relevant to the Proposed Project.

Regarding the Arizona Strip Field Office Resource Management Plan (RMP), state and local governments, tribes, and other federal agencies were invited to be cooperating agencies during the planning process. The RMP cooperating agencies who accepted the invitation include the Tribe, Washington County Commission, Mohave County Board of Supervisors, Kane County Commission, Mohave County, Reclamation, and Washington County Water Conservancy District.

## 1.2 Stakeholders

The following federal agencies, tribes, state agencies, local agencies, and elected officials have expressed interested in the Proposed Project and, therefore, are on the distribution list to receive updates about the project including the Notice of Intent (NOI) to draft an EIS, a Notice of Availability for the DEIS, Final EIS, and Record of Decision. In addition, 378 individuals received notification of the NOI to draft an EIS. The number of individuals on the distribution list is currently 1,316.

To be added to the distribution list please send an email to: [lpp@usbr.gov](mailto:lpp@usbr.gov).

### 1.2.1 Federal Agencies

Arizona State Land Department  
Federal Highway Administration  
National Climate Data Center  
National Park Service  
Natural Resources Conservation Service  
National Oceanic and Atmospheric Administration  
Pipe Spring National Monument  
Red Cliffs Desert Reserve  
U.S. Army Corps of Engineers  
U.S. Bureau of Indian Affairs  
U.S. Bureau of Land Management

U.S. Bureau of Reclamation  
U.S. Census Bureau  
U.S. Coast Guard  
U.S. Department of the Interior  
U.S. Department of Transportation  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
U.S. Geological Survey  
U.S. Department of Agriculture Forest Service  
Western Area Power Administration  
Zion National Park

### 1.2.2 Native American Organizations

Cedar Band of Paiute Indians  
Chemehuevi Indian Tribe  
Cocopah Indian Tribe  
Colorado River Indian Tribe  
Fort McDowell Yavapai Nation  
Fort Mohave Tribal Council  
Havasupai Indian Tribe  
Hopi Tribe  
Hualapai Tribe  
Indian Peaks Band of Paiutes  
Kaibab Band of Paiute Indians  
Kanosh Band of Paiutes  
Koosharem Band of Paiutes  
Moapa Band of Paiute Indians  
Navajo Nation  
Northwestern Band of the Shoshone Nation

Pahrump Band of Paiutes  
Paiute Indian Tribe of Utah  
Paiute Tribe of Las Vegas  
Pueblo of Zuni  
Quechan Tribe  
San Juan Southern Paiute  
Shivwits Band of Paiutes  
Southern Ute Indian Tribe  
Ute Indian Tribe  
Ute Indian Tribe of the Uintah and Ouray Reservation  
Ute Mountain Ute Tribe  
White Mountain Apache  
Yavapai-Apache Nation  
Yavapai-Prescott Indian Tribe

### 1.2.3 State Agencies

Arizona Corporation Commission  
Arizona Department of Agriculture  
Arizona Department of Environmental Quality  
Arizona Department of Transportation  
Arizona Department of Water Resources  
Arizona Game & Fish Department  
Arizona Geological Survey  
Arizona State Historic Preservation Office  
Arizona State Historical Society  
Arizona State Lands Department  
Central Arizona Water Conservation District  
Central Iron County Water Conservancy District  
Dixie Soil Conservation District

Kane County Water Conservation District  
Littlefield-Hurricane Valley Natural Resource Conservation District  
New Mexico Interstate Stream Commission  
Northern Arizona Council of Governments  
State of Utah Department of Natural Resources  
Town of Apple Valley, Utah  
Utah Department of Environmental Quality  
Utah Department of Natural Resources  
Utah Department of Transportation  
Utah Division of Drinking Water  
Utah Division of Parks and Recreation  
Utah Division of Public Utilities  
Utah Division of Water Quality

E&I Soil Conservation District  
Enoch City, Utah  
Five County Association of Governments  
Fredonia Natural Resource Conservation District  
Kane County Recreation and Transportation Special Service District  
Kane County Resource Management  
Kane County Soil Conservation District

Utah Division of Water Rights  
Utah Division of Wildlife Resources  
Utah Geological Survey  
Utah Office of Planning and Budget  
Utah State History Preservation Office  
Washington County Water Conservation District  
Western Arizona Council of Governments

#### **1.2.4 Local Agencies**

Utah Automated Geographic Reference Center  
Grand Canyon Trust  
Sierra Club Utah Chapter  
Southern Utah Wilderness Alliance  
University of Arizona

Utah River Council  
Utah School and Institutional Trust Lands Administration  
Utah State University

#### **1.2.5 Elected Officials**

Mark Brnovich, Attorney General, Arizona Office of Attorney General  
David Schmucker, Mayor, Big Water Town  
Gerald Sherratt, Mayor, Cedar City, Utah  
Jay Johnson, General Counsel, Central Arizona Water Conservation District  
Robert Lynch, Attorney at Law, Central Arizona Water Conservation District  
Dixie Judd, Mayor, City of Fredonia, Arizona  
John Brammall, Mayor, City of Hurricane  
Thomas Hirschi, Mayor, City of Hurricane, Utah  
Chris Hart, Mayor, City of Ivins  
Kim Lawson, Mayor, City of Kanab, Utah  
Robert Houston, Mayor, City of Kenab  
Richard Hirschi, Mayor, City of LaVerkin  
Karl Wilson, Mayor, City of Laverkin, Utah  
Levi Tappan, Mayor, City of Page  
Dan Brown, Mayor, City of Page, Arizona  
Rick Rosenberg, Mayor, City of Santa Clara  
Daniel McArthur, Mayor, City of St George Utah  
Jon Pike, Mayor, City of St George Utah  
Kim H. Hafen, City Clerk, City of St. George  
Jon Pike, Mayor, City of St. George  
Steve Peru, County Manager, Coconino County  
Lena Fowler, Chair, Coconino County Board of Supervisors

Trudy Law, Mayor, Town of Leeds, Utah  
Joel Webster, Mayor, Town of New Harmony  
Pam Leach, Mayor, Town of Rockville  
Stan Smith, Mayor, Town of Springdale  
Lynn Chamberlain, Mayor, Town of Toquerville  
Ken Powell, Mayor, Town of Toquerville, Utah  
Andy Biggs, Congressman, U.S. House of Representatives  
Rob Bishop, Congressman, U.S. House of Representatives  
John R. Curtis, Congressman, U.S. House of Representatives  
Ruben Gallego, Congressman, U.S. House of Representatives  
Paul Gosar, Congressman, U.S. House of Representatives  
Raul M. Grijalva, Congressman, U.S. House of Representatives  
Ann Kirkpatrick, Congresswoman, U.S. House of Representatives  
Debbie Lesko, Congresswoman, U.S. House of Representatives  
Ben McAdams, Congressman, U.S. House of Representatives  
Tom O'Halleran, Congressman, U.S. House of Representatives  
David Schweikert, Congressman, U.S. House of Representatives

Matt Ryan, District 3 Supervisor, Coconino County Board of Supervisors  
Jason Christelman, Director, Coconino County Community Development  
Puoy K. Premsrirut, Chairwoman, Colorado River Commission of Nevada  
Rebecca Mitchell, Director, Colorado Water Conservation Board  
Bryan Thiriot, Executive Director, Five County Association of Governments  
Leland Pollock, Commission Chairperson, Garfield County Commissioners  
Kelly Lamb, Mayor, Glendale Town Board of Commissioners, Iron County  
Board of Commissioners, Kane County  
Ron Walker, County Manager, Mohave County  
Gary Watson, Supervisor, District 1, Mohave County  
Ginny Anderson, Clerk of the Board, Mohave County Board of Supervisors  
Buster D. Johnson, Supervisor District 3, Mohave County Board of Supervisors  
Christine Ballard, Planning and Zoning Manager, Mohave County Planning and Zoning Department  
Doug Ducey, Governor, Office of the Governor of Arizona  
Kathleen Clarke, Director, Office of the Governor PLPCO  
Bob Caruso, Mayor, Orderville Town  
Kelsey Pickard, Legal Assistant Senior, Pinal County Attorney's Office  
Marilyn Kirkpatrick, Chair, Southern Nevada Water Authority  
Dave Ure, Director, State of Utah School and Institutional Trust Lands Administration (SITLA)  
Marty Lisonbee, Mayor, Town of Apple Valley  
Joseph Allred, Mayor, Town of Colorado City  
David Darger, Town Manager, Town of Colorado City, Arizona  
Kimley Purvis, Mayor, Town of Fredonia  
David Zitting, Mayor, Town of Hildale, Utah  
Galen Allred, Mayor, Town of Kanarrville, Utah

Greg Stanton, Congressman, U.S. House of Representatives  
Chris Stewart, Congressman, U.S. House of Representatives  
Mike Lee, Utah Senator, U.S. Senate  
Martha McSally, Arizona Senator, U.S. Senate  
Mitt Romney, Utah Senator, U.S. Senate  
Krysten Sinema, Arizona Senator, U.S. Senate  
Sean Reyes, Attorney General, Utah Office of Attorney General  
Gary Herbert, Governor, Utah Office of the Governor  
Matt Spendlove, Mayor, Virgin Town  
John Grow, Mayor, Virgin Town, Utah  
Ken, Neilson, Mayor, Washington City  
Terrill, Clove, Mayor, Washington City, Utah  
Brock, Belnap, County Attorney, Washington County  
Board of Commissioners, Washington County  
Kim Hafen, County Clerk, Washington County Clerk/Auditor  
Gil Almquist, Commissioner, Washington County Commission  
Dean Cox, Chairman, Washington County Commission  
Victor Iverson, Commissioner, Washington County Commission  
Corey Cram, Chair, Washington County Water Conservancy District  
Roberta McMullin, Washington County Water Conservancy District  
Zach Renstrom, Washington County Water Conservancy District  
Ronald Thompson, General Manager, Washington County Water Conservancy District  
Barbara, Hjelle, Washington County Water Conservation  
Tage Flint, General Manager/CEO, Weber Basin Water Conservancy District

## 1.3 Public Involvement

### 1.3.1 Arizona Strip Field Office Resource Management Plan

The Lake Powell Pipeline Project (LPP) began with the filing of an NOI by the Federal Energy Regulatory Commission (FERC) in 2008. Since then, two additional NOIs have been published in the Federal Register. First, in response to the need to amend the existing Arizona Strip Field Office RMP, the BLM issued a NOI on June 22, 2018 (83 Federal Register 29134). The NOI initiated the public scoping process and served to notify the public of the BLM's intent to incorporate the analysis for the RMP Amendment (RMPA) into FERC's DEIS for the LPP. The BLM held two public scoping meetings, one in Fredonia, Arizona, on July 17, 2018, and one in St. George, Utah, on July 18, 2018. The BLM also conducted an Economic Strategies Workshop in Fredonia, Arizona on July 19, 2018. This process produced four RMPA sub-alternatives (including the No Action Alternative) that would be incorporated into FERC's DEIS. For more information about the RMPA scoping process and comments received, please see the Scoping Report available on the BLM's website at [https://eplanning.blm.gov/epl-front-office/projects/lup/91318/165557/201946/508\\_Final\\_Scoping\\_Report.pdf](https://eplanning.blm.gov/epl-front-office/projects/lup/91318/165557/201946/508_Final_Scoping_Report.pdf).

### 1.3.2 Scoping

In 2019, the Utah Board of Water Resources (UBWR) revised their proposal by removing the large hydropower components at Hurricane Cliffs, eliminating the need for an individual hydropower license from FERC. The UBWR withdrew its application to FERC on September 25, 2019, and FERC terminated Project No. P-12966, effective October 10, 2019. Shortly after withdrawing their license application, the UBWR requested that the U.S. Department of the Interior (Interior) become the new lead federal agency for NEPA (42 United States Code [USC] §4321) compliance. On October 28, 2019, Interior designated Reclamation as the lead federal agency for the LPP NEPA process. Based on the changes to project design and the lead federal agency, Reclamation issued a new NOI on December 6, 2019, to begin a new public scoping process (84 Federal Register 66929), separate from the previous FERC process.

This DEIS relies on the scoping efforts of the BLM in 2018 and Reclamation in 2019 to 2020 to solicit public input and develop alternatives. Previous comments submitted outside of the scoping periods related to these two NOIs will not be considered during this NEPA process. As the current NEPA process moves forward, Reclamation encourages full public involvement regarding the new proposal as outlined in the 2018 and 2019 NOIs.

The NOI issued by Reclamation invited the public to submit comments during the scoping period from December 6, 2019, through January 10, 2020. Reclamation issued a news release in association with the NOI. The news release identified the times and locations for the three public scoping meetings (Table 1.3-1) for agencies, organizations, the public, and other interested parties to learn more about the LPP and submit comments. The public scoping meetings began in an open house format, including posters about the Proposed Project, the decision-making process, and how to get involved, followed by a project presentation given by Reclamation. A media advisory was issued prior to the public scoping meetings in January 2020. Additionally, background and public scoping information was made available on the Proposed Project website. For more information about the scoping process and comments received, please see the Scoping Report available on Reclamation's website at <https://www.usbr.gov/uc/DocLibrary/Reports/20200200-LakePowellPipeline-PublicScopingReport-508-PAO.pdf>.



**Table 1.3-1 2020 Scoping Meeting Locations**

<b>Meeting Location</b>	<b>Address</b>	<b>Date/Time</b>
The Kanab Center	20 N. 100 E. Kanab, Utah 84741	January 7, 2020 6:00 to 8:00 p.m.
The Dixie Center	1835 S Convention Center Dr. St. George, Utah 84790	January 8, 2020 6:00 to 8:00 p.m.
Valley High School	325 W. 11000 S. South Jordan, Utah 84095	January 9, 2020 6:00 to 8:00 p.m.

Some of the comments received during Reclamation’s scoping meeting expressed concerns about the alignment of the proposed transmission that would leave the Sand Hollow Reservoir on the east side of the reservoir, travel north through the Dixie Springs community, and tie into the existing Dixie Springs substation. In response to the comments, on April 13, 2020, Reclamation, UBWR, Washington County Water Conservancy District, and Dixie Power met with Dixie Springs community representatives. During this meeting, a reroute of the transmission line to the south and west of Sand Hollow Reservoir was presented to the Dixie Springs representatives. Based on feedback received, the community was pleased with the transmission line reroute.

## **1.4 Endangered Species Act Section 7 Compliance**

The ESA directs all federal agencies to conserve endangered and threatened species and to use their authorities to further the purposes of the ESA. Under Section 7(a)(2), federal agencies must consult with the USFWS when any action that the lead agency carries out, funds, or authorizes to ensure the action is not likely to jeopardize the continued existence of any species listed under the ESA or result in the destruction or adverse modification of designated critical habitat.

In March 2008, the Utah Division of Water Resources (UDWRe) as the non-federal representative designated by the FERC, initiated informal consultation with the USFWS to identify protected species and their habitats that may occur within the Action Area. On August 2, 2019, the BLM formally identified UDWRe as continuing its role as the non-federal representative for the LPP Project. Both the BLM and UDWRe maintained their respective roles after the change in lead federal agency from FERC to Reclamation in October 2019. Pursuant to Section 7(c)(1) of the ESA, the BLM, in coordination with the cooperating agencies prepared a draft Biological Assessment (BA) based on the Preferred Alternative and provided it to the USFWS and other cooperating agencies for review in February 2020. The final BA was submitted to the USFWS in March 2020. A comprehensive list of coordination efforts leading to the submission of the BA is listed below.

- May 3, 2007, UDWRe/USFWS – UDWRe meeting with USFWS to inform them the LPP would be submitted to FERC for a License under the Integrated Licensing Process.
- November 16, 2007, UDWRe/USFWS – UDWRe transmittal letter and copy of Preliminary Permit Application for LPP filed with FERC.
- March 3, 2008, UDWRe/FERC – UDWRe requested to be FERC’s non-federal representative for carrying out informal consultation pursuant to Section 7 of the ESA.
- March 3, 2008, UDWRe – UDWRe sent a letter to USFWS regarding NOI and Preliminary Application Document filing with FERC, and requesting clarification on which USFWS region would take the lead on the LPP.

- April 17, 2008, USFWS/UDWRe – USFWS sent a letter to UDWRe with a response to the letter dated March 3, 2008, stating that the USFWS Mountain-Prairie Region would be the lead regional office for the LPP.
- May 5, 2008, FERC – In their May 5 NOI, FERC designated UDWRe as their non-federal representative for carrying out informal consultation pursuant to Section 7 of the ESA.
- June 9, 2008, USFWS – USFWS participated in day one of the two-day FERC site visit along the proposed LPP alignments.
- June 10, 2008, USFWS – USFWS participated in a public scoping meeting on the LPP held in Kanab, Utah.
- July 17, 2008, USFWS – USFWS submitted study requests and identified potential LPP effects on fish and wildlife resources to FERC.
- July 29, 2008, USFWS/FERC/UDWRe – USFWS declined to be a cooperating agency on the LPP and stated they wish to preserve their ability to intervene in the licensing process, should it be necessary.
- November 19, 2008, USFWS – USFWS submitted additional study requests and identified potential LPP effects on fish and wildlife resources to FERC.
- January 8, 2009, USFWS – USFWS submitted additional study requests and identified potential LPP effects on fish and wildlife resources to FERC.
- January 21, 2009, FERC/UDWRe – FERC approved UDWRe’s revised study plan for the proposed development of the Lake Powell Hydroelectric System. Biological field surveys to be conducted by Logan Simpson Design, Inc., within the Action Area in 2009 and 2010 included southwestern willow flycatcher, western yellow-billed cuckoo, Mojave Desert tortoise, special status plants, and avian species (including raptors).
- March 10, 2009, USFWS/FERC/UDWRe/NPS/BLM/Reclamation – USFWS sent a letter providing a list of the threatened and endangered species and critical habitats that may occur in the LPP Action Area.
- April 22, 2010, UDWRe/USFWS/BLM/Kaibab Band of Paiute Indians/FERC – UDWRe meeting and presentation of LPP field study results regarding special status plant, aquatic, and wildlife species along alignments.
- July 14, 2010, UDWRe/USFWS – UDWRe requested updated lists for threatened and endangered species, candidate species for listing, and critical habitats that may occur in the LPP Project Area or be affected by LPP activities.
- August 5, 2010, USFWS/UDWRe – On August 5, 2010, USFWS replied to the request letter dated July 14, 2010, stating that no new listings were added to the list of threatened and endangered species nor were any critical habitat designations added; however, USFWS stated greater sage-grouse was designated as a candidate for listing and two plant species (Pipe Springs cryptantha and Morton wild buckwheat) received positive 90-day findings for listing.
- March 14, 2011, UDWRe/USFWS – On March 14, 2011, UDWRe filed initial draft study reports with FERC and sent copies of the initial draft Study Reports to USFWS for review prior to Initial Study Report meetings.
- March 23, 2011, UDWRe/USFWS – UDWRe presented summaries of the initial draft Study Reports for the LPP at the Initial Study Report Meeting held in Salt Lake City, attended by USFWS.

- April 29, 2011, UDWRe/USFWS – UDWRe met with USFWS to present Virgin River Daily Simulation Model results, and Reclamation modeling results of Lake Powell inflows, elevations, outflows, Glen Canyon Dam releases, and water quality, with regard to the LPP.
- May 9, 2011, USFWS/UDWRe/FERC – USFWS provided review comments on the initial draft Study Reports for the LPP to FERC and UDWRe.
- July 28, 2011, UDWRe/FERC/USFWS – UDWRe filed responses to comments on the initial draft Study Reports and Initial Study Report meetings with FERC. A copy of the responses to comments was sent by UDWRe to USFWS.
- August 8, 2011, UDWRe/USFWS – UDWRe and USFWS met on August 8, 2011, to discuss Virgin River Daily Simulation Model results and UDWRe’s responses to USFWS review comments on the initial draft Study Reports.
- January 3, 2013, UDWRe/USFWS – UDWRe requested updated lists for threatened and endangered species, candidate species for listing, and critical habitats that may occur in the LPP Action Area or be affected by LPP activities.
- February 4, 2013, USFWS/UDWRe – USFWS replied to the request letter dated January 3, 2013, stating that no new listings were added to the list of threatened and endangered species but that designated critical habitat for southwestern willow flycatcher was updated on January 3, 2013, and that USFWS published Proposed Rules to list two plant species as endangered (Fickeisen plains cactus and Gierisch mallow) and concurrently proposed designated critical habitat for these species as well.
- October 28, 2015, USFWS – USFWS participated in a special meeting of the Virgin River Program Technical Committee regarding the LPP and Virgin River flows. UDWRe presented Virgin River Daily Simulation Model results regarding LPP return flows, Indicator of Hydrologic Alteration modeling results, and Dundee Hydrological Regime Alteration Method modeling results. These models demonstrated the LPP would have no measurable flow changes on Virgin River flows between existing conditions (no LPP) and full use of LPP water.
- December 1, 2015, UDWRe/USFWS – UDWRe sent USFWS a transmittal letter and copy of the Preliminary Licensing Proposal filed with FERC on December 1, 2015, for a 90-day review and comment period. Data, information, and analyses presented in the Preliminary Licensing Proposal and revised draft Study Reports covered federally listed, proposed, and candidate species; and designated and proposed critical habitats previously identified by the USFWS.
- December 18, 2015, UDWRe/USFWS – UDWRe sent USFWS a transmittal letter and copy of the LPP revised draft Visual Resources Study Report for a 90-day review and comment period.
- February 29, 2016, USFWS/FERC/UDWRe – USFWS submitted a cover letter and their review comments on the LPP Preliminary Licensing Proposal and revised draft Study Reports, including comments on ESA-listed, proposed, and candidate species; and designated and proposed critical habitats.
- April 30, 2016, UDWRe/FERC – UDWRe filed the LPP Final License Application and a preliminary draft BA with FERC.
- May 2, 2016, UDWRe/FERC/USFWS/BLM/NPS/Reclamation – UDWRe sent USFWS, BLM, NPS, and Reclamation a transmittal letter and copy of the LPP Final License Application, final Study Reports, and preliminary draft BA.

- June 1, 2016, UDWRe/FERC/USFWS/BLM/NPS/Reclamation – UDWRe filed an updated preliminary draft BA with the supplemental FERC filing and provided copies of the document to USFWS, BLM, NPS, and Reclamation.
- June 2, 2016, UDWRe/FERC – FERC’s ESA Lead, Alan Mitchnick, assumes the lead for the development of the BA in preparation for submittal to USFWS with a draft EIS, as well as any further formal ESA Section 7 consultation efforts for the LPP.
- November 29, 2017, UDWRe/USFWS – UDWRe and USFWS met in Salt Lake City, Utah, to discuss USFWS comments on the LPP Final License Application.
- April 16, 2018, UDWRe/USFWS – UDWRe and USFWS met in Denver, Colorado, to address whether the project would induce growth and other issues.
- October 31, 2018, UDWRe/USFWS – UDWRe sent USFWS a revised preliminary draft BA.
- November 14, 2018, UDWRe/USFWS – UDWRe and USFWS had a conference call to discuss the revised preliminary draft BA.
- November 29, 2018, UDWRe/USFWS – UDWRe and USFWS had a conference call to discuss the 2018 Mojave Desert tortoise survey protocols and conservation guidelines.
- February 5, 2019, FERC obtained an official list of threatened and endangered species within the project location.
- May 15, 2019, Department of the Interior – Reclamation is designated as the overall lead for the department; BLM is designated as the section 7 lead federal agency for informal or formal consultation with USFWS.
- May 17, 2019, UDWRe/BLM – BLM asked UDWRe if it would continue to be the designated non-federal representative.
- August 2, 2019, UDWRe/BLM – BLM formally identifies UDWRe as their non-federal representative.
- January 29, 2020, BLM transmits Revised Draft BA to USFWS, NPS, Reclamation, and BIA.
- February 14, 2020, UDWRe/BLM/USFWS/NPS/Reclamation – UDWRe presented revised Virgin River Daily Simulation Model results regarding LPP return flows. The model demonstrated the LPP would have small hydrologic effects on the Virgin River that would be below gage error. The hydrologic changes, however, could be beneficial to Virgin River fish species and those species would be considered in the LPP BA.
- February/March 2020, Reclamation/UDWRe – Hydrologic modeling for the Green River, Colorado River, and Virgin River was updated and incorporated into the BA.
- March 18, 2020, BLM – A revised official list of threatened and endangered species within the project action area was obtained.

## **1.5 Consultation Process for the National Historic Preservation Act of 1966 - Section 106**

Reclamation, as the lead federal agency, designated the BLM as the federal agency responsible for consultation as described in 36 CFR Part 800. Federal agencies must demonstrate compliance with the NHPA (54 USC 300101). Section 106 of the NHPA requires a federal agency with jurisdiction over a project to evaluate the effect of the Proposed Project on properties included on, or eligible for, the NRHP. Historic properties were identified during the consultation processes. The BLM and

Reclamation consulted with federally recognized tribes, state historic preservation offices, local governments, and consulting parties under Section 106 of the NHPA as part of the process to identify historic properties. Any adverse effects that the Proposed Project or alternatives may have on historic properties would be resolved through compliance with the terms of a programmatic agreement under Section 106 of the NHPA (54 USC § 306108).

A draft programmatic agreement that establishes procedures for Section 106 review and the methods of identification, evaluation, and treatment of historic properties is being prepared for the Proposed Project. The preparation of this programmatic agreement has included participation of federal agencies such as the Advisory Council on Historic Preservation, BIA, NPS, Reclamation, and the BLM. State organizations have included the Arizona Department of Transportation, Arizona State Historic Preservation Office, Arizona State Land Department, Arizona State Museum, Utah Department of Transportation, Utah Public Lands Policy Coordinating Office, Utah School and Institutional Trust Lands Administration, and Utah State Historic Preservation Office. The Fort Mohave Indian Tribe, Havasupai Indian Tribe, Hopi Tribe, Hualapai Tribe, Kaibab Band of Paiute Indians, Las Vegas Paiute Tribe, Moapa Band of Paiutes Indians, Navajo Nation, Paiute Indian Tribe of Utah, Pueblo of Zuni, and San Juan Southern Paiute Tribe have been invited to participate in the development of the Programmatic Agreement. Other organizations who have been invited to participate in the development of this Programmatic Agreement include the Citizens for Dixie's Future; Coconino County, Arizona; Colorado Plateau Archaeological Alliance; Five County Association of Governments, Utah; Kane County, Utah; Mohave County, Arizona; National Trust for Historic Preservation; Washington County, Utah; Utah Statewide Archaeological Society; Utah Rock Art Research Association; Utah Professional Archaeological Council. Additional parties that have been invited to participate are the UBWR and the Washington County Water Conservancy District.

Throughout the life of the Proposed Project, federal agencies have conducted Section 106 Consultation consisting of in-person meetings, conference calls, review periods, letters, and emails. In 2018, the BLM finalized the consultation for the Area of Potential Effect, the findings of the Class III–Intensive Pedestrian Survey, and the potential for the Proposed Project to have an “adverse effect” to historic properties as defined in 36 CFR Part 800. When the Programmatic Agreement is finalized and executed, the Section 106 consultation process is technically finalized. However, consultation will continue to occur with all interested parties on the development and execution of all treatment measures (e.g., monitoring, archaeological excavation, reporting, and public outreach) outlined in the Historic Properties Treatment Plans for Arizona and Utah. Consultation will occur for project variances.

## **1.6 Government-to-Government Consultation**

The United States has a unique legal relationship with federally recognized Native American tribes established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In accordance with that relationship, Reclamation and the cooperating agencies engage in regular and meaningful consultation and collaboration with federally recognized tribes in the development of policy and land-use decisions that have tribal implications.

Consultation between federal agencies and tribes started in 2006 and is ongoing. Since 2006, 27 tribes have been invited to participate in government-to-government consultation. Methods for consultation have included in-person meetings and field visits with tribal councils or with tribal governors and chairpersons, Tribal Historic Preservation Officers, and tribally designated consultation staff, such as cultural resource program leads. Communication with tribes has also occurred through phone calls, letters, and email.

In 2008, the Havasupai Indian Tribe, Hopi Tribe, Hualapai Indian Tribe, Las Vegas Paiute Tribe, Kaibab Tribe, Navajo Nation, Paiute Indian Tribe of Utah, Pueblo of Zuni, Moapa Band of Paiutes, San Juan Southern Paiute, Southern Ute Indian Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Indian Tribe, and the Yavapai-Apache Nation, were contacted in 2008 were invited to engage in government-to-government consultation for this project.

In 2009, the Chemehuevi Indian Tribe, Colorado River Indian Tribes, White Mountain Apache Tribe, and the Yavapai-Prescott Indian Tribe invited to engage in government-to-government consultation.

In 2010, the Cocopah Indian Tribe, Confederated Tribes of the Goshute Reservation, Fort McDowell Yavapai Nation, Fort Mojave Indian Tribe, Northwestern Band of the Shoshone Nation, Quechan Tribe, San Carlos Apache Tribe, and the Skull Valley Band of Goshute Indians, were invited to engage in government-to-government consultation.

The Fort Mohave Indian Tribe, Havasupai Indian Tribe, Hopi Tribe, Hualapai Indian Tribe, Las Vegas Paiute Tribe, Moapa Band of Paiutes, Navajo Nation, Paiute Indian Tribe of Utah, Pueblo of Zuni, and San Juan Southern Paiute, agreed to help identify cultural resources and areas to which they ascribe traditional religious and cultural significance and participate in consultations regarding the potential effects of the Proposed Project on those cultural resources.

In 2018, BLM finalized the consultation for the APE, the findings of the Class III – Intensive Pedestrian Survey (Class III survey) and the potential for the Proposed Project to have an “adverse effect” to historic properties as defined in 36 CFR Part 800. When the Programmatic Agreement is finalized and executed, the Section 106 consultation process will be technically finalized. However, consultation would continue to occur with all parties on the development and execution of all treatment measures (e.g., monitoring, archaeological excavation, reporting, public outreach) outlined in the Historic Property Treatment Plans for Arizona and Utah. Consultation would occur for project variances.

The federal agencies also sought tribal input on the Proposed Project through the development of ethnographic reports which were prepared by the Hopi, Hualapai, Southern Paiute Advisory Committee (consisting of the Tribe, as well as the Paiute Indian Tribe of Utah and the San Juan Southern Paiute Tribe), and the Zuni.

Other notable consultation efforts included in-person consultation with the Tribe, the Pueblo of Zuni (2012) and the Paiute Indian Tribe of Utah. In 2017, the BLM distributed the Class III survey report to 15 tribes for input on the determinations of eligibility and finding of “adverse effect” for this undertaking. Fifteen tribes were invited to participate in the development of the Programmatic Agreement. Tribes invited to participate include the Fort Mohave Indian Tribe, the Havasupai Indian Tribe, the Hopi Tribe, Hualapai Tribe, Kaibab Band of Paiute Indians, Las Vegas Paiute

Tribe, Moapa Band of Paiutes Indians, Navajo Nation, Paiute Indian Tribe of Utah, Pueblo of Zuni, and San Juan Southern Paiute Tribe. Consultation for the Programmatic Agreement has consisted of in-person meetings, conference calls, review periods, letters, and emails.

Reclamation sent letters to the Tribe, as well as the Ak-Chin Indian Community; Apache Tribe of Oklahoma; Chemehuevi Indian Tribe; Cocopah Indian Tribe; Colorado River Indian Tribes; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Fort McDowell Yavapai Nation; Fort Mojave Indian Tribe; Gila River Indian Community; Havasupai Tribe; Hopi Tribe; Hualapai Indian Tribe; Las Vegas Tribe of Paiute Indians; Moapa Band of Paiute Indians; Navajo Nation; Northwestern Band of the Shoshone Nation; Paiute Indian Tribe of Utah; Pascua Yaqui Tribe; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Zia, New Mexico; Pueblo of Zuni; Salt River Pima-Maricopa Indian Community; San Carlos Apache Tribe; San Juan Southern Paiute Tribe; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho; Southern Ute Indian Tribe; Tohono O'odham Nation; Tonto Apache Tribe; Ute Indian Tribe of the Uintah and Ouray Reservation (Northern Ute), Utah; Ute Mountain Ute Tribe; White Mountain Apache Tribe; and Yavapai-Apache Nation in early February 2020. The letter was followed up with three webinars for tribal consultation and an email summarizing the webinar (February to March 2020).

## 2 Acronyms

BA	Biological Assessment
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
DEIS	draft environmental impact statement
EIS	environmental impact statement
ESA	Endangered Species Act
FERC	Federal Energy Regulatory Commission
LPP	Lake Powell Pipeline Project
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NOI	Notice of Intent
NPS	National Park Service
Reclamation	Bureau of Reclamation
RMP	Arizona Strip Field Office Resource Management Plan
RMPA	Arizona Strip Field Office Resource Management Plan Amendment
Tribe	Kaibab Band of Paiute Indians
UBWR	Utah Board of Water Resources
UDWRe	Utah Division of Water Resources
USFWS	U.S. Fish and Wildlife Service