Appendix A.

Comments and Responses

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AUGUST 2022

SCOPING REPORT

COVE-EAST FORK VIRGIN RIVER WATERSHED PLAN



Prepared for Natural Resources Conservation Service
125 State Street # 4010 Salt Lake City, Utah 84138

Prepared by Transcon Environmental, Inc.
444 South Main Street Cedar City, Utah 84720

SCOPING REPORT

Cove-East Fork Virgin River Watershed Plan-EIS

Prepared for:

Natural Resources Conservation Service

125 State Street # 4010

Salt Lake City, Utah 84138

Prepared by:

Transcon Environmental, Inc.

444 South Main Street

Cedar City, Utah 84720

Transcon environmental | Planners & Scientists

July 2022

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1.0 Introduction and Background

The U.S. Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), with assistance of the Kane County Water Conservancy District (KCWCD) as the project sponsor, in conjunction with the Washington County Water Conservancy District (WCWCD) as co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new reservoir as well as other improvements within the existing Glendale and Orderville irrigation systems as needed or identified. Improvements under consideration will address agricultural water demands, water conservation, and increasing opportunities for public recreation.

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations at 40 CFR Parts 1500–1508 require an evaluation of potential environmental impacts associated with federal projects and actions with input from the public. As the lead agency under NEPA, USDA-NRCS will collect and consider input from the public, agencies, and Tribes. This Scoping Report will describe comments received and issues identified during the outreach and scoping process.

1.1 Purpose of Scoping Process

Scoping is an integral part of the NEPA process; it provides an early opportunity to determine the scope and significance of issues to be addressed in the proposed action (40 CFR 1501.7). The objectives of scoping include:

- Identify significant issues related to the proposed project
- Identify social, environmental, and economic review and consultation requirements
- Define the environmental analysis process and technical studies necessary to address the impacts of the proposed project
- Identify and notify interested and affected parties
- Provide information to agencies, Tribes, and the public regarding the proposed project

1.2 Organizational Involvement

Roles and responsibilities for the scoping process included:

- USDA-NRCS: Lead Federal Agency
- KCWCD: Project Sponsor
- WCWCD: Project Co-sponsor
- Alpha Engineering: Third-party Engineering Consultant
- Transcon Environmental: Third-party Environmental Consultant

2.0 Public Scoping Overview

The public was notified of the project through multiple channels, including:

- Notice of Intent published on March 29, 2022, in the Federal Register
- Mailed letter
- Email notice
- Web page information
- Newspaper publication
- Press release

Each of these outreach methods are summarized below. Public scoping officially lasted 204 days, beginning Thursday, October 7, 2021, and ending Thursday, April 28, 2022. The public was initially notified at the beginning of scoping and re-notified (mail and email only) once the project Notice of Intent was published.

2.1 Public Outreach

A scoping letter (**Appendix A.1**) and project fact sheet (**Appendix A.2**) were sent directly to select landowners who own parcels that are directly adjacent to or within the project area Additional individuals who participated in the scoping and public comment process for the Draft Plan-Environmental Assessment (EA) were also included on an email and/or hard copy mailing list. The mailing list will be updated as the project progresses, and individuals request to be informed of project updates. As part of scoping, 127 members of the public were mailed hard copies of the fact sheet on October 7 or October 8, 2021, commencing the comment period. Furthermore, an additional 120 individuals received scoping notices by email (some addresses returned as undeliverable). This outreach was timed in conjunction with the publication of a scoping notification in a local newspaper.

A notification was published in the *Southern Utah News* on October 7 and October 14, 2021 (**Appendix A.3**) to notify the public about the project meeting, including the date, time, and location. The notification also included instructions for submitting comments. Project press releases were sent to the following individuals and outlets:

- Brian Maffly, Salt Lake Tribune
- Joan Meiners, The Spectrum
- Desert Sun News

Specific non-government organizations contacted for scoping included:

- Utah Rivers Council
- Trout Unlimited
- American Rivers
- Grand Canyon Trust

- Conserve Southwest Utah
- National Parks Conservation Association
- American Whitewater

The fact sheet was also posted on the USDA-NRCS project website: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp/?cid=nrcseprd1403022

A virtual public meeting was held via Zoom Webinar on Wednesday, October 20, 2021, from 6:00 p.m. to 7:30 p.m. Approximately 41 members of the public attended, based on the number of unique names/emails contained in the Zoom attendee report. A list of attendees is included (**Appendix A.4.)** The meeting included a PowerPoint presentation that provided background, project details, NRCS PL-566 program overview, maps of the watershed, and details on how to comment. Participants were encouraged to provide written comments regarding the project. Following the presentation, the project team hosted a question-and-answer period where written questions were responded to verbally by project leadership.

Project leadership from USDA-NRCS, KCWCD, WCWCD, Alpha Engineering, and Transcon Environmental were present to discuss the project with the public.

Following the meeting, a recording of the public meeting and the presentation slides used during the meeting were both posted to the USDA-NRCS project website. The presentation slides are also included in **Appendix A.5**.

2.2 Public Comments Received

A total of 66 public comment documents were received via email, via hard copy letter, and via the Federal Register page which were categorized and organized into 249 specific comments. 118 identical or virtually equivalent versions of a single email were consolidated into a single comment. A comment summary table is included as **Appendix D** and all public comments received are included in the Administrative Record and available upon request. A summary of all issues identified during scoping can be found in Section 5.0.

3.0 Agency Scoping

Federal, state, and local agencies were sent scoping letters and invited to attend an agency scoping meeting, as summarized below. Agency scoping officially lasted 204 days, beginning Thursday, October 7, 2021, and ending Thursday, April 28, 2022. Agencies were re-notified of the scoping end date once the Notice of Intent was published for the project and the scoping end date was determined.

3.1 Agency Outreach

A total of 32 agency scoping fact sheets were sent to elected officials and individuals at federal, state, and local agencies on October 7, 2021. To ensure consistent messaging, the fact sheet was identical to the public scoping fact sheet, except for the meeting details.

Local governments and elected officials contacted for scoping included:

- Glendale Irrigation Company
- Kane County Commission
- Kane County Conservation District
- Mt. Carmel Irrigation Company
- Orderville Irrigation Company
- Town of Glendale
- Town of Orderville
- U.S. Congressional Representatives

Federal and state agencies contacted for scoping included:

- Bureau of Land Management (BLM), Kanab Field Office
- National Park Service (NPS), Zion National Park
- U.S. Army Corps of Engineers (USACE), St. George Field Office
- USACE, Nevada/Utah Regulatory Branch
- U.S. Bureau of Reclamation (BOR)
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- Utah Department of Agriculture
- Utah Department of Cultural and Community Engagement
- Utah Department of Environmental Quality
- Utah Department of Public Safety
- Utah Department of Water Rights
- Utah Division of Wildlife Resources
- Utah Public Lands Policy Coordination Office
- Utah School and Institutional Trust Lands Administration
- Utah State Clearinghouse

Agencies were also invited to attend a virtual agency scoping meeting held online via Zoom on Monday, October 18, 2021, from 2:30 p.m. to 3:30 p.m. Two individuals attended the agency scoping meeting, representing the Division of Wildlife Resources Southern Region Office and USACE St. George Regulatory Office.

3.2 Agency Comments Received

A total of 9 agency comment documents were received which were categorized and organized into 57 specific comments. A comment summary table is included as **Appendix D** and all agency comments received are included in the Administrative Record and available upon request. A summary of issues identified during both public and agency scoping is included below.

4.0 Tribal Scoping

Scoping letters were mailed to 17 representatives of the 11 tribes as part of the outreach process. A single comment letter was received from the Hopi Tribe requesting hard copies of the cultural resource reports once these are prepared. All tribal comments received are included in the Administrative Record and available upon request.

- Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
- Ute Indian Tribe of the Uintah & Ouray Reservation
- Ute Mountain Ute Tribe
- Hopi Tribe of Arizona
- White Mesa, Ute Council
- Paiute Indian Tribe of Utah
- Navajo Nation Office of the President
- Pueblo of Zuni
- Moapa Band of Paiute Indians of the Moapa River Indian Reservation
- Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
- San Juan Southern Paiute Tribe of Arizona

5.0 Summary of Issues

Based on the agency and public comments received, the primary project issues are listed below. All comments will be reviewed and responded to, as necessary, by the project team, and relevant comments will be considered and incorporated in the Draft Plan-Environmental Impact Statement (EIS). Multiple commenters requested that comments from the Draft Plan-EA process be included for consideration.

Summary of issues raised during scoping is included below.

General Comments

- Will the comments on the Draft Plan-EA be carried forward as issues to address in the Draft Plan-EIS?
- Comments contained requests to include other agencies and entities in the planning process: NPS, BLM, BOR, Colorado River Compact Signers.
- The Draft Plan-EIS should clearly disclose that the KCWCD already owns the land where the proposed Cove Reservoir would be located.
- The Draft Plan-EA discusses that the Jackson Flat Reservoir and the proposed project would both provide water to meet irrigation needs in the County. However, the two systems are separate, and water would not be shared between reservoirs. This should be clarified.

- The project needs to be shown to be consistent with the Washington County Resource Management Plan, specifically its irrigation policy, and the Kane County Resource Management Plan.

NEPA/Purpose and Need/Other Laws

- The Plan-EIS needs to be developed under current, applicable executive orders.
- The KCWCD and WCWCD should propose separate reservoir projects. The two water conservancy districts' needs and funding are different and the WCWCD does not need to be subsidized by the federal government.
- The purpose and need for the Draft Plan-EIS should clearly specify the water need and be broad enough to allow for a sufficient range of feasible and practicable alternatives.
- The Draft Plan-EIS should consider whether the water will ultimately be used for housing developments.

Water Resources

- The Plan-EIS needs to investigate the reduction in flow resulting from reservoir diversions on a seasonal basis, and any accompanying effects (e.g., increasing water temperature, loss of fish habitat, other ecological effects).
- The Draft Plan-EIS must analyze the project effects on groundwater resources and how any effects will be minimized or mitigated.
- The Draft Plan-EIS must address any potential impacts to wetlands, documenting these in a Waters of the U.S. Report, and detailing any necessary mitigation.

Invasive Species

- The Draft Plan-EIS needs to address non-native invasive species issues, including quagga mussels, Tamarisk, Russian olive, red shiner, and non-native game fish stocking in reservoir, among others.

Health and Safety

- The potential failure of the dam is extremely concerning for risk to downstream residents. The NRCS needs to assess all project risks to human health and safety and consider compensation for life and property loss in the event of a dam failure. A dam failure response plan should be included.
- The Draft Plan-EIS must address construction worker health and safety.

Economics

- All operating costs, water exchange agreements, and other economic incentives need to be clearly disclosed in the EIS to show the parties primarily benefitting from the reservoir.

- The NRCS must accurately assess the cost/benefit ratio of any and all project improvements constructed. Identified costs: reservoir operation, recreational facility operation, invasive species management need to be included. Identified benefits: agricultural increase, recreational reservoir use. Some comments claim the economic benefits are overstated and the project should be abandoned because of this.
- The Draft Plan-EIS must consider all the effects, costs, and benefits of any proposed hydropower facilities and should analyze a run-of-the-river hydropower alternative. Hydropower facilities must be shown to be economically viable.

Effects Analysis

- A full water budget and water quality analysis for the proposed reservoir needs to be included in the analysis, including inflow, outflow, evaporation, and seepage losses. Timing and location of diversions and releases need to be disclosed and effects analyzed.
- The Draft Plan-EIS must show conformance with the BLM Kanab Field Office Resource Management Plan.
- The Draft Plan-EIS should identify and explain mitigation measures to avoid or minimize negative effects of the project.
- The Draft Plan-EIS needs to analyze downstream recreational impacts, ecological impacts, and geomorphological impacts due to changes in the flow regime due to project diversions and releases.
- The Draft Plan-EIS should quantify the stationary, mobile, and non-road source emission activities associated with construction, and quantify any air quality impacts from operation and maintenance, including methane emissions from the reservoir.
- The Draft Plan-EIS needs to analyze traffic impacts during construction and design/detail appropriate Best Management Practices or mitigation measures.
- The Draft Plan-EIS must detail how all aspects of the Zion National Park Water Rights Settlement Agreement will be met.
- The Draft Plan-EIS needs to consider the effects of the East Zion Growth Initiatives on multiple resources, including recreation, economics, and water resources and rights.
- The Draft Plan-EIS must analyze project impacts on highly erodible soils, erosion and sediment deposition, and riparian resources.
- The Draft Plan-EIS must address changes to agricultural runoff, including chemical and pesticide loads, resulting from the project.

Alternatives

- The project should be expanded to include a comprehensive Watershed Plan for the entire East Fork Virgin River. This could have multiple sub-project components. Inclusion of a Beaver management plan is suggested.
- The Draft Plan-EIS should analyze additional reservoir sites beyond the Cove Reservoir location. A reservoir further upstream could more easily benefit water users.
- Additional recreational facilities within the watershed, not necessarily co-located with the reservoir, should be considered as part of project alternatives.
- The project purpose and need is too narrow and biased toward reservoir development. It needs to be broadened to include other alternatives.
- The project must consider non-structural/management alternatives to the proposed reservoir.
- The Draft Plan-EIS must consider agricultural water efficiency improvements as an alternative to the proposed reservoir.
- The NRCS should allocate funds to smaller, more economically viable projects instead of the proposed project.

Sensitive Species

- The Draft Plan-EIS must consider impacts to the Virgin Spinedace, managed under a conservation agreement, and petitioned to be listed as a threatened and endangered (T&E) species.
- The Draft Plan-EIS must clearly describe and disclose effects to aquatic species, whether positive or negative.
- The Draft Plan-EIS must address impacts to T&E species and habitat, including Mexican Spotted Owl, Southwestern Willow Flycatcher, Yellow-Billed Cuckoo, T&E fish species, and other state and federal sensitive species.

Recreation

- The project should consider a conservation pool for a water allocation for sport fisheries and development of sport fisheries as part of the recreation plan.

Watershed Protection

- The project should address erosion and bank stabilization in the Mt. Carmel area.

Wild and Scenic Rivers

- The Draft Plan-EIS must address the project impacts on the Wild and Scenic River designation of a section of the East Fork Virgin River downstream of the project. The NPS will require a Section 7 determination.

- The hydropower facilities must be Federal Energy Regulatory Commission (FERC) permitted and compliant with FERC regulations that limit licensing of dam and hydropower facilities above Wild and Scenic River designated segments.

Cumulative Effects

- The Draft Plan-EIS must consider cumulative effects of the following projects: the Lake Powell Pipeline project, the Ash Creek Reservoir and pipeline project, a new flood control project in the Virgin River watershed, and other past projects in the area.

Areas of Critical Environmental Concern

- The Draft Plan-EIS must address project impacts on downstream Areas of Critical Environmental Concern, wilderness areas, Wilderness Study Areas, and research natural areas.

Biological Resources

- The project should make a clear commitment to a minimum amount of water to be released during the summer months to benefit fish and wildlife habitat.

Climate Change

- The Draft Plan-EIS must address the impact of climate change on the project and water supply reliability.

Environmental Justice

- The Draft Plan-EIS must address Environmental Justice effects.

Legal

- A discussion of why the proposed project is so large compared to most NRCS watershed projects should be included in the Draft Plan-EIS.

Tribal and Cultural Resources

- The Draft Plan-EIS must comply with the National Historic Preservation Act.
- The Draft Plan-EIS needs to include input from sovereign tribes in the Lower Colorado River Basin and State of Utah who are not receiving their full water allocation.

Appendix A. Public Scoping

A.1. Public Scoping Letter

A.2. Project Fact Sheet

A.3. Newspaper Notification

A.4. Public Meeting Attendee List

A.5. Public Meeting Materials

A.1. Public Scoping Letter

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

www.ut.nrcs.usda.gov

September 21, 2021

<Adddress Block>

RE: Cove-East Fork Virgin River Watershed Plan EIS Project
Parcel No.:

<Salutation>:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor and Washinton County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, up to 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

This proposed action is prepared under the authority of the Watershed Prevention and Flood Protection Act (Public Law 83–566). This action is needed because agriculture users in the Upper Virgin Watershed routinely experience water shortages during late summer months when East Fork Virgin River flows are depleted. Existing irrigation facilities have limited capabilities to divert water from the river, and there is currently no capacity for storage during non-use and high-flow periods. As a result, adequate water is not available to local users; therefore, the purpose of the action is to provide enhanced conservation and beneficial use of water by increasing water availability through collection and storage during non-use periods to provide adequate flows during the irrigation season.

In compliance with the National Environmental Policy Act (NEPA), USDA-NRCS will develop an Environmental Impact Statement to analyze potential impacts to the natural and human environment from the proposed project. As the project sponsor, KCWCD, and WCWCD as the co-sponsor, in coordination with USDA-NRCS, has retained Transcon Environmental, a third-party environmental consultant, to assist with NEPA compliance activities and resource studies.

This letter is to notify you of the project, request comments, and invite you to a public scoping meeting, to be held virtually via Zoom on Wednesday, October 6 from 6:00pm—7:30pm. The Zoom details are below:

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

The purpose of the meeting is for the project team to better understand potential alternatives and issues to be considered during environmental analysis. The meeting will consist of a brief presentation about the proposed project followed by a question-and-answer session. Written comments about the project may be submitted during the scoping meeting, or sent to the address below. All comments must be post-marked by **October 21, 2021**. Please send or email comments to:

Transcon Environmental, Inc.
Attn: Brian Parker

We look forward to receiving your comments and discussing this project further.

Sincerely,

Emily Fife
Encl: Project Fact Sheet, including map

Commented [IS1]: NRCS, please update sender and title, if needed

A.2. Project Fact Sheet

USDA United States Department of Agriculture

Cove-East Fork Virgin River Watershed Project – Kane County, Utah

Agency Scoping Notice



Project Information

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), with assistance of the Kane County Water Conservancy District as the project sponsor and Washington County Water Conservancy District as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include a new water storage facility (Cove Reservoir), or an alternate reservoir site, as well as other improvements associated with the Mt. Carmel, Glendale, and Orderville irrigation systems.

NRCS is holding a virtual agency meeting, via Zoom to provide information about the proposed project and to collect comments. Supplemental technical studies are scheduled to take place during fall 2021, with a Draft Watershed Plan – Environmental Impact Statement (Plan-EIS) circulated to the public and agencies for review in mid-2022. The Plan-EIS will further evaluate the proposed project along with any viable project alternatives in accordance with the rules and guidelines of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ).

The Plan-EIS is being funded under the NRCS Watershed Flood Prevention and Protection Program (PL83-566), which provides both technical and financial assistance to help communities protect, improve, and develop water and land resource in watersheds up to 250,000 acres.

Project Background

Initially known as the "Cove Reservoir Watershed" project, alternatives and associated impacts were analyzed in a Watershed Plan-Environmental Assessment (Plan-EA); however, after careful project review and consideration of comments received on the Draft Plan-EA presented in winter 2020/2021, the NRCS has initiated the preparation of a Plan-EIS.

Improvements under consideration include water conservation, water storage, agricultural and municipal demands, public safety risks, and increased opportunities for public recreation in the East Fork Virgin River watershed.

Project Website

Additional information can be found at the NRCS project website:

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp/?cid=nrcseprd1403022

Agency Meeting

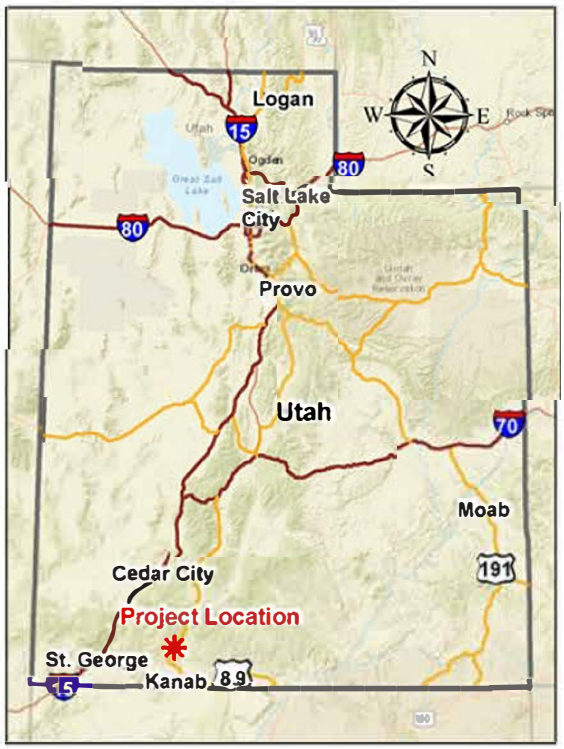
Agencies are invited to attend a project scoping presentation, discuss project details, and submit comments during the online meeting:

Virtual Meeting
Monday, October 18, 2021
2:30 P.M. – 3:30 P.M. (MST)

How to Join the Virtual Agency Meeting

Log-in via Zoom: zoom.us/join
Enter Meeting ID: 886 6521 8321
Passcode: 992578
Note: This meeting will be recorded. A copy can be made available upon request.

Project Location Map



At this time, the NRCS is requesting comments on the project to identify opportunities, issues, and resource concerns.

How to Provide Official Comment

All comments should be directed to Brian Parker:

Transcon Environmental
Attn: Brian Parker
1745 South Alma School Rd., Suite 220
Phoenix, AZ 85210
480-807-0095
bparker@transcon.com

Comments must be received or post-marked no later than 30 days after the NOI is published in the Federal Register.

How to Be Added to Mailing List

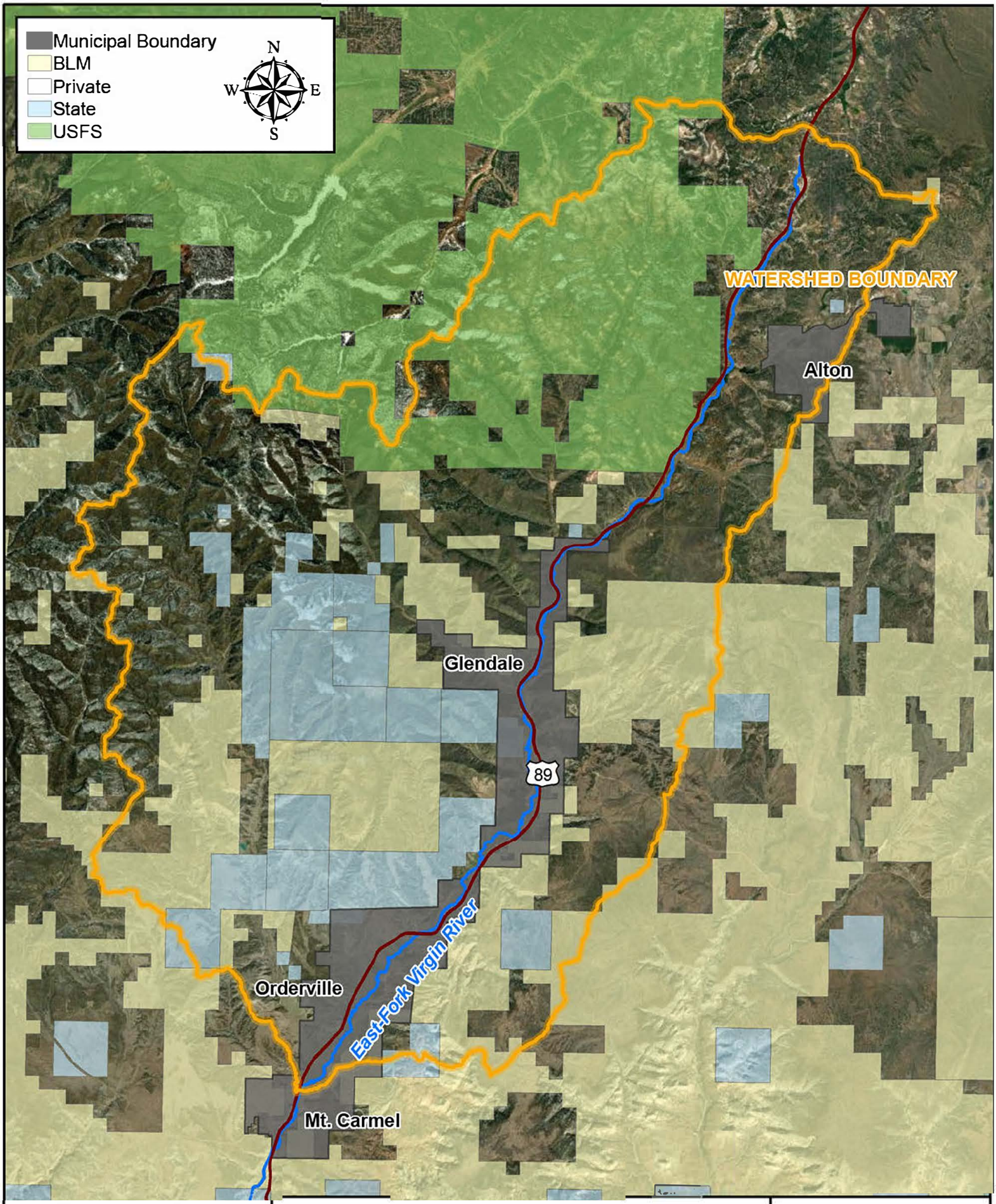
Provide your email address when logging into the Zoom meeting or send a letter or email request to Brian Parker using the contact information provided above.

Utah State Office

Natural Resources Conservation Service

nrcs.usda.gov/

USDA is an equal opportunity provider, employer, and lender. Utah State Office – October 2021



Transcon environmental | Planners & Scientists

USDA United States Department of Agriculture
Natural Resources Conservation Service

Cove - East Fork Virgin River Watershed Project

Watershed Boundary Exhibit (97,427 acres)

0 11,000
Feet

A.3. Newspaper Notification

ATTENTION
Kane County Voters
General Election
November 02, 2021
7:00 a.m. to 8:00 p.m.

Last day a voter can register to vote for the General Election by mailing a registration form, Online or in-person is October. 22, 2021
The Kane County Clerk's Office is open from 8:00 a.m. to 5:00 p.m.
Public Logic & Accuracy Testing will take place on October. 08, 2021 at 10:00 a.m.
Board of Canvassers will meet on Nov. 16, 2021 at 10:00 a.m.

****

Early Voting will begin on Oct. 19, and ends on Oct. 29, 2021, from 8:00 a.m. to 5:00 p.m. at the County Clerk's Office, 76 North Main Street.
All Voters will need a photo ID

****

All of Kane County is now a "Vote by Mail" County. This means you will receive a *"PAPER BALLOT"* in the mail. PLEASE DO NOT THROW IT AWAY!

If you choose not to vote your "Absentee/By Mail" Ballot you may vote in person at the "Kanab Election Center" located at the "Kane County Courthouse" 76 North Main on Election Day or at the "Valley Vote Center" located at the "Kane County North Event Center" located at 475 East State Street on Election Day. You will need to bring in your "By Mail Ballot" to the election center with you where your original ballot will be spoiled, you will be issued a *"NEW PAPER BALLOT."*

You can also choose to vote early in person at the Kane County Clerk/Auditor's Office by bringing in your "By Mail Ballot" where your original ballot will be spoiled, to cast your vote in person on a *"NEW PAPER BALLOT."*

Ballot Drop Box will be available beginning Oct. 12, 2021 at 8:00 A.M and Closing Nov. 02, 2021 at 8:00 P.M.

****

SAMPLE BALLOTS
Races that will be on the General Municipal Election

PRECINCTS: BW
Big Water Town Mayor (Vote for One)
VINCE OLSON
DAVID W SCHMUKER
Big Water Town Council (Vote for up to Two)
ANNE WELSH
LEVI BANFILL
JUDAH SCHMUKER

PRECINCTS: GL
Glendale Town Mayor (Vote for One)
DANNY SPENCER
KELLY LAMB
Glendale Town Council (Vote for up to Two)
CHRIS WILLIAMS
KRISTY L BRINKERHOFF
DAVID MAXWELL
JOANN S. LAMB

PRECINCTS: KA1:A, KA2:A, KA3:A, KA4
Kanab City Mayor (Vote for One)
TROY (COLTEN) JOHNSON
JEFF YATES
Kanab City Council (Vote for up to Two)
SCOTT COLSON
APRIL CROFTS
CHRIS HEATON

PRECINCTS: AL:B BU, BW, CM, CW:B, CW:C, GL, KA1:A, KA1:B, KA1:C, KA2:A, KA2:B, KA3:A, KA3:B, KA4, OR:A, OR:B
Kane County Hospital Board (Vote for up to Three)
BENJAMIN L BECKSTEAD
STUART K ALLAN
CAROL PENNEY SULLIVAN
JEFFERY B. MSODELL
JOE D. HOUSTON

PRECINCTS: OR:A
Orderville Town Council (Vote for Two)
JACOB LEE MILLARD
DAVID RORY HATCH
THOMAS GRIFFITHS
MARIANNE LEIGH

PRECINCTS: BU, CM, CW:B, CW:C, KA1:A, KA1:B, KA1:C, KA2:A, KA2:B, KA3:A, KA3:B, KA4, OR:B
Proposition #10
Shall a government body be established to : • Create the Zion Area Public Transit District ("the District") limited to the geographic boundaries of Kanab City and unincorporated area of Kane County, that: • Creates and operates a public shuttle bus system that serves Kane County residents and visitors to and from stops in Kanab, the East Zion area including the proposed new Zion Nation Park Visitor Center, stops within Zion National Park and surrounding areas, and additional parking areas and stops within the District; • Provides support to existing and future planned hiking and biking trails, residential and vacation lodging, restaurants, guides and outfitters, and other businesses; and • DOES NOT levy taxes upon taxable property or impose a sales and use tax; • Will work to obtain funding through private donations, local, state, and federal grants and may charge user fees; • Will be governed by a Board of Trustees who shall be selected in accordance with Utah Law; • Uses a funding method that is estimated to have a $0.00 financial impact to District residents.

Published in the *Southern Utah News* on October 7, 14, 21 and 28, 2021.

ARTICLES OF ORGANIZATION OF LIMITED LIABILITY COMPANY

ENTITY INFORMATION

ENTITY NAME: KLMM INVESTMENT, LLC
ENTITY ID: 23280455
ENTITY TYPE: Domestic LLC
EFFECTIVE DATE: 10/04/2021
CHARACTER OF BUSINESS: Any legal purpose
MANAGEMENT STRUCTURE: Member-Managed
PERIOD OF DURATION: Perpetual

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: Trevor Kortsen
PHYSICAL ADDRESS: 123 N. San Francisco Street, Suite 300 FLAGSTAFF, AZ 86001
MAILING ADDRESS: 123 N. San Francisco Street, Suite 300 FLAGSTAFF, AZ 86001

PRINCIPAL ADDRESS
6393 N. Cosnino Rd.
FLAGSTAFF, AZ 86004

PRINCIPALS
Member: Elizabeth Meredith, as Trustee of the Meredith Family Revocable Living Trust, dated October 4, 2021
6393 N. Cosnino Rd.
FLAGSTAFF, AZ 86004

Member: Kyle Meredith, as Trustee of the Meredith Family Revocable Living Trust, dated October 4, 2021
6393 N. Cosnino Rd.
FLAGSTAFF, AZ 86004

ORGANIZERS
Trevor Kortsen

SIGNATURES
Organizer: Trevor Kortsen – 10/04/2021

Published in the *Southern Utah News* on October 7, 14 and 21, 2021.

2021 WATER RESOURCES PLAN PUBLIC COMMENT PERIOD
Wednesday, September 29, 2021 – Monday, November 15, 2021

The Utah Division of Water Resources (Division) is pleased to announce the draft 2021 Water Resources Plan (2021 Plan) is available for review. The 2021 Plan identifies action the Division will take over the next five years. It focuses on reliable data, supply security, and a healthy environment.

A public comment period is open from Wednesday, September 29, 2021, through Monday, November 15, 2021. The draft 2021 Plan is posted on the Water Plan page of the Division's website water.utah.gov/2021waterplan for review. Comments may be submitted using the comment form link found on the Water Plan page.

A virtual open house will be held on Wednesday, October 20, 2021, from 7:00 PM – 8:00 PM. During the open house, a short presentation about the 2021 Plan will be followed by a question and answer session. Written questions will be accepted throughout the virtual open house session using the Question and Answer feature of the meeting software. To join the open house, use the link found on the Water Plan page.

Published in the *Southern Utah News* on October 7 and 14, 2021.

ARTICLES OF ORGANIZATION OF LIMITED LIABILITY COMPANY

ENTITY INFORMATION

ENTITY NAME: BLUE CLOUD GROUP, LLC
ENTITY ID: 23261567
ENTITY TYPE: Domestic LLC
EFFECTIVE DATE: 08/19/2021
CHARACTER OF BUSINESS: Any legal purpose
MANAGEMENT STRUCTURE: Member-Managed
PERIOD OF DURATION: Perpetual

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: United States Corporation Agents, Inc.
PHYSICAL ADDRESS: 17470 N. Pacesetter Way SCOTTSDALE, AZ 85255
MAILING ADDRESS: 17470 N. Pacesetter Way SCOTTSDALE, AZ 85255

PRINCIPAL ADDRESS
3300 South Gila Drive, Apt. 101
FLAGSTAFF, AZ 86005

PRINCIPALS
Member: Jake Levi Alec Zimmerman
3300 South Gila Drive, Apt. 101
FLAGSTAFF, AZ 86005

ORGANIZERS
Legalzoom.com, Inc.: 101 N. Brand Blvd., 11th Floor GLENDALE, CA 91203

SIGNATURES
Organizer: By: Cheyenne Moseley, Asst. Secretary of Legalzoom.com, Inc., A Delaware Corporation
08/19/2021

Published in the *Southern Utah News* on October 7, 14 and 21, 2021.

Proposed Cove-East Fork Virgin River Watershed Project – Kane Co, Utah Scoping Notice and Public Scoping Meeting Announcement Wednesday, October 20, 2021, 6:00-7:30 P.M.

Project Information:
The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), with assistance of the Kane County Water Conservancy District as the project sponsor and Washington County Water Conservancy District as the cosponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include a new water storage facility (Cove Reservoir), or an alternate reservoir site, as well as other improvements associated with the Mt. Carmel, Glendale, and Orderville irrigation systems.
NRCS is holding a virtual public meeting, via Zoom to provide information about the proposed project and to collect comments. Supplemental technical studies are scheduled to take place during fall 2021, with a Draft Watershed Plan – Environmental Impact Statement (Plan-EIS) circulated to the public and agencies for review in mid-2022. The Plan-EIS will further evaluate the proposed project along with any viable project alternatives in accordance with the rules and guidelines of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ).
The Plan-EIS is being funded under the NRCS Watershed Flood Prevention and Protection Program (PL83-566), which provides both technical and financial assistance to help communities protect, improve, and develop water and land resource in watersheds up to 250,000 acres.
Project Background:
Initially known as the "Cove Reservoir Watershed" project, alternatives and associated impacts were analyzed in a Watershed Plan-Environmental Assessment (Plan-EA); however, after careful project review and consideration of comments received on the Draft Plan-EA presented in winter 2020/2021, the NRCS has initiated the preparation of a Plan-EIS.
Improvements under consideration include water conservation, water storage, agricultural and municipal demands, public safety risks, and increased opportunities for public recreation in the East Fork Virgin River watershed.
At this time, NRCS is requesting comments on the project to identify issues and resource concerns. NRCS will hold a virtual public meeting to provide information about the proposed project and to collect comments.

Attend the virtual public scoping meeting via Zoom:
The public is invited to attend, discuss, and submit a comment during the public meeting:
Wednesday, October 20, 2021
6:00 P.M. – 7:30 P.M.
Meeting Link: www.zoom.join/us Enter Meeting ID: 891 2373 1558

Send us your comments:
All comments should be directed to:
Brian Parker
Transcon Environmental
1745 South Alma School Rd., Suite 220
Phoenix, AZ 85210
Phone: (480) 807-0095
bparker@transcon.com

Additional information can be found at the NRCS project website (shortened link): https://bit.ly/3AX7Pg4

Comments may be mailed or emailed to the above address or submitted during the public scoping meeting. Comments must be received or postmarked starting October 7, 2021 and ending 30 days after the Notice of Intent to prepare an EIS is posted in the Federal Register.

Published in the *Southern Utah News* on October 7 and 14, 2021.

ARTICLES OF INCORPORATION FOR-PROFIT CORPORATION

ENTITY INFORMATION

ENTITY NAME: MONICA PERTEA, PC
ENTITY ID: 23278120
ENTITY TYPE: Domestic Professional Corporation
EFFECTIVE DATE: 09/28/2021
CHARACTER OF BUSINESS: Any legal purpose
AUTHORIZED SHARES
Share Class: Common Share
Total: 10,000
PROFESSIONAL SERVICES: legal services

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: Monica M. Pertea
PHYSICAL ADDRESS: 123 N. San Francisco St., Suite 300 FLAGSTAFF, AZ 86001

KNOWN PLACE OF BUSINESS
123 N. San Francisco St., Suite 300
FLAGSTAFF, AZ 86001

PRINCIPAL INFORMATION
Director: Monica Pertea 123 N. San Francisco St., Suite 300 FLAGSTAFF, AZ 86001

Incorporator: Monica Pertea 123 N. San Francisco St., Suite 300 FLAGSTAFF, AZ 86001

President: Incorporator: Monica Pertea 123 N. San Francisco St., Suite 300 FLAGSTAFF, AZ 86001

SIGNATURE
Incorporator: Monica Pertea
09/28/2021

Published in the *Southern Utah News* on October 7, 14 and 21, 2021.

Notice of Public Hearing

Proposed Rate adjustment for Garkane members

Scheduled for Monday, Oct. 25th, 2021 at Garkane's Hatch office at 1:00 p.m.

A public hearing is scheduled on Monday, Oct. 25, 2021, in Garkane's Hatch office at 1:00 P.M. The Hatch office is located at 468 N. Hwy 89, in Hatch, UT. Comments or questions may be submitted via email at **neal.brown@garkane.com** or you can mail your comments or questions to: Garkane Energy, Attn: Public Hearing, 1802 s. Hwy 89a, Kanab, UT 84741. All written, or emailed comments submitted by Friday, October 22, 2021 will be distributed to the Board of Directors for review.

The purpose of the public hearing will be to discuss the proposed rate adjustments brought upon by wholesale power cost increases imposed on Garkane Energy Cooperative by Deseret Power.

A copy of the full proposed draft will be available at **www.garkaneenergy.com** under "**Your Co-op**" in the rates section of the website.

Written comments can be directed to:
Garkane Energy
attn: Neal Brown
1802 S. Hwy 89a,
Kanab, UT 84741

or comments can be emailed to: neal.brown@garkane.com

All written, Facebook comments, or e-mailed comments and questions submitted by Friday, October 22 will be distributed to the Board of Directors for review.

Garkane energy
A Touchstone Energy® Cooperative
The power of human connections®

www.garkaneenergy.com

Garkane Hatch Office Address: 468 N. Hwy 89, Hatch, UT 84735

A.4. Public Meeting Attendee List

Name	Email Address
Brad Price	
Norm Evenstad	
Derek Hamilton	
Mike Noel	
Leslie Warta	
Brandon Horrocks	
Brent Gardner	
Dirk Clayson	
Miranda Castillo	
Brian Parker	
Scott Hoag	
Corey Cram	
Lance Smith	
Ron Bolander	
Jason Bauer	
Anson Clarkson	
Kelly Wilson	
Chelcie	
Tyler	
Jane Whalen	
Lisa Church	
Resident	
Don Robinson	
Fred Reimherr	
Steve Meismer	
Eric Esplin	
I'm	
John Horel	
Karl Spencer	
American Whitewater	
John Smith	
Fire Tablet	
Sandy	
Paul Fuhrmann	
Bryan Dixon	
NRCS	
Cass Bromley	
Kurt Brinkerhoff	
Robyn Henderek	

Callie Lucas	
Danny Johnson	
Nick Halberg	
Jane Jennings	
Randy Beckstrand	
LaceyR	
Pixel 3 XL	
John Carpenter	
Ellie Chambers	
Richard Spotts	
Sorensens	
Ed Myers	
Clay	
Helene	
Kristi Westwood	

A.5. Public Meeting Materials

THANK YOU FOR JOINING!

THIS MEETING WILL BEGIN AT APPROXIMATELY 6:05 P.M. TO ALLOW FOR ALL ATTENDEES TO SIGN IN.

WE APPRECIATE YOUR PATIENCE!







WELCOME

COVE – EAST FORK VIRGIN RIVER WATERSHED PROJECT

PUBLIC SCOPING MEETING

October 20, 2021







MEETING PURPOSE

- Introduce the Project Sponsor and Team
- Provide an overview of the NRCS PL-566 Program
- Review the background and history of the Cove – East Fork Virgin River Watershed Project
    - Formerly the Cove Reservoir Project
- Present the purpose and preliminary alternatives being considered
- Inform the public how to provide scoping comments on the project
- Answer questions and collect comments from the public

LEAD AGENCY / SPONSORS

LEAD FEDERAL AGENCY

- U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE

SPONSORING LOCAL ORGANIZATIONS

- KANE COUNTY WATER CONSERVANCY DISTRICT (PRIMARY SPONSOR)
- WASHINGTON COUNTY WATER CONSERVANCY DISTRICT (CO-SPONSOR)

IN COOPERATION WITH

- ENVIRONMENTAL PROTECTION AGENCY
- BUREAU OF LAND MANAGEMENT
- NATIONAL PARK SERVICE

PROJECT TEAM

NRCS UTAH

Norm Evenstad, *Assistant State Conservationist*

Derek Hamilton, *Water Resources Coordinator*

Leslie Warta, *Environmental Compliance Specialist*

Lance Smith, *Project Engineer*

Marcel Corbeil, *Cultural Resources Specialist*

KCWCD - SPONSOR

Mike Noel, *Executive Director*

Dirk Clayson, *Private Consultant Lands and Real Estate*

WCWCD – CO-SPONSOR

Zach Renstrom, *General Manager*

Corey Cram, *Associate General Manager*

ENGINEERING AND DESIGN

Alpha Engineering - Brent Gardner, *Project Manager/Principal Engineer*

RB&G Engineering – Brad Price, *Geotechnical Analysis*

RB&G Engineering – Brandon Horrocks, *Geotechnical Analysis*

ENVIRONMENTAL

Transcon Environmental – Tim Green, *Environmental Program Manager*

Transcon Environmental – Brian Parker, *Environmental Project Manager*

Transcon Environmental – Ian Snyder, *Coordinator and NEPA Planner*

Transcon Environmental – Ron Bolander, *NEPA Specialist*

ECONOMIC ANALYSIS

Scott Hoag Jr., *Economic Analyst*

PROJECT AUTHORITY

- **Authority**: Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954, as amended
- **Policy**: National Watershed Program Manual and Handbook sets plan policy
- **Project Sponsors**: Local organizations that have legal authority and resources to install, operate, and maintain improvements.
- **Authorized Purposes**: Flood prevention; watershed protection (erosion/sediment control); public recreation; fish and wildlife habitat; agricultural water; M&I water; water quality; watershed structure rehab; hydropower sources
- **NEPA**: The Plan-EIS is being prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), PL 91-190, as amended.

PL-566 OVERVIEW

- The Watershed Protection and Flood Prevention Act (PL-566) authorizes the NRCS to help local organizations and governments plan and implement physically, environmentally, socially and economically sound watershed project plans for the benefit of the public.
- Provides technical and financial assistance to project sponsors for planning and installing watershed projects (e.g., dams, debris basins, pipelines, etc.)
- Locally led NRCS teams. Local leadership is key.
- Up to a 250,000-acre watershed per project

PL-566 ELIGIBLE PURPOSES

- Flood Prevention
- Watershed Protection
- Agricultural Water Management
- Municipal and Industrial Water Supply
- Fish and Wildlife Habitat and Public Recreation Development



PL-566 PROJECTS

STRUCTURAL MEASURES

- **Dams**
- **Channel restoration**
- **Diversions**
- **Floodwalls**
- **Dikes**

NON-STRUCTURAL MEASURES

- **Upland conservation and erosion protection**
- **Wetland restoration**



PROJECT NEPA BACKGROUND

- Initially known as the "*Cove Reservoir Watershed*" Project
- Development of alternatives, resource studies, and impacts analyses were conducted from spring 2018 to fall 2020.
- Documented in a Draft Watershed Plan Environmental Assessment (Plan-EA)
- Preferred Alternative identified in the Plan-EA was the Cove Reservoir
- Draft Plan-EA published for public review and comment in December 2020
- Following review and consideration of comments, the Draft Plan-EA was not approved, but informed the NRCS to move to an EIS to analyze any viable alternatives in further detail

PROJECT BACKGROUND

- Initial planning for the proposed project began over 25 years ago
- Numerous agencies and irrigation companies involved in the planning including the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, Utah Department of Natural Resources, KCWCD, WCWCD, Orderville Irrigation Co., etc.
- Guidelines and limitations for potential projects in the East Fork Virgin River Watershed, including several specific reservoir alternatives, were identified and agreed upon in the *Zion National Park Agreement* (1996)
- *East Fork Virgin River Instream Flow MOU* (2000) regulates water flows on the East Fork Virgin River within the watershed being analyzed for this project

PROJECT PURPOSE

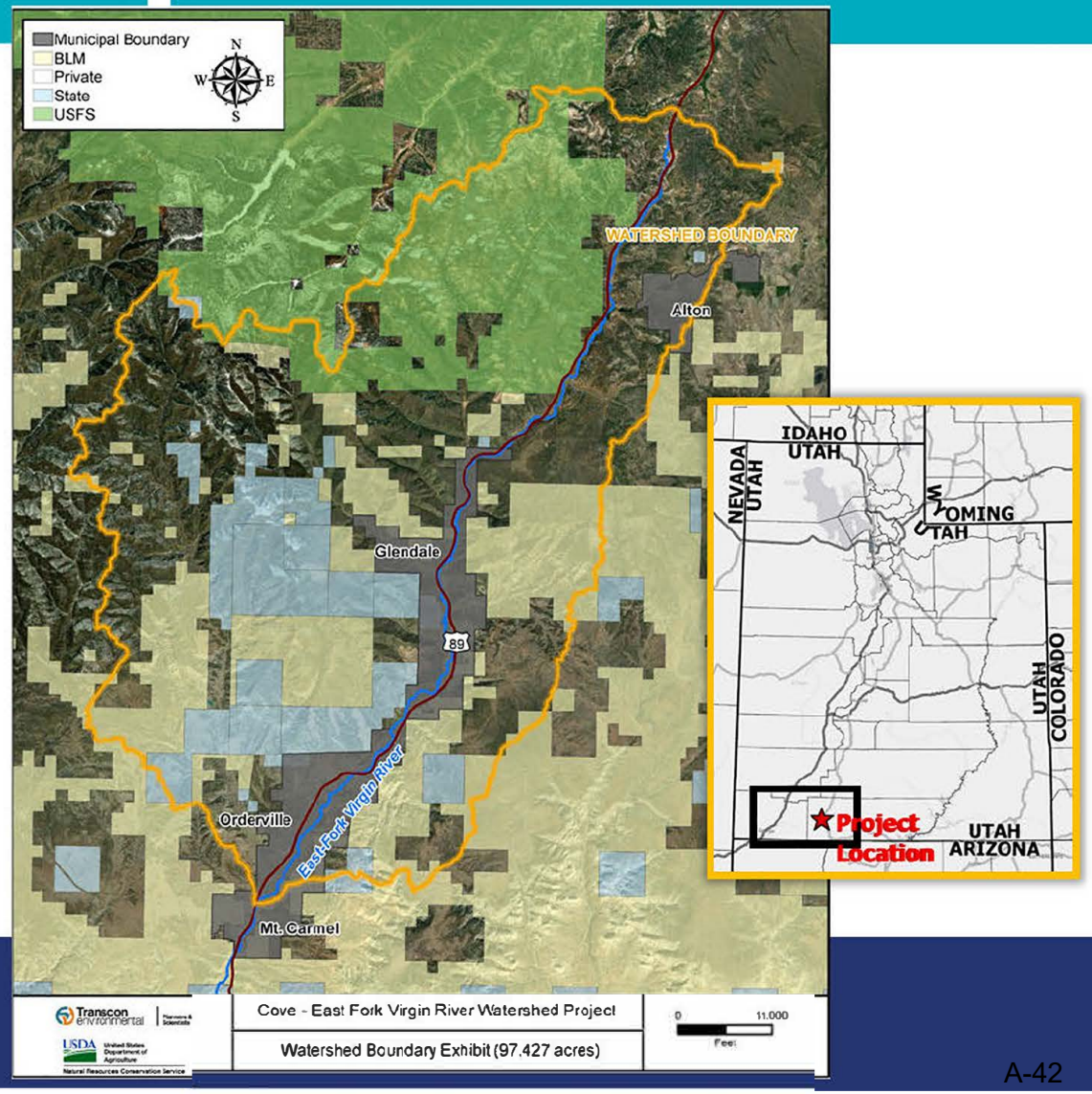
- Currently no critical water storage capacity or reliable irrigation water delivery to local agricultural users during the dry summer months
- Local water users in Kane County continue to experience water shortages
- Limited capability of existing irrigation system to utilize flows from the East Fork Virgin River
- Need for additional water reliability in Washington County
- Additional water-based recreation opportunities for locals and tourists

PROJECT PURPOSE

Project Response to the Needs:

- Identify a viable alternative which once implemented would:
  - Increase water availability and reliability for current and future users
  - Improve irrigation efficiency
  - Increase the availability of recreational opportunities (e.g., fishing, non-motorized boating, hiking, camping, etc.)
- Additional benefit: increase in hydroelectric energy supply to the community

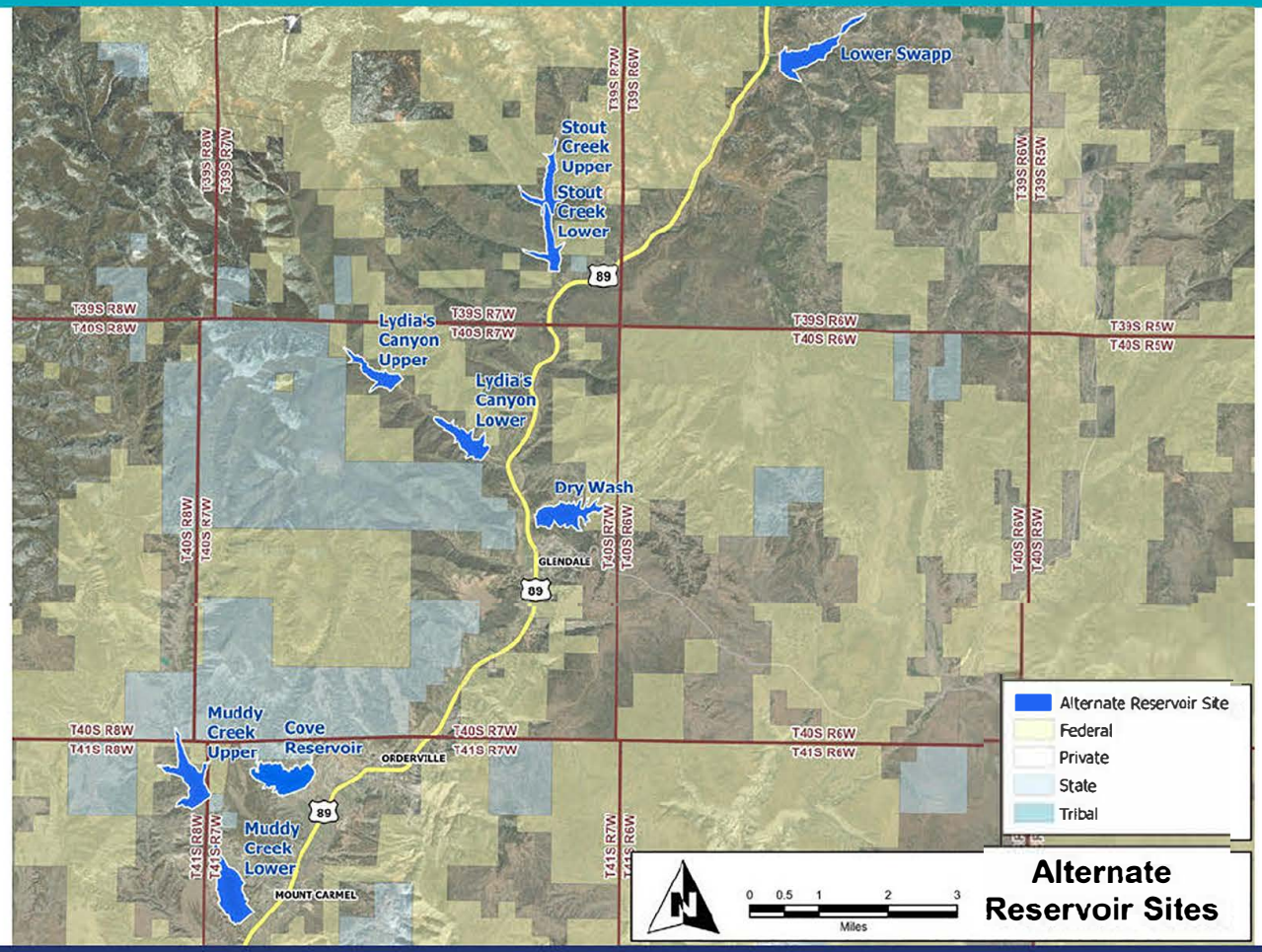
WATERSHED OVERVIEW



East Fork Virgin River Watershed

- Includes 3 HUC-6 Watersheds within the overall Upper Virgin Watershed
  - Lydia's Canyon-East Fork Virgin River (150100080203)
  - Muddy Creek (150100080202)
  - Headwaters East Fork Virgin River (150100080201)
- Overall watershed area - 97,427 acres
- Land Ownership
  - BLM
  - USFS
  - SITLA
  - Private

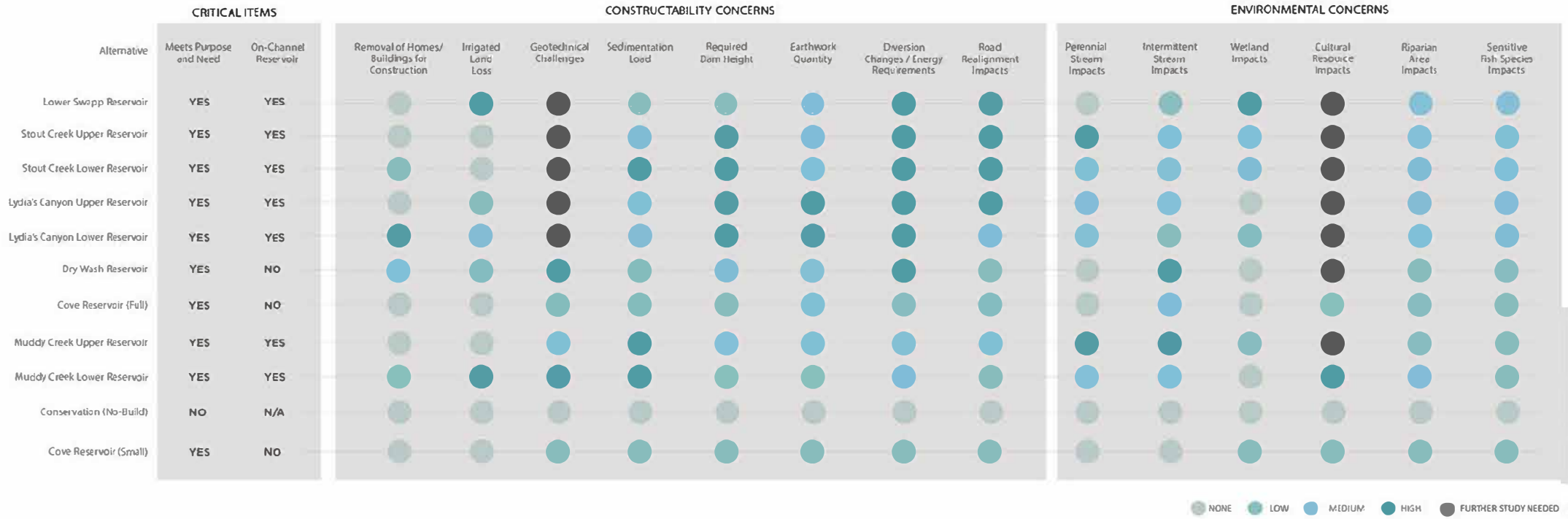
ALTERNATIVES BEING CONSIDERED



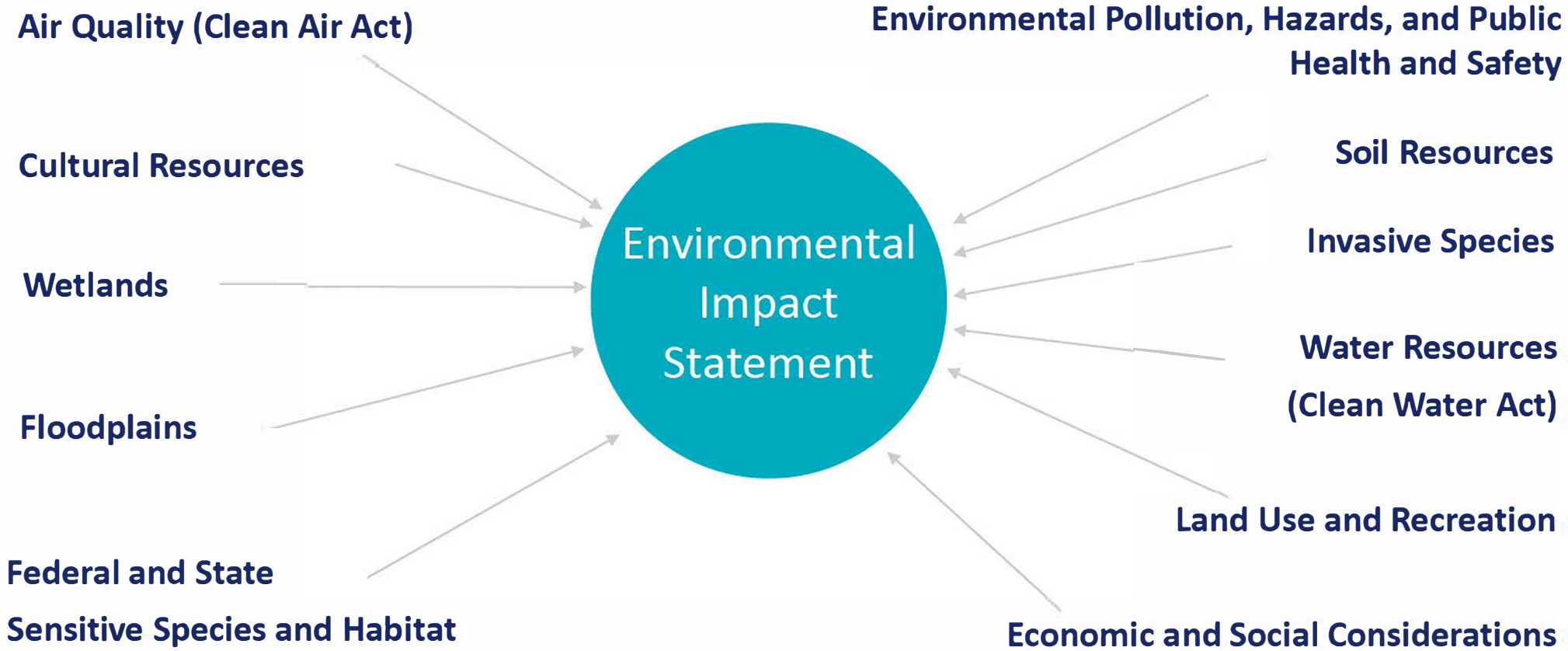
OTHER ITEMS BEING CONSIDERED

- Recreational facilities and access for the sites
- Water conservation
- Channel stabilization to reduce sediment loads.
- No Action Alternative

ALTERNATIVES MATRIX



RESOURCES TO BE CONSIDERED



NEPA PROCESS / TIMELINE

PROJECT TIMELINE

1. WE ARE HERE
   Resource Evaluation / Prepare Draft EIS
   FALL 2021– SUMMER 2022
2. Agency Review / Public Comment Period / Final EIS / Decision Document
   FALL 2022– SPRING 2023
3. Final Design*
   *(pending environmental approval and funding)
   2023 – 2024
4. Begin Project Construction*
   *(pending environmental approval and funding)
   2025

NEPA PROCESS

WE ARE HERE

Initiate Environmental Impact Statement
- Develop project purpose & need
- Conduct agency & public scoping
- Collect baseline data
- Develop project alternatives

Collect Data
- Analyze existing conditions
- Identify data gaps from existing Plan-EA
- Conduct additional needed resource surveys
- Agency consultation & coordination

Analyze Alternatives
- Analyze alternatives
- Evaluate potential impacts to environmental resources

Draft Environmental Impact Statement
- Release Draft EIS to public for review and comment
- Review all public and agency comments
- Prepare Final EIS

Decision Document
- NRCS will prepare a Record of Decision and post a Notice of Availability of the Final EIS in the Federal Register

HOW TO COMMENT

Official comments for the Cove – East Fork Virgin River Watershed Project can be submitted via comment card, letter, or email to the following:

Brian Parker
Transcon Environmental
1745 South Alma School Road, Suite 220
Phoenix, Arizona 85210
480-807-0095
bparker@transcon.com

Pre-addressed comment cards can be downloaded from the NRCS project planning website. Comment cards are also available for your convenience at the Kane County Water Conservancy District Office in Kanab, Utah.

Comments may also be provided during the virtual Q&A session following this presentation.

THANK YOU!



QUESTIONS

or

COMMENTS?



Appendix B. Project Mailing List

	A	B	C	D	E	F	G
1	**Type of Entity**	**Organization**	**POC Name**	**POC Title**	**Address**	**Email**	**What was sent**
2	Agency	Zion National Park	Robyn Henderek	Physical Scientist			Agency Scoping Notice
3	Agency	Zion National Park	Jeff Bradybaugh	Superintendent			Agency Scoping Notice
4	Agency	U.S. Army Corps of Engineers, St. George Field Office	Hollis Jencks	Project Manager			Agency Scoping Notice
5	Agency	U.S. Army Corps of Engineers, NV/UT Regulatory Branch	Jason Gipson	Chief			Agency Scoping Notice
6	Agency	U.S. Fish and Wildlife Service	Yvette Converse	Utah Field Office Supervisor			Agency Scoping Notice
7	Agency	Bureau of Land Management, Kanab Field Office	James Holland				Agency Scoping Notice
8	Agency	Bureau of Land Management, Kanab Field Office	Lisa Church				Agency Scoping Notice
9	Agency	US - EPA	Matt Hubner				Agency Scoping Notice
10	Agency	US Bureau of Reclamation		Regional Director		N/A	Agency Scoping Notice
11	Agency	US Congressional Representative	Chris Stewart			N/A	Agency Scoping Notice
12	Agency	US Senator	Mike Lee			N/A	Agency Scoping Notice
13	Agency	Utah State Clearinghouse	Taylor Kaufmann				Agency Scoping Notice
14	Agency	Utah School and Institutional Trust Lands Administration (SITLA)	Ron Torgerson				Agency Scoping Notice
15	Agency	Utah Division of Wildlife Resources	Main Office			N/A	Agency Scoping Notice
16	Agency	Utah Division of Wildlife Resources	Richard Hepworth	Aquatic Program Manager, Southern Regional Office			Agency Scoping Notice
17	Agency	Utah Department of Environmental Quality	N/A				Agency Scoping Notice
18	Agency	Utah Department of Environmental Quality	Erica Gaddis	Director			Agency Scoping Notice
19	Agency	Utah Department of Environmental Quality	Bill Damery				Agency Scoping Notice
20	Agency	Utah Department of Water Rights	TRUE				Agency Scoping Notice
21	Agency	Utah Department of Water Rights	Southwestern Regional Office				Agency Scoping Notice
22	Agency	Mt. Carmel Irrigation Company	Lucy Esplin				Agency Scoping Notice
23	Agency	Kane County Commission	Commissioners				Agency Scoping Notice
24	Agency	Utah Department of Cultural & Community Engagement	Chris Merritt				Agency Scoping Notice
25	Agency	Washington County Water Conservancy District	Corey Cram				Agency Scoping Notice
26	Agency	Washington County Water Conservancy District	Zach Renstrom				Agency Scoping Notice
27	Agency	Utah Department of Agriculture	Commissioner				Agency Scoping Notice
28	Agency	Utah Department of Public Safety	Judy Watanabe				Agency Scoping Notice
29	Agency	Utah Public Lands Policy Coordination Office	Sindy Smith				Agency Scoping Notice
30	Agency	Glendale Town	Mayor Kelly Lamb				Agency Scoping Notice
31	Agency	Town of Orderville	Mayor Robert Caruso				Agency Scoping Notice
32	Agency	Orderville Irrigation Company	N/A				Agency Scoping Notice
33	Agency	Glendale Irrigation Company	N/A				Agency Scoping Notice
34	Agency	Kane County Conservation District	Ben Clarkson	Chairman			Agency Scoping Notice
35	Agency	Utah State Senator	Derrin R. Owens				Agency Scoping Notice
36	Agency	Utah State Representative	Phil Lyman				Agency Scoping Notice
37	NGO	Utah Rivers Council	Nick Halburg				Public Scoping Notice
38	NGO	Utah Rivers Council	N/A				Public Scoping Notice
39	NGO	Trout Unlimited	Jordan Nielson				Public Scoping Notice
40	NGO	American Rivers	Michael Fiebig	Director, Southwest River Protection Program			Public Scoping Notice
41	NGO	Grand Canyon Trust	Mike Popejoy	Utah Public Lands Director			Public Scoping Notice
42	NGO	Conserve Southwest Utah	Thomas J. Butine	Board President			Public Scoping Notice
43	NGO	National Parks Conservation Association	Cory MacNulty	Associate Director, Southwest Region	N/A		Public Scoping Notice
44	NGO	American Whitewater	Kevin Colburn	National Stewardship Director			Public Scoping Notice
45	Public	G-1-5-ANNEX; G-2-77-ANNEX	Ms. Shirley M Brinkerhoff			N/A	Public Scoping Notice
46	Public	G-1-1-ANNEX	Mr. Kevin D. Maxwell			N/A	Public Scoping Notice
47	Public	G-1-1A-ANNEX	JD Maxwell & Chris Maxwell			N/A	Public Scoping Notice
48	Public	G-1-39-ANNEX	Mr. Daniel Sexton & Mr. David A. Wilson			N/A	Public Scoping Notice
49	Public	G-1-40-ANNEX	Mr. Eric L. Brinkerhoff & Mrs. Colen C. Brinkerhoff			N/A	Public Scoping Notice
50	Public	G-1-40A-ANNEX	Mr. Darwin Lamb & Mrs. Ellen Lamb			N/A	Public Scoping Notice
51	Public	G-2-78-ANNEX	Mr. Dan Epple			N/A	Public Scoping Notice
52	Public	G-2-80-ANNEX	Mr. Dellas H. Sornesen & Mrs. Colleen T. Sorensen			N/A	Public Scoping Notice notice
53	Public	G-2-81-ANNEX	Mr. Jason Spencer			N/A	Public Scoping Notice
54	Public	G-2-88-ANNEX; G-2-91A-ANNEX	Ms. Tresa Lown			N/A	Public Scoping Notice
55	Public	G-2-93-ANNEX	Mr. Kent Charles Anderson			N/A	Public Scoping Notice
56	Public	O-4-37-ANNEX; O-4-37C-ANNEX	Mr. Kevin Towt & Oklevueha Native American Church of Toquerville c/o Kevin Towt			N/A	Public Scoping Notice
57	Public	O-4-37A-ANNEX; O-4-37B ANNEX; O-4-11 ANNEX; O-4-15-ANNEX; O-4	Don Robinson & Zion Series, LLC			N/A	Public Scoping Notice
58	Public	O-4-7-ANNEX	Mr. Merlin Esplin & Mrs. Christine Esplin & Esplin Merlin & Christine C 1/3 INT			N/A	Public Scoping Notice
59	Public	O-4-8-ANNEX; O-4-9-ANNEX	Mr. Brian Lamb & Mrs. Carol Lamb			N/A	Public Scoping Notice
60	Public	O-4-4C-ANNEX; O-4-12-ANNEX; O-4-4B-ANNEX	Mr. Orval Heaton & Heaton Orval C 1/8 INT			N/A	Public Scoping Notice
61	Public	1-7-6-1	The Regney Family Limited Partnership			N/A	Public Scoping Notice
62	Public	1-7-6-27	Ms. Rosemary Cundiff & Cundiff Rosemary H-SUC-TR			N/A	Public Scoping Notice
63	Public	1-7-6-13; 1-7-6-14; 1-7-6-15; 1-7-6-3; 1-7-6-29 ; 1-7-6-16; O-4-4-ANNEX	Heaton Four, LLC			N/A	Public Scoping Notice
64	Public	O-4-2-1-ANNEX; O-4-5-ANNEX	Mr. Doran R. Lamb & Mrs. Lois T. Lamb & D & L Family Enterprises			N/A	Public Scoping Notice
65	Public	O-4-6-ANNEX	Mr. John Jeffery Esplin & Mrs. Tina B. Esplin			N/A	Public Scoping Notice
66	Public	O-4-152-ANNEX	Ms. Jolene Clark & D & L legacy Ranch, LLC c/o			N/A	Public Scoping Notice
67	Public	O-4-151-ANNEX	Mr. James Bernard Lamb			N/A	Public Scoping Notice
68	Public	O-4-148-ANNEX	Ms. Delynn T Lamb			N/A	Public Scoping Notice
69	Public	O-4-145-ANNEX	Mr. James Bernard Lamb			N/A	Public Scoping Notice
70	Public	O-4-144-ANNEX	Mr. Eric Esplin & Roland Esplin & Sons Inc c/o			N/A	Public Scoping Notice
71	Public	O-4-139-ANNEX	Mr. Dell Mond Tait & Mrs. Meriann Tait			N/A	Public Scoping Notice
72	Public	O-4-137-ANNEX	Mr. John D. Reese & Mrs. Lisa L Reese			N/A	Public Scoping Notice
73	Public	O-4-136-ANNEX	Mr. Gene Demille & Mrs. Toni B Demille			N/A	Public Scoping Notice
74	Public	O-4-135-ANNEX	Mr. John D Reese & Mrs. Lisa L Reese			N/A	Public Scoping Notice

	A	B	C	D	E	F	G
75	Public	O-4-133-ANNEX	Ms. Cary A Reese & Ms. Deanna D Reese			N/A	Public Scoping Notice
76	Public	O-4-117-ANNEX	Ms. Lucile G Larson & Mineral Springs Property, LLC c/o			N/A	Public Scoping Notice
77	Public	O-4-116-ANNEX	Mr. Eric C Esplin & Mrs. Lucy L Esplin -TR-			N/A	Public Scoping Notice
78	Public	O-4-115-ANNEX	Ms. Christine F Souza			N/A	Public Scoping Notice
79	Public	O-4-114-ANNEX	Esplin Livestock, LLC			N/A	Public Scoping Notice
80	Public	O-4-122-ANNEX	Ms. Delynn T Lamb			N/A	Public Scoping Notice
81	Public	O-4-111-ANNEX	Mr. John R. Hoffer & Mrs. Melba S Hoffer -TR-			N/A	Public Scoping Notice
82	Public	O-4-112-ANNEX	Mr. Stewart Stevens & Mrs. Leann Stevens			N/A	Public Scoping Notice
83	Public	O-4-109-ANNEX	Heritage Orachard, LLC			N/A	Public Scoping Notice
84	Public	O-4-110-ANNEX	Mr. Steven L Stevens & Mrs. Marsha C Stevens			N/A	Public Scoping Notice
85	Public	O-4-107-ANNEX	Mr. Darwin Lamb & Mrs. Ellen Lamb			N/A	Public Scoping Notice
86	Public	O-4-107A-ANNEX	Mr. Darwin Lamb & Mrs. Ellen Lamb			N/A	Public Scoping Notice
87	Public	O-4-103B-ANNEX	Mr. Travis D Franklin & Mrs. Camille Franklin			N/A	Public Scoping Notice
88	Public	O-4-103-ANNEX	Mr. Brian B. Harris & Mrs. Shawna L Harris			N/A	Public Scoping Notice
89	Public	O-4-103A-ANNEX	Mr. Davis W Jones II			N/A	Public Scoping Notice
90	Public	O-4-105-ANNEX	Mrs. Josie L Tait & Mr. Gary A Tait -TR-			N/A	Public Scoping Notice
91	Public	O-4-102-ANNEX	Mr. David M Rogers & Mrs. Carol Marie Rogers			N/A	Public Scoping Notice
92	Public	O-4-100-ANNEX	Ms. Nancy Rebecca Tait -TR-			N/A	Public Scoping Notice
93	Public	O-4-99-ANNEX	Mr. Sean Frost & Mr. Dusti Frost			N/A	Public Scoping Notice
94	Public	O-4-82A-ANNEX	Mr. Jay Tharon Salter -TR-			N/A	Public Scoping Notice
95	Public	O-4-82-ANNEX	Ms. Patricia Salter -TR-			N/A	Public Scoping Notice
96	Public	O-4-81-ANNEX	Ms. Tamra L Birth & Stevens Family Home, LLC c/o			N/A	Public Scoping Notice
97	Public	O-4-84-ANNEX	Mr. Brigham J. Johnson & E Slash Properties, LLC c/o			N/A	Public Scoping Notice
98	Public	O-4-79A-ANNEX	Mr. James W. Jennings & Mrs. Jane E Jennings -TR-			N/A	Public Scoping Notice
99	Public	O-4-79-ANNEX	Mr. James W. Jennings & Mrs. Jane E Jennings -TR-			N/A	Public Scoping Notice
100	Public	O-4-79B-ANNEX	Mr. James W. Jennings & Mrs. Jane E Jennings -TR-			N/A	Public Scoping Notice
101	Public	O-4-36A-ANNEX	Mr. Travis Franklin			N/A	Public Scoping Notice
102	Public	O-4-78-ANNEX	Mr. Arthur L Tait & Mrs. Roma C Tait -TR-			N/A	Public Scoping Notice
103	Public	O-4-36-ANNEX	Mr. Arthur L Tait & Mrs. Roma C Tait -TR-			N/A	Public Scoping Notice
104	Public	O-4-34-ANNEX	Zion Series, LLC			N/A	Public Scoping Notice
105	Public	O-4-32-ANNEX	Mr. Bowdy Gardner			N/A	Public Scoping Notice
106	Public	O-4-31-ANNEX	Mr. Joseph Sorensen & Mrs. Shalisse Sorensen			N/A	Public Scoping Notice
107	Public	O-4-29-ANNEX	Mr. Charles Dean Hepworth & Paria Valley Livestock Co, LLC c/o			N/A	Public Scoping Notice
108	Public	O-4-27-1-ANNEX	Mr. Rex Andrew Crofts			N/A	Public Scoping Notice
109	Public	O-4-27-ANNEX	Mr. Corbin Partridge & Mrs. Lori Partridge			N/A	Public Scoping Notice
110	Public	O-4-23-ANNEX	Ms. Rosalie L Esplin -TR-			N/A	Public Scoping Notice
111	Public	O-4-141-ANNEX	Mr. Eric C Esplin & Mrs. Lucy L Esplin -TR-			N/A	Public Scoping Notice
112	Public	O-4-140-ANNEX	Mr. Spencer Hugh & Mrs. Allie R Hugh -TR-			N/A	Public Scoping Notice
113	Public	O-4-131-ANNEX	Mr. Eric Esplin & Roland Esplin & Sons Inc c/o			N/A	Public Scoping Notice
114	Public	O-4-138-ANNEX	Mr. Kline R Esplin & Mrs. Cami L Esplin			N/A	Public Scoping Notice
115	Public	O-4-130A-ANNEX	Ms. Lorene Esplin -TR-			N/A	Public Scoping Notice
116	Public	O-4-128-ANNEX	Mr. Brian Lamb & Mrs. Carol Lamb			N/A	Public Scoping Notice
117	Public	O-4-127-ANNEX	Mr. Kendall A Tait & Mrs. Verlee H Tait			N/A	Public Scoping Notice
118	Public	O-4-121-ANNEX	Ms. Rosalie L Esplin -TR-			N/A	Public Scoping Notice
119	Public	O-4-120-ANNEX	Ms. Dale V Sorensen & Mrs. Margaret C Sorensen			N/A	Public Scoping Notice
120	Public	O-4-118-ANNEX	Ms. Delynn Crofts & Ms. Glenda Crofts			N/A	Public Scoping Notice
121	Public	O-4-98-ANNEX	Ms. Delynn Crofts & Ms. Glenda Crofts			N/A	Public Scoping Notice
122	Public	O-4-89-ANNEX	Ms. Erin K Bettridge			N/A	Public Scoping Notice
123	Public	O-4-85-ANNEX	Ms. Jessica J Tait			N/A	Public Scoping Notice
124	Public	O-4-95A-ANNEX	Ms. Kathleen Elaine Dering			N/A	Public Scoping Notice
125	Public	O-4-87-ANNEX	Mr. Randall F Tait -SUC TR-			N/A	Public Scoping Notice
126	Public	O-4-86-ANNEX	Ms. Lorene Z Esplin -TR-			N/A	Public Scoping Notice
127	Public		George and Frances Alderson				Public Scoping Notice
128	Public		Noel Poe				Public Scoping Notice
129	Public		Jo Anne Rando-Moon				Public Scoping Notice
130	Public		Kevin Golic				Public Scoping Notice
131	Public		Laura and Walter Fertig				Public Scoping Notice
132	Public		John Hiscock				Public Scoping Notice
133	Public		Sandra Katz				Public Scoping Notice
134	Public		Robert and Frankie Jackson				Public Scoping Notice
135	Public		Matt Vukin				Public Scoping Notice
136	Public		Helene Jorgenson, SUNews				Public Scoping Notice
137	Public		Aurelia Lunceford				Public Scoping Notice
138	Public		Randy Aton				Public Scoping Notice
139	Public		Joy Stein				Public Scoping Notice
140	Public		Pamela Gilbert				Public Scoping Notice
141	Public		Chris Gorzalski				Public Scoping Notice
142	Public		Bryan Dixon				Public Scoping Notice
143	Public		Chris and Marte Sampson				Public Scoping Notice
144	Public		Tom Dillon				Public Scoping Notice
145	Public		Richard Spotts				Public Scoping Notice
146	Public		Christine Souzy				Public Scoping Notice
147	Public		Marcia Alley Scoville				Public Scoping Notice

	A	B	C	D	E	F	G
148	Public		Jane Whalen	Conserve Southwest Utah; Board of Directors			Public Scoping Notice
149	Public		Jerry Hermansen and Bridget Mackey				Public Scoping Notice
150	Public		Steve Finucane				Public Scoping Notice
151	Public		June Lepley				Public Scoping Notice
152	Public		Julie and Jim Hancock				Public Scoping Notice
153	Public		Allen Gilburg				Public Scoping Notice
154	Public		Nancy Goodell				Public Scoping Notice
155	Public		Susan Hand				Public Scoping Notice
156	Public		Mike McTeer				Public Scoping Notice
157	Public		Andrew Kramer				Public Scoping Notice
158	Public		Angie Frabasilio				Public Scoping Notice
159	Public		Walter Wegst				Public Scoping Notice
160	Public		Pamela Palmer				Public Scoping Notice
161	Public		Marha Ham				Public Scoping Notice
162	Public		M. Honer-Orton				Public Scoping Notice
163	Public		Barry Sochat				Public Scoping Notice
164	Public		Ingrid Akerblom		Cedar City , UT		Public Scoping Notice
165	Public		April Johnson		Kanab, UT 84741		Public Scoping Notice
166	Public		Dean Baker		Kanab, UT		Public Scoping Notice
167	Public		Kathryn Merrick		Kanab, UT		Public Scoping Notice
168	Public		Tracy Hiscock		Kanab, UT		Public Scoping Notice
169	Public		Laura Wilson		N/A		
170							Public Scoping Notice
171	Public		Gary Bezzant	UDWR Habitat Program Manager	N/A		Public Scoping Notice
172	Public		Meghan Burke		N/A		Public Scoping Notice
173	Public		Barbara Wise		N/A		Public Scoping Notice
174	Public		Robert L. Johnson		N/A		Public Scoping Notice
175	Public		Terry L. Thatcher		N/A		Public Scoping Notice
176	Public		Deborah Berret and Dr. Brian Berret		N/A		Public Scoping Notice
177	Public		Larry Clark		N/A		Public Scoping Notice
178	Public		Dr. C Clark		N/A		Public Scoping Notice
179	Public		Elisa Rios		N/A		Public Scoping Notice
180	Public		Margaret Bourke		N/A		Public Scoping Notice
181	Public		Carolyn Shelton		N/A		Public Scoping Notice
182	Public		Bridgette Meinhold		N/A		Public Scoping Notice
183	Public		Matt Meinhold		N/A		Public Scoping Notice
184	Public		Ed Bolander		N/A		Public Scoping Notice
185	Public		Latimer Smith		N/A		Public Scoping Notice
186	Public		Peter Mills		N/A		Public Scoping Notice
187	Public		Merlin Esplin		N/A		Public Scoping Notice
188	Public		M'Leah Woodard		Ogden, UT		Public Scoping Notice
189	Public		Robert Lacey		Orderville, UT		Public Scoping Notice
190	Public		Craig Wallentine		Park City , UT 84060		Public Scoping Notice
191	Public		Jean M. Lown		St. George, UT		Public Scoping Notice
192	Public		Jim Varney		N/A		Public Scoping Notice
193	Public		Tom Butine		N/A		Public Scoping Notice
194	Public		Ed Jacobsen		N/A		Public Scoping Notice
195	Public		Paul Zuckerman		N/A		
196							Public Scoping Notice
197	Public		Kestrel Kunz		N/A		Public Scoping Notice
198	Public		David Kizer		N/A		Public Scoping Notice
199	Public		Jeff Grey		N/A		Public Scoping Notice
200	Public		Jane Jennings		N/A		Public Scoping Notice
201	Public		Andrea Randall		N/A		Public Scoping Notice
202	Public		Susan Bingham		N/A		Public Scoping Notice
203	Public		Travis Crofts		N/A		Public Scoping Notice
204	Public		Mike Walters		N/A		Public Scoping Notice
205	Public		Kelly Wilson		N/A		Public Scoping Notice
206	Public		Joan Meiners		N/A		Public Scoping Notice
207	Public		Amanda Brinkerhoff		N/A		Public Scoping Notice
208	Public		Shauna Ertolacci		N/A		Public Scoping Notice
209	Public		Tina Esplin		N/A		Public Scoping Notice
210	Public		Christopher Keleher		N/A		Public Scoping Notice
211	Public		Francine Medrano		N/A		Public Scoping Notice
212	Public		Doran Lamb		N/A		Public Scoping Notice
213	Public		Sawyer		N/A		Public Scoping Notice
214	Public		Moto		N/A		Public Scoping Notice
215	Public		John Horel		N/A		Public Scoping Notice
216	Public		Susan Zarekarizi		N/A		Public Scoping Notice
217	Public		David Darger		N/A		Public Scoping Notice
218	Public		Karl Spencer		N/A		Public Scoping Notice
219	Public		Mesia Lamb		N/A		Public Scoping Notice
220	Public		Brian Lamb		N/A		Public Scoping Notice
221	Public		Isaac Cheek		N/A		Public Scoping Notice
222	Public		Lisa Rutherford		N/A		Public Scoping Notice
223	Public		Paul Thompson		N/A		Public Scoping Notice
224	Public		Mathew Stephens		N/A		Public Scoping Notice
225	Public		Stephen Neeleman		N/A		Public Scoping Notice
226	Public		Richard Van Dam		N/A		Public Scoping Notice
227	Public		Michael Grange		N/A		Public Scoping Notice
228	Public		Scott McDonell		N/A		Public Scoping Notice
229	Public		Joseph Sorensen		N/A		Public Scoping Notice
230	Public		Carroll Heaton		N/A		Public Scoping Notice

	A	B	C	D	E	F	G
231	Public		Lexi Peery		N/A		Public Scoping Notice
232	Public		Morgan		N/A		Public Scoping Notice
233	Public		Paul Deen		N/A		Public Scoping Notice
234	Public		Russell Duff		N/A		Public Scoping Notice
235	Public		Chloe Lewis		N/A		Public Scoping Notice
236	Public		Tom Diegel		N/A		Public Scoping Notice
237	Public		Laura Klina		N/A		Public Scoping Notice
238	Public		Tim Esplin		N/A		Public Scoping Notice
239	Public		Rebecca Otton		N/A		Public Scoping Notice
240	Public		Joe		N/A		Public Scoping Notice
241	Public		Doran Lamb		N/A		Public Scoping Notice
242	Public		Bartholomew Battista		N/A		
243							Public Scoping Notice
244	Public		Marsha Tupper		N/A		Public Scoping Notice
245	Public		Cary		N/A		Public Scoping Notice
246	Public		Karen Heet		N/A		Public Scoping Notice
247	Public		John Reese		N/A		Public Scoping Notice
248	Public		Craig Tupper		N/A		Public Scoping Notice
249	Public		Rosemary Cundiff		N/A		Public Scoping Notice
250	Public		[NO NAME REGISTERED]		N/A		Public Scoping Notice
251	Public		Julia Dalesandro		N/A		Public Scoping Notice
252	Public		James Heaton		N/A		Public Scoping Notice
253	Public		Ed Myers		N/A		Public Scoping Notice
254	Public		Julia Badian		N/A		Public Scoping Notice
255	Public		Carrie		N/A		Public Scoping Notice
256	Public		Sean Hemmersmeier		St. George, UT		Public Scoping Notice
257	Tribal	Ute Indian Tribe of the Uintah and Ouray Reservation, Utah	Mr. Luke Duncan	Chairman		N/A	Consultation letter, Public Scoping Notice
258	Tribal	Ute Indian Tribe of the Uintah and Ouray Reservation, Utah, Cultural	Ms. Betsy Chapoose	Director		N/A	Consultation letter, Public Scoping Notice
259	Tribal	Paiute Indian Tribe of Utah	Ms. Tamra Borchardt-Slayton	Chairperson		N/A	Consultation letter, Public Scoping Notice
260	Tribal	Paiute Indian Tribe of Utah	Ms. Dorena Martineau	Cultural Resource Director		N/A	Consultation letter, Public Scoping Notice
261	Tribal	Kaibab Band of Paiute Indians of the Kaibab Indian Reservation , Tribal Affairs Building	Ms. Ona Segundo	Chairwoman		N/A	Consultation letter, Public Scoping Notice
262	Tribal	Kaibab Band of Paiute Indians of the Kaibab Indian Reservation , Cultural Preservation Office	Mr. Daniel Bullets			N/A	Consultation letter, Public Scoping Notice
263	Tribal	Moapa Band of Paiute Indians of the Moapa River Indian Reservation	Laura Parry	Chairwoman		N/A	Consultation letter, Public Scoping Notice
264	Tribal	Moapa Band of Paiute Indians of the Moapa River Indian Reservation	Shanandoah Anderson	Cultural Manager		N/A	Consultation letter, Public Scoping Notice
265	Tribal	Las Vegas Tribe of Paiute Indians of the Las Vegas Colony	Mr. Benny Tso			N/A	Consultation letter, Public Scoping Notice
266	Tribal	Las Vegas Tribe of Paiute Indians of the Las Vegas Colony	Ms. Ramona Salazar			N/A	Consultation letter, Public Scoping Notice
267	Tribal	Navajo Nation, Navajo Nation Office of the President	Mr. Jonathan Nez	President		N/A	Consultation letter, Public Scoping Notice
268	Tribal	Navajo Nation, Navajo Nation Historic Preservation Department	Mr. Richard M. Begay	THPO and Department Manager		N/A	Consultation letter, Public Scoping Notice
269	Tribal	Ute Mountain Ute Tribe	Mr. Manuel Heart	Chairman		N/A	Consultation letter, Public Scoping Notice
270	Tribal	Ute Mountain Ute Tribe	Mr. Terry Knight	Tribal Historic Preservation Officer		N/A	Consultation letter, Public Scoping Notice
271	Tribal	Ute Mountain Ute Tribe	Ms. Nichol Shurack	Tribal Archaeologist		N/A	Consultation letter, Public Scoping Notice
272	Tribal	White Mesa Ute Council	Mr. Malcolm Lehi	Councilman		N/A	Consultation letter, Public Scoping Notice
273	Tribal	San Juan Southern Paiute Tribe of Arizona	Ms. Carlene Yellowhair	President			Consultation letter, Public Scoping Notice
274	Tribal	Pueblo of Zuni	Mr. Val Panteah, Sr.	Governor		N/A	Consultation letter, Public Scoping Notice
275	Tribal	Pueblo of Zuni	Mr. Kurt Dongoske	Director and Tribal Historic Preservation Officer		N/A	Consultation letter, Public Scoping Notice
276	Tribal	Hopi Tribe, Hopi Tribe Chairman's Office	Mr. Timothy L. Nuvangyaoma	Chairman		N/A	Consultation letter, Public Scoping Notice
277	Tribal	Hopi Tribe, Hopi Culture Preservation Office	Mr. Leigh Kuwanwisiwma			N/A	Consultation letter, Public Scoping Notice
278	Tribal	Hopi Tribe, Hopi Culture Preservation Office	Mr. Stewart B. Koyiyumptewa	Tribal Historic Preservation Officer		N/A	Consultation letter, Public Scoping Notice
279	Tribal	Hualapai Tribe	Dr. Damon R. Clarke	Chairman		N/A	Consultation letter, Public Scoping Notice
280	Tribal	Hualapai Tribe	Mr. Peter Bungart	Tribal Historic Preservation Officer		N/A	Consultation letter, Public Scoping Notice

Appendix C. Agency and Tribal Scoping

C.1. Agency Scoping Letter

C.2. Cooperating Agency Invitation Letter

C.3. Tribal Scoping Letter

C.4. Agency Scoping Meeting Materials

C.1. Agency Scoping Letter

USDA United States Department of Agriculture

Cove-East Fork Virgin River Watershed Project – Kane County, Utah

Agency Scoping Notice



Project Information

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), with assistance of the Kane County Water Conservancy District as the project sponsor and Washington County Water Conservancy District as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include a new water storage facility (Cove Reservoir), or an alternate reservoir site, as well as other improvements associated with the Mt. Carmel, Glendale, and Orderville irrigation systems.

NRCS is holding a virtual agency meeting, via Zoom to provide information about the proposed project and to collect comments. Supplemental technical studies are scheduled to take place during fall 2021, with a Draft Watershed Plan – Environmental Impact Statement (Plan-EIS) circulated to the public and agencies for review in mid-2022. The Plan-EIS will further evaluate the proposed project along with any viable project alternatives in accordance with the rules and guidelines of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ).

The Plan-EIS is being funded under the NRCS Watershed Flood Prevention and Protection Program (PL83-566), which provides both technical and financial assistance to help communities protect, improve, and develop water and land resource in watersheds up to 250,000 acres.

Project Background

Initially known as the "Cove Reservoir Watershed" project, alternatives and associated impacts were analyzed in a Watershed Plan-Environmental Assessment (Plan-EA); however, after careful project review and consideration of comments received on the Draft Plan-EA presented in winter 2020/2021, the NRCS has initiated the preparation of a Plan-EIS.

Improvements under consideration include water conservation, water storage, agricultural and municipal demands, public safety risks, and increased opportunities for public recreation in the East Fork Virgin River watershed.

Project Website

Additional information can be found at the NRCS project website:

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp/?cid=nrcseprd1403022

Agency Meeting

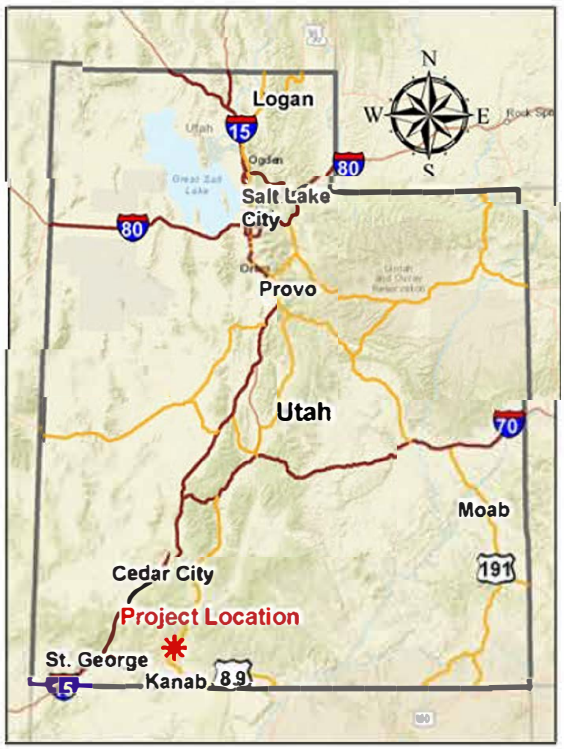
Agencies are invited to attend a project scoping presentation, discuss project details, and submit comments during the online meeting:

Virtual Meeting
Monday, October 18, 2021
2:30 P.M. – 3:30 P.M. (MST)

How to Join the Virtual Agency Meeting

Log-in via Zoom: zoom.us/join
Enter Meeting ID: 886 6521 8321
Passcode: 992578
Note: This meeting will be recorded. A copy can be made available upon request.

Project Location Map



At this time, the NRCS is requesting comments on the project to identify opportunities, issues, and resource concerns.

How to Provide Official Comment

All comments should be directed to Brian Parker:

Transcon Environmental
Attn: Brian Parker
1745 South Alma School Rd., Suite 220
Phoenix, AZ 85210
480-807-0095
bparker@transcon.com

Comments must be received or post-marked no later than 30 days after the NOI is published in the Federal Register.

How to Be Added to Mailing List

Provide your email address when logging into the Zoom meeting or send a letter or email request to Brian Parker using the contact information provided above.

Utah State Office

Natural Resources Conservation Service

nrcs.usda.gov/

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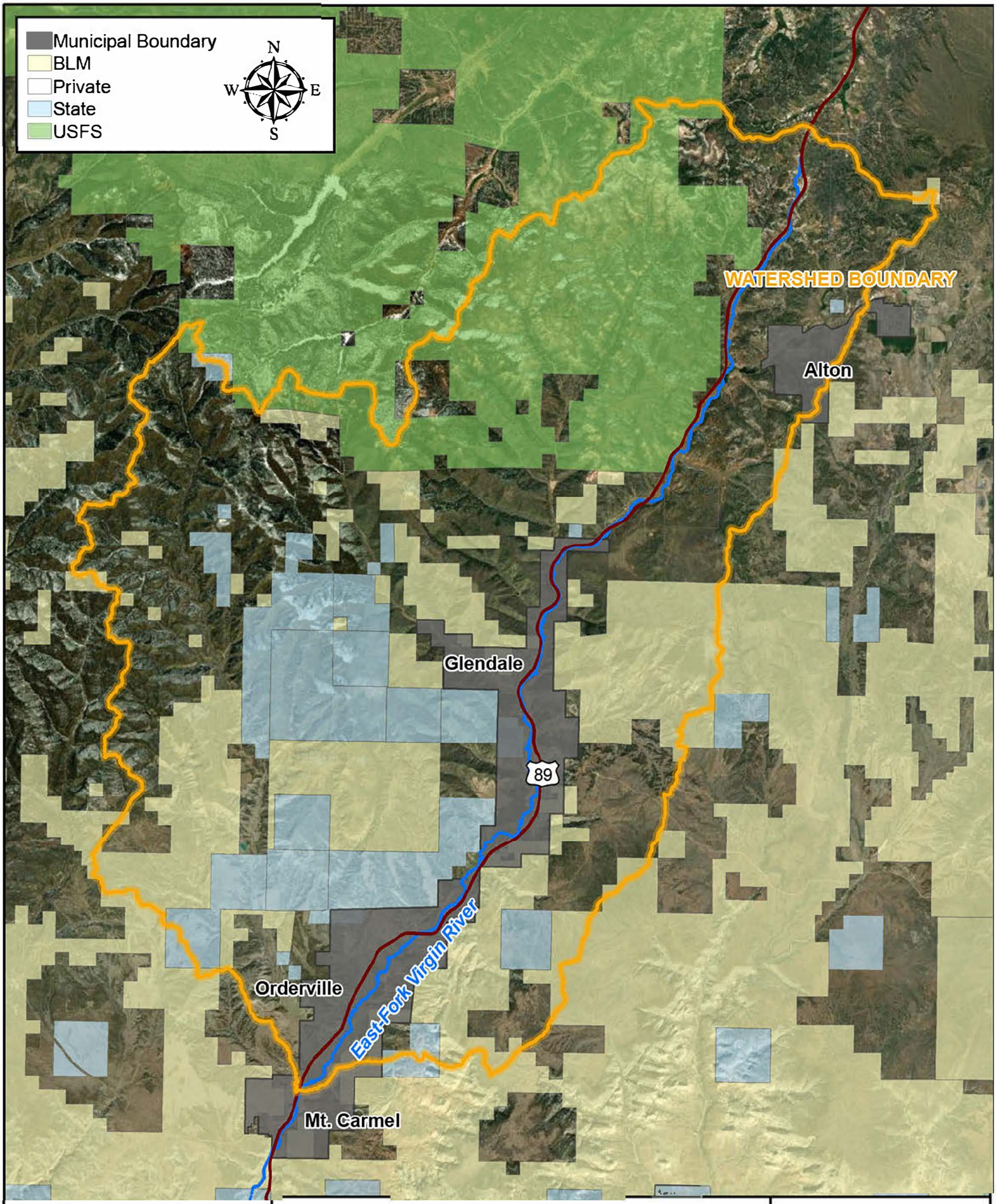

Transcon environmental | Planners & Scientists

USDA United States Department of Agriculture
Natural Resources Conservation Service

Cove - East Fork Virgin River Watershed Project

Watershed Boundary Exhibit (97,427 acres)

0 11,000
Feet

C.2. Cooperating Agency Invitation Letter

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

www.ut.nrcs.usda.gov

October 15, 2021

Mr. Whit Bunting
Field Manager, Kanab Field Office
Bureau of Land Management

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Bunting:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Land Management become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building,

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

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United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

www.ut.nrcs.usda.gov

October 15, 2021

Environmental Protection Agency
ATTN: NEPA Program Director

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear NEPA Program Director:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Environmental Protection Agency become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building,

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

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USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

October 15, 2021

Mr. Jeff Bradybaugh
Superintendent, Zion National Park
National Park Service

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Bradybaugh:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the National Park Service become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

Please send notification confirming your decision to: Emily Fife, State Conservationist, NRCS, Wallace F Bennett Federal Building, 125

Thank you for your timely response and assistance with these efforts. If you have any questions, please contact Derek Hamilton, Water Resources Coordinator, at

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

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United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

www.ut.nrcs.usda.gov

October 15, 2021

Mr. Dave Ure
Director
Utah School and Institutional Trust Lands Administration

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Ure:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Utah School and Institutional Trust Lands Administration become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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October 15, 2021

Mr. Jason Gipson
Chief, Nevada-Utah Regulatory Branch
U.S. Army Corps of Engineers

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Army Corps of Engineers become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

www.ut.nrcs.usda.gov

October 15, 2021

Ms. Veronica Magnuson
District Ranger, Cedar City Ranger District
U.S. Forest Service

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Ms. Magnuson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Forest Service become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

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United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

October 15, 2021

Ms. Yvette Converse
Supervisor, Utah Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, UT 84119

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Ms. Converse:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Fish and Wildlife Service become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

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C.3. Tribal Scoping Letter

November 20, 2020

Mr. Greg Anderson
Chairman
Moapa Band of Paiute Indians of the Moapa Indian Reservation, Nevada

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Anderson:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

As designed, the project will involve the construction of a new, approximately 6,055-acre-foot reservoir east of Orderville, Utah. Project components associated with the reservoir include an earthen dam, principal and auxiliary spillways, reservoir outlet works and emergency drain, an access road around the reservoir, camping and recreation area, and a boat ramp to allow for non-motorized boating. The project would also involve the replacement of approximately 1.7-miles of pipeline in Glendale, Utah and the relocation and upgrade of the existing Glendale Hydroelectric Plant.

An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp

NRCS invites you to submit comments anytime during the open comment period starting November 25, 2020 and ending on December 31, 2020. Please refer to the enclosed flyer for instructions on submitting comments. **Comments must be received by December 31, 2020 to become part of the public record.**

We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at at your earliest convenience.

Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Richard M. Begay
THPO and Department Manager

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Begay:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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NRCS State Conservationist

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Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

USDA

November 20, 2020

Ms. Elaine Cantsee
Councilwoman
White Mesa, Ute Council

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Cantsee:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Betsy Chapoose
Director
Cultural Rights Protection Department
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Chapoose:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

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Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Dr. Damon R. Clarke
Chairman
Hualapai Tribe
941 Hualapai Way
Peach Springs, Arizona 86434

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Dr. Clarke:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

USDA

November 20, 2020

Mr. Harold Cuthair
Chairman
Ute Mountain Ute Tribe

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Cuthair:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Darren Deboda
Moapa Band of Paiute Indians of the Moapa Indian Reservation, Nevada

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Deboda:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Dr. Dongoske:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Luke Duncan
Chairman
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Duncan:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Dawn Hubbs
Tribal Historic Preservation Officer
Hualapai Tribe

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Hubbs:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

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Natural Resources Conservation Service 125 South State Street, Room 4010, Salt Lake City, UT 84138
www.ut.nrcs.usda.gov 801-524-4550 Fax 844-715-4928
USDA is an equal opportunity provider, employer, and lender.

Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Knight:

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Stewart B. Koyiyumptewa
Tribal Historic Preservation Officer
Hopi Tribe of Arizona
Hopi Cultural Preservation Office

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Koyiyumptewa:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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November 20, 2020

Mr. Leigh Kuwanwisiwma
Director
Hopi Culture Preservation Office
The Hopi Tribe

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Kuwanwisiwma:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Dorena Martineau
Paiute Indian Tribe of Utah

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Martineau:

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Jonathan Nez
Navajo Nation Office of the President

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Nez:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Nuvangyaoma:

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November 20, 2020

Mr. Val Panteah Sr.
Governor
Pueblo of Zuni

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Panteah:

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November 20, 2020

Ms. Ona Segundo
Chairwoman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Segundo:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Nichol Shurack
Tribal Archaeologist

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Shurack:

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November 20, 2020

Mr. Benny Tso
Chairman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Tso:

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November 20, 2020

Mr. Clint Wagon
Chairman
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Wagon:

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November 20, 2020

Ms. Carlene Yellowhair
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Yellowhair:

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C.4. Agency Scoping Meeting Materials

THANK YOU FOR JOINING!

THIS MEETING WILL BEGIN AT APPROXIMATELY 6:05 P.M. TO ALLOW FOR ALL ATTENDEES TO SIGN IN.

WE APPRECIATE YOUR PATIENCE!







WELCOME

COVE – EAST FORK VIRGIN RIVER WATERSHED PROJECT

PUBLIC SCOPING MEETING

October 20, 2021







MEETING PURPOSE

- Introduce the Project Sponsor and Team
- Provide an overview of the NRCS PL-566 Program
- Review the background and history of the Cove – East Fork Virgin River Watershed Project
    - Formerly the Cove Reservoir Project
- Present the purpose and preliminary alternatives being considered
- Inform the public how to provide scoping comments on the project
- Answer questions and collect comments from the public

LEAD AGENCY / SPONSORS

LEAD FEDERAL AGENCY

- U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE

SPONSORING LOCAL ORGANIZATIONS

- KANE COUNTY WATER CONSERVANCY DISTRICT (PRIMARY SPONSOR)
- WASHINGTON COUNTY WATER CONSERVANCY DISTRICT (CO-SPONSOR)

IN COOPERATION WITH

- ENVIRONMENTAL PROTECTION AGENCY
- BUREAU OF LAND MANAGEMENT
- NATIONAL PARK SERVICE

PROJECT TEAM

NRCS UTAH

Norm Evenstad, *Assistant State Conservationist*

Derek Hamilton, *Water Resources Coordinator*

Leslie Warta, *Environmental Compliance Specialist*

Lance Smith, *Project Engineer*

Marcel Corbeil, *Cultural Resources Specialist*

KCWCD - SPONSOR

Mike Noel, *Executive Director*

Dirk Clayson, *Private Consultant Lands and Real Estate*

WCWCD – CO-SPONSOR

Zach Renstrom, *General Manager*

Corey Cram, *Associate General Manager*

ENGINEERING AND DESIGN

Alpha Engineering - Brent Gardner, *Project Manager/Principal Engineer*

RB&G Engineering – Brad Price, *Geotechnical Analysis*

RB&G Engineering – Brandon Horrocks, *Geotechnical Analysis*

ENVIRONMENTAL

Transcon Environmental – Tim Green, *Environmental Program Manager*

Transcon Environmental – Brian Parker, *Environmental Project Manager*

Transcon Environmental – Ian Snyder, *Coordinator and NEPA Planner*

Transcon Environmental – Ron Bolander, *NEPA Specialist*

ECONOMIC ANALYSIS

Scott Hoag Jr., *Economic Analyst*

PROJECT AUTHORITY

- **Authority**: Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954, as amended
- **Policy**: National Watershed Program Manual and Handbook sets plan policy
- **Project Sponsors**: Local organizations that have legal authority and resources to install, operate, and maintain improvements.
- **Authorized Purposes**: Flood prevention; watershed protection (erosion/sediment control); public recreation; fish and wildlife habitat; agricultural water; M&I water; water quality; watershed structure rehab; hydropower sources
- **NEPA**: The Plan-EIS is being prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), PL 91-190, as amended.

PL-566 OVERVIEW

- The Watershed Protection and Flood Prevention Act (PL-566) authorizes the NRCS to help local organizations and governments plan and implement physically, environmentally, socially and economically sound watershed project plans for the benefit of the public.
- Provides technical and financial assistance to project sponsors for planning and installing watershed projects (e.g., dams, debris basins, pipelines, etc.)
- Locally led NRCS teams. Local leadership is key.
- Up to a 250,000-acre watershed per project

PL-566 ELIGIBLE PURPOSES

- Flood Prevention
- Watershed Protection
- Agricultural Water Management
- Municipal and Industrial Water Supply
- Fish and Wildlife Habitat and Public Recreation Development



PL-566 PROJECTS

STRUCTURAL MEASURES

- **Dams**
- **Channel restoration**
- **Diversions**
- **Floodwalls**
- **Dikes**

NON-STRUCTURAL MEASURES

- **Upland conservation and erosion protection**
- **Wetland restoration**



PROJECT NEPA BACKGROUND

- Initially known as the "*Cove Reservoir Watershed*" Project
- Development of alternatives, resource studies, and impacts analyses were conducted from spring 2018 to fall 2020.
- Documented in a Draft Watershed Plan Environmental Assessment (Plan-EA)
- Preferred Alternative identified in the Plan-EA was the Cove Reservoir
- Draft Plan-EA published for public review and comment in December 2020
- Following review and consideration of comments, the Draft Plan-EA was not approved, but informed the NRCS to move to an EIS to analyze any viable alternatives in further detail

PROJECT BACKGROUND

- Initial planning for the proposed project began over 25 years ago
- Numerous agencies and irrigation companies involved in the planning including the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, Utah Department of Natural Resources, KCWCD, WCWCD, Orderville Irrigation Co., etc.
- Guidelines and limitations for potential projects in the East Fork Virgin River Watershed, including several specific reservoir alternatives, were identified and agreed upon in the *Zion National Park Agreement* (1996)
- *East Fork Virgin River Instream Flow MOU* (2000) regulates water flows on the East Fork Virgin River within the watershed being analyzed for this project

PROJECT PURPOSE

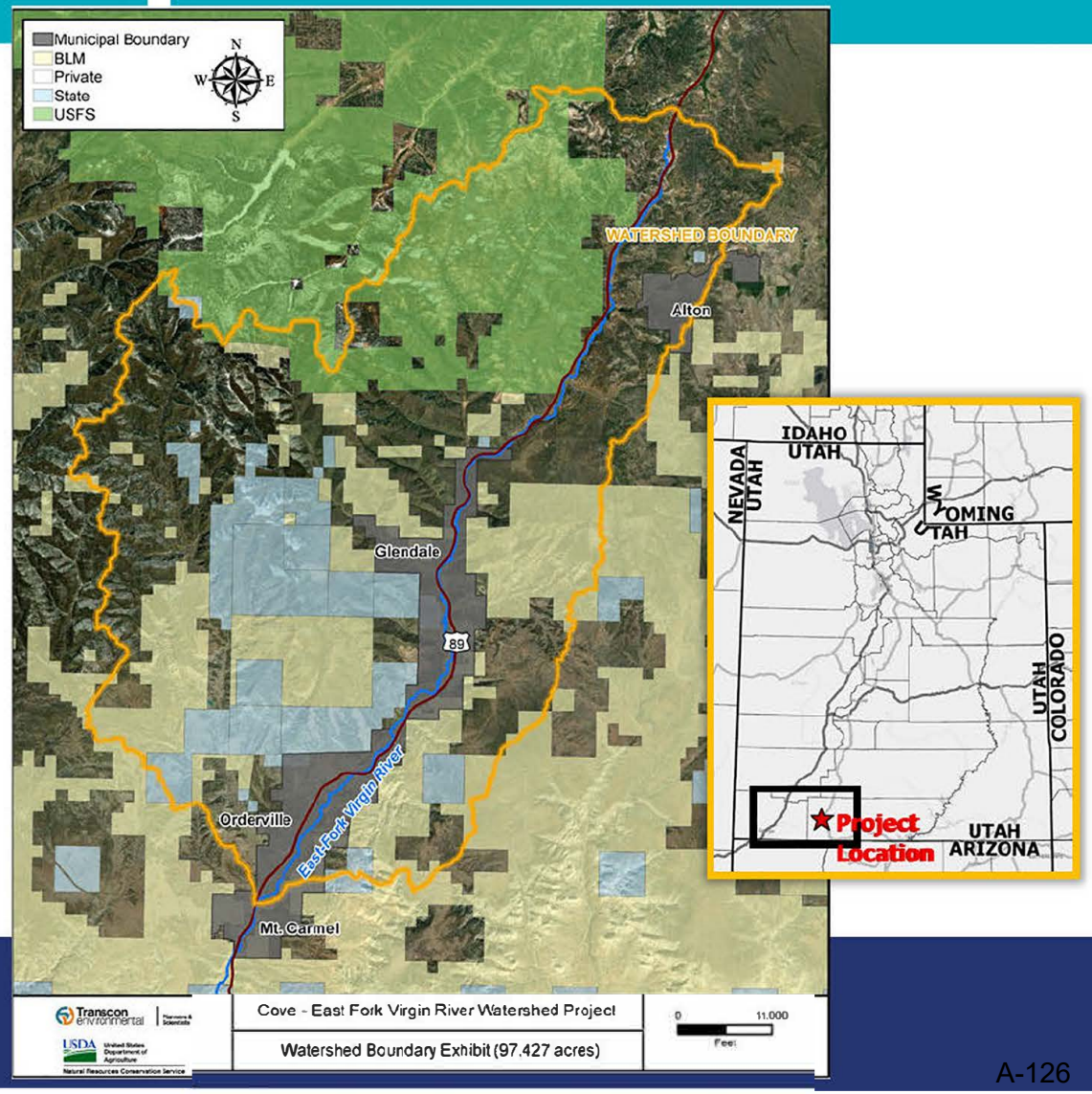
- Currently no critical water storage capacity or reliable irrigation water delivery to local agricultural users during the dry summer months
- Local water users in Kane County continue to experience water shortages
- Limited capability of existing irrigation system to utilize flows from the East Fork Virgin River
- Need for additional water reliability in Washington County
- Additional water-based recreation opportunities for locals and tourists

PROJECT PURPOSE

Project Response to the Needs:

- Identify a viable alternative which once implemented would:
  - Increase water availability and reliability for current and future users
  - Improve irrigation efficiency
  - Increase the availability of recreational opportunities (e.g., fishing, non-motorized boating, hiking, camping, etc.)
- Additional benefit: increase in hydroelectric energy supply to the community

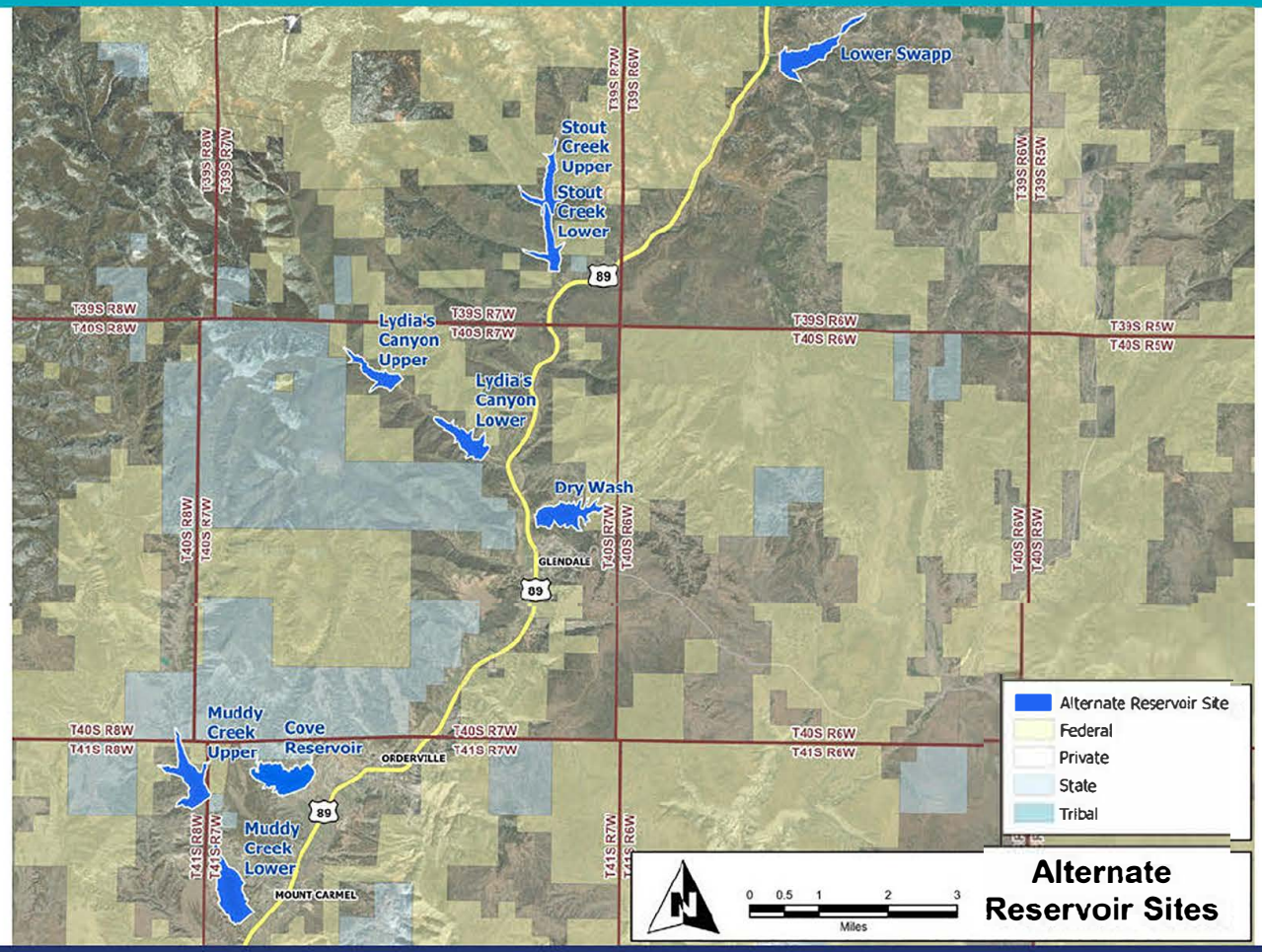
WATERSHED OVERVIEW



East Fork Virgin River Watershed

- Includes 3 HUC-6 Watersheds within the overall Upper Virgin Watershed
  - Lydia's Canyon-East Fork Virgin River (150100080203)
  - Muddy Creek (150100080202)
  - Headwaters East Fork Virgin River (150100080201)
- Overall watershed area - 97,427 acres
- Land Ownership
  - BLM
  - USFS
  - SITLA
  - Private

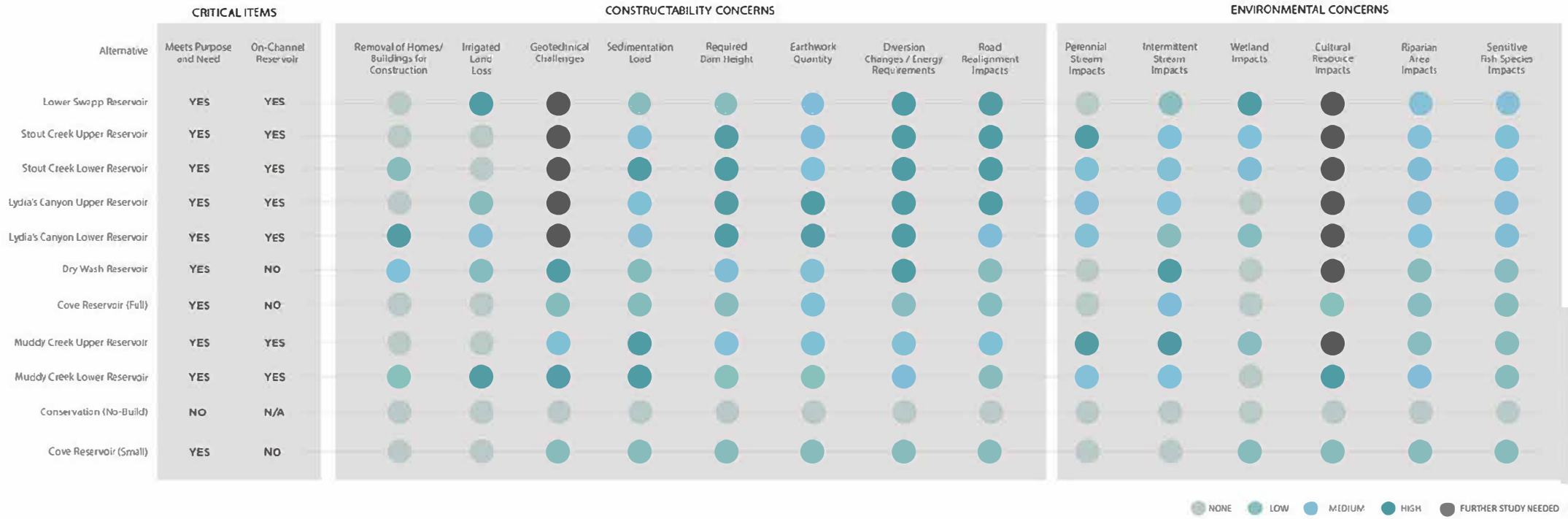
ALTERNATIVES BEING CONSIDERED



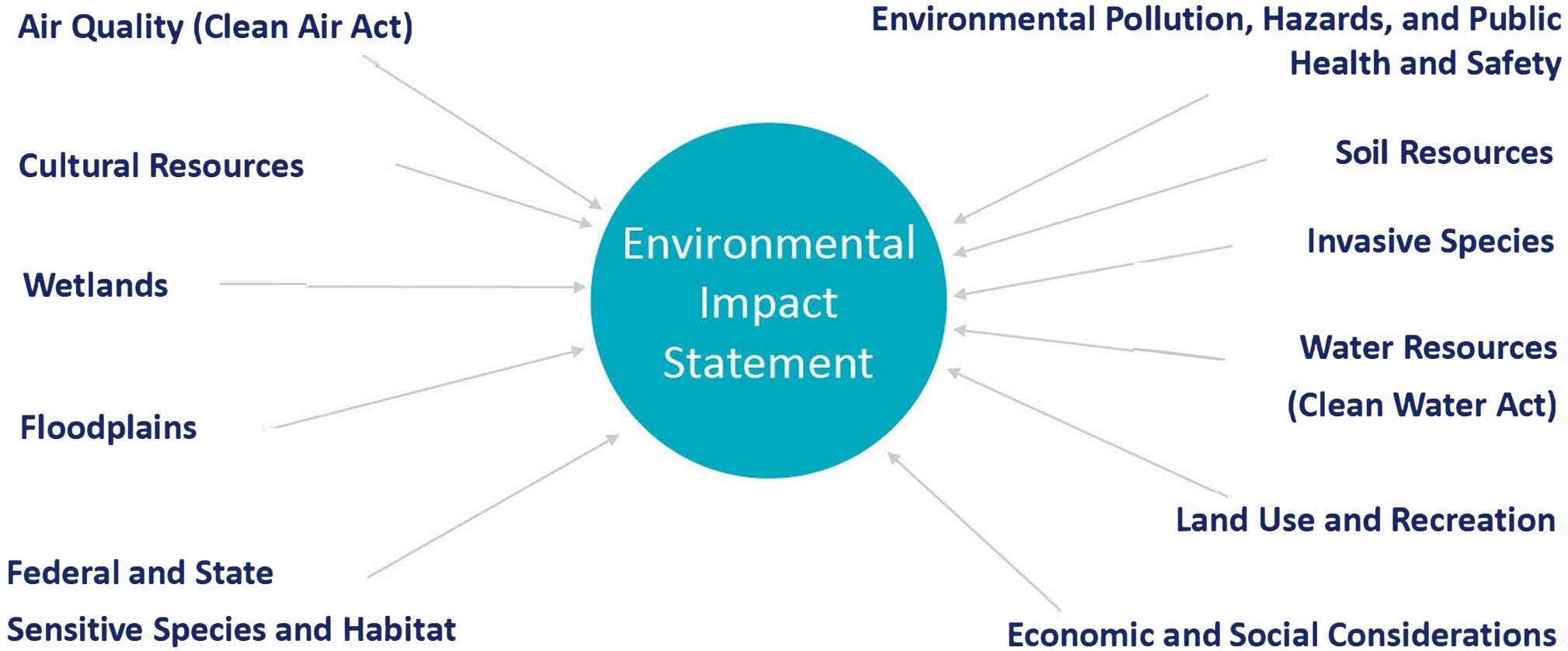
OTHER ITEMS BEING CONSIDERED

- Recreational facilities and access for the sites
- Water conservation
- Channel stabilization to reduce sediment loads.
- No Action Alternative

ALTERNATIVES MATRIX



RESOURCES TO BE CONSIDERED



NEPA PROCESS / TIMELINE

PROJECT TIMELINE

1. WE ARE HERE
   Resource Evaluation / Prepare Draft EIS
   FALL 2021– SUMMER 2022
2. Agency Review / Public Comment Period / Final EIS / Decision Document
   FALL 2022– SPRING 2023
3. Final Design*
   *(pending environmental approval and funding)
   2023 – 2024
4. Begin Project Construction*
   *(pending environmental approval and funding)
   2025

NEPA PROCESS

WE ARE HERE

Initiate Environmental Impact Statement
- Develop project purpose & need
- Conduct agency & public scoping
- Collect baseline data
- Develop project alternatives

Collect Data
- Analyze existing conditions
- Identify data gaps from existing Plan-EA
- Conduct additional needed resource surveys
- Agency consultation & coordination

Analyze Alternatives
- Analyze alternatives
- Evaluate potential impacts to environmental resources

Draft Environmental Impact Statement
- Release Draft EIS to public for review and comment
- Review all public and agency comments
- Prepare Final EIS

Decision Document
- NRCS will prepare a Record of Decision and post a Notice of Availability of the Final EIS in the Federal Register

HOW TO COMMENT

Official comments for the Cove – East Fork Virgin River Watershed Project can be submitted via comment card, letter, or email to the following:

Brian Parker
Transcon Environmental

Pre-addressed comment cards can be downloaded from the NRCS project planning website. Comment cards are also available for your convenience at the Kane County Water Conservancy District Office in Kanab, Utah.

Comments may also be provided during the virtual Q&A session following this presentation.

THANK YOU!



QUESTIONS

or

COMMENTS?



Appendix D. Comment Summary Table

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
1	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	When do you expect or estimate that the required Notice of Intent (NOI) may be published in the Federal Register which normally officially starts the scoping comment period and process under NEPA?
2	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	Why did you open an early scoping period on the NRCS project web page on October 7 rather than wait for the NOI to be published?
3	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	Did you release a news release or media notice on October 7 and/or will you do so when the NOI is published?
4	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	Will the previous extensive comments that I and others submitted on the Cove Reservoir EA be carried forward as part of this EIS level analysis and administrative record, or will those comments be excluded going forward such that this is a *de novo* NEPA process and that previous comments would need to be re-submitted now to be considered in preparing the DEIS and to be included in the EIS level administrative record?
5	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	Can I and other members of the public participate in the "agency" virtual meeting on October 18th or only at the October 20th virtual meeting?
6	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	As with the previous EA, will the National Park Service and/or Bureau of Land Managementbe official "cooperating agencies" on this EIS level analysis process, and should the Bureau of Reclamation be included given their "special expertise" relating to water development projects?
7	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	Since this proposed project and previous EA were developed during the Trump administration, were these NRCS decisions investigated under President Biden's Executive Order 13990, and, if so, what were the findings?
8	1	10/10/2021	Email	Public		Richard Spotts	1	Water Resources	Was your "agency scoping notice" or another notification of this new scoping process sent to the official state representatives under the Colorado River Compact (especially those for Arizona, Nevada, and California as they may be directly affected by future diversions or reductions in Virgin River flows)?
9	1	10/10/2021	Email	Public		Richard Spotts	1	NEPA Process	What is the specific source and amount of public funding that NRCS is using for this new EIS level analysis and public involvement process, and is any of this funding contingent upon future Congressional appropriations or USDA/NRCS administrative allocations?
10	2	10/11/2021	Email	Public	Southern Utah News	Helene Jorgensen	2	General	Hi Brian; I am a reporter with the Southern Utah News and talked to your last year about the CoveReservoir project. Would you have time to talk to me this morning (if you don't haveColumbus Day off? I have some questions about what the EIS will entail and what the proposed purposes of the project are?
11	3	10/11/2021	Email	Public		Jane Whalen	3	General	Please put me on the mailing list. Is the project the same as the EA? Will all comments from the EA be answered?
12	4	10/12/2021	Email	Agency	Resource Development Coordinating Committee	Sindy Smith	4	NEPA Process	Has the NOI been published in the Federal Register yet? If not, when do you anticipate that will happen?
13	5	10/12/2021	Email	Public		Bryan Dixon	5	NEPA Process	I would also like to observe the agency meeting to see what kinds of questions NRCS poses and what positions might be expressed, even in preliminary form. It should be a public open meeting. Please send me the necessary login information.
14	6	10/12/2021	Email	Agency		Robert Lacey	6	NEPA Process	Which local agencies will be invited to the meeting on the 18th? I represent the Town of Orderville as a council member.
15	7	10/13/2021	Email	Public		Jane Whalen	3	NEPA Process	Will the new description of the Project be available for upcoming meetings? Thus far, there is little information on the new project plan so that will make it hard to write and constructive scoping comments. Thanks so much for taking the time to respond.
16	8	10/18/2021	Email	Public		Barry Sochat	7	Water Resources	Dear Mr Parker, I am a long time resident of Rockville and shareholder and officeholder of the Hall & Grafton Ditch Company. Please include these comments into your formal record. I have serious concerns about any upstream water project that could reduce the stream flow of the North Fork Virgin River through Rockville. Given the threats from Cyanobacteria outbreaks in the Virgin River due to the ongoing drought's low flow and increased water temperature, I think a further reduction in stream flow could prove detrimental to our town.
17	9	10/20/2021	Mail	Public		John Carpenter	8	Health and Safety	I have studied disasters around around our country as preparation for a previous occuparion. Johnstown comes to mind. Our most destructive dam failure in the past. The circumstances here are quite different until you get down to our home. Even a sturdy concrete dam would not seem safe in our land configuration. Many American dam failures have resulted in hundreds of fatalities. Nothing in our area at this time calls for such water storage. We presently pump from a deep spring. Is there a possibility that projects above us could do the same? The lake formed in this project is too small to be effectively or widely used for recreation. Turning "East Zion" into mecca of homes, electric busses, and great wealth for the developers is a hopeless idea. Entrance to Zion Park from here is via a twisting narrow road and a small mile long tunnel presently crowded and slow all summer. For very practical reasons, such a dam here is irresponsable, is a harbinger of a failed resort idea, and benefits only the developer.
18	10	10/20/2021	Mail	Public		Kelly Wilson	9	Health and Safety	We who live below the proposed dam have serious concerns about the long term safety of the dam when we hear that it is going to be a "high risk earthern dam". I have read extensively on earthern dams and in certain applications they are perfectly fine. We have a problem when it is proposed to hold 6,000 acre feet of water and be 90 feet high and I have property, as do many others, right in the path of a potential failure. 1.) Can you detail the precautions and safety measures that are in place? 2.) Who is going to compensate for property loss when there is a disaster and the dam fails?

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
19	11	10/20/2021	Email	Public		Laura Wilson	10	Health and Safety	Downsteamers bear a life threatening risk and the notion that more water is needed for our fields is not an honest assessment according to the Utah River Council and my own observation after living below the fields for 40 years.. Let Washington County build their own risky dam. According to the internet Earthen dams break all over the US. Sooner or later this dam will break. I have seen it in a dream and two others I know of have had the same experience. This Dam Will break! Unusually heavy rains, rodents, tree root seepage, earthquakes and even terrorism are all dangers that can't be controlled. The Utah Geological Survey says Utah has a 50% chance of damaging earthquakes. We've known that. I am assuming the Virgin River will be at a high level from time to time all year round, taking up the gap from the dam. This will put our children at risk who play in the river. It will cause cottonwood trees to become waterlogged and fall over causing dangerous log jams. The Cottonwood Lane bridge will choke with logs causing further flooding and damage up stream.. In the early stages of this Cove Reservoir plan, residents were not notified. Only 17 letters were sent out in 2018 and those letters only went to field owners who naturally want more water. Yes, a nice lake and recreational area and housing development will be an asset but our Water Conservancy District and the Town of Orderville should be protecting its citizens from a dam that could take lives, erode fields, rip out water and electrical and sewer lines, highway and cause citizen deaths. This is my "COMMENT FORM" filled out and send email to bparker prior to the Public Scoping which has not done a good job of letting the public know of this meeting and presented in the papers too close to the actual meeting to get comments in time. I request time to present my feelings at the Public Meeting.on Oct 20, 2021.
20	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Purpose and Need	Include an accurate accounting of the actual Long Valley farm beneficiaries is needed to define achievable Cove project goals and meet NRCS requirements. The original Cove Environmental Assessment (EA) claimed to be for the benefit of the upstream Long Valley farmers. However, the EA failed to explain exactly how many upstream farmers would benefit and by how much. The EA was also based on inaccurate demand information since half of the proposed agricultural service acreage had already been developed for municipal and industrial uses. The failure to accurately define the purposes of the Cove Reservoir project has not been remedied as shown during the public comment scoping session on October 20th, 2021. During that public meeting, the two Cove Project sponsors; the Kane County Water Conservation District (KCWCD) and the Washington County Water Conservation District (WCWCD) directly contradicted each other about who is actually going to benefit from this taxpayer subsidized project. At the October session, Mr. Mike Noel of the KCWCD stated that 90% percent of the water in the Cove reservoir would be for Long Valley farmers.Mr. Noel was then contradicted by the WCWCD representative who stated that 50% of the water in the Cove reservoir would be for Washington County farmers. This fundamental confusion would not be tolerated in a corporate capital project discussion.
21	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Economics	The DEIS must accurately detail the number of the upstream farmers and the amount of acreage in the Long Valley that will benefit with special attention paid to identified senior water rights and to which water rights are currently being contested so that NRCS Federal taxpayer dollars are not wasted.
22	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Alternatives	The DEIS should include the alternative of splitting the proposed project into two separate projects with the Washington County Water Conservancy District managing their own downstream water storage project with or without NRCS funding. The Gardner Policy Institute and other local development agencies have produced well documented projections for the increased municipal and commercial water demand (at higher prices than typical agricultural water prices) in Washington County, Utah for at least the next 50 years. Rather than misrepresenting that the proposed Cove project is for long term agricultural use in Washington County, the WCWCD should submit an alternative project that splits out its municipal and commercial water storage project from the upstream EFVR project. Based on the actual facts of long term Washington County water use, the WCWCD storage project may or may qualify for some form of NRCS support. The two water districts could establish a Memorandum of Understanding between the two entities to allow water conservation programs and to reduce capital costs while saving federal taxpayers a significant amount of money. At a minimum, having a separate WCWCD project alternative will lead to a more open, honest discussion of the benefit of NRCS projects in Southern Utah.

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
23	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Economics	As discussed extensively in the comments to the original Cove Environmental Assessment, WCWCD owns the majority of the water rights involved and desires to best serve its changing customer base in the future. The DEIS should honestly and openly address this long-term shift in Washington County water demand to more municipal and commercial water use away from agricultural use. The WCWCD has the right to act in its economic best interest to facilitate the transition of agricultural water rights to municipal and commercial use in their service area, thus allowing all parties to maximize their economic value – whether as farmers selling their water rights or developers buying them. However, it should not be using federal taxpayer subsidies for private gain. The 2020 WCWCD Annual report shows that the District is very well funded with a net reserve of over a quarter of a billion dollars. In the past year alone, the WCWCD increased net reserves by multiples of the Federal taxpayer subsidy they are seeking in the Cove project (increase of $50MM in 2020 over 2019). So clearly there is no reason for WCWCD to seek an unjustified federal taxpayer subsidy.
24	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Alternatives	The DEIS should address the specifics alternative of a separate WCWCD municipal and commercial water storage project. The DEIS should include an analysis of the financial benefits of a separate and alternative WCWCD managed reservoir project. The alternative project would be sized to fit within the scope of the existing WCWCD diversion and storage facilities along the Virgin River which would save money upfront. The DEIS should include a written statement from the Board of the WCWCD as to their alternative plans if the current Cove Reservoir proposal fails to meet NRCS guidelines. Their next-best plan should be the basis of the alternative project design so it will directly address the needs of Washington County in a cost effective manner without taxpayer subsidies. It is highly likely that a privately financed WCWCD water storage project would succeed because of the many associated benefits that will accrue to Washington County private interests (e.g. increase land value, increased commercial and residential development, increased water right value, etc). The DEIS alternative would encourage the well-capitalized WCWCD to use its own private resources to develop its commercial goals in Washington County in the 21st century without federal taxpayer subsidies. As a privately funded project, the ongoing conversion of agricultural water rights to municipal and commercial use by WCWCD stakeholders will not violate any NRCS Federal taxpayer funding rules.
25	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Economics	The DEIS Should Include a detailed explanation of downstream reservoir operating costs and water exchange agreements. In order to qualify for NRCS funding, the Long Valley agricultural water use needs to be detailed and documented. The original Cove Environmental Assessment (EA) failed to explain how Long Valley farmers upstream would benefit from the Cove reservoir downstream of their properties. If Long Valley farmer water is to be stored downstream then either the water will need to be pumped back upstream (but pumping costs were not disclosed in the EA) and the costs included in project economics or a number of complex water exchange agreements to reallocate stream flows water must be created and registered in the public domain. The DEIS should include copies of all Water Exchange Agreements associated with the proposed Cove reservoir project and their associated economics to be sure that Federal taxpayers are not being taken advantage of by non-agricultural water users.
26	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Water Resources	The DEIS should include a clear and accurate calculation on probable evaporation rates and net losses for the proposed Cove reservoir during an era of aridification. The original Cove project financials depended upon an opaque and non-publicly accessible study by the Utah Division of Water Resources referenced in appendices as the "project analyses". The EA documents stated that the evaporation rates would be at least 2.22 feet per year (per acre). During the 12/9/2020 public hearing, the WCWCD project manager stated that the expected evaporation rate at the Orderville elevation would be 30 inches or 2.5 feet per year per acre. Unfortunately, the Cove EA documentation went on to claim, in contradiction to its own numbers, that Cove Reservoir evaporation losses would be less than half of the actual expected losses, conveniently inflating the value of the project. This type of internal inconsistency would not be tolerated in a corporate capital project review. The DEIS must include current and accurate evaporation and net loss calculations for the Cove project. The calculations should specifically address the increase in local temperature since the historical evaporation rates were originally determined. The DEIS should also account for the projected increase in evaporation rates caused by further temperature rise and decreased local humidity over the 100 year life of the project. Building a project in an arid environment using out of date evaporation factors would be bad engineering practice.

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
27	12	10/31/2021	Email	Public	N/A	Craig Wallentine	11	Invasive Species	The DEIS should address the actual cost of quagga mussel contamination of the proposed Cove reservoir project in detail. The original Cove EA contained minimal facts about the operation of the Cove reservoir project and managing quagga mussels. The project sponsor KCWCD has been actively promoting boating on the proposed reservoir while not addressing the cost of quagga mussel control. When asked about this issue at the project public hearing on 10/20/2021 Mr. Noel of KCWCD stated that “bald eagles spread quagga mussels”. Per the National Oceanic and Atmospheric Administration, bald eagles are actually likely to be poisoned by avian botulism propagated by the quagga mussels. The DEIS should include the scientific data supporting Mr. Noel’s claim about the danger from bald eagles to Cove Reservoir users and his plan for managing bald eagle risks at the Cove Reservoir. The DEIS project economics should also include a realistic estimate of the costs of doing effective boat inspections at the private county reservoir that KCWCD will be operating in a region of contaminated local reservoirs.
28	12	10/31/2021	Email	Public		Craig Wallentine	11	Health and Safety	DEIS should include a detailed Occupational Health & Safety Plan for each project alternative. The best way to ensure worker health and safety is through good project design. A strategic project worker safety risk assessment should be included in the DEIS. A separate upstream low risk, high return NRCS project would carry greatly reduced worker exposures to protect the EFVR watershed, help Long Valley farmers and accelerate the growth of the East side Zion National Park outdoor recreation economy. A downstream WCWCD reservoir project alternative with massive earth moving and construction components should be assessed carefully on its own because of the major worker safety issues involved. Regardless of the final project alternative selected, the DEIS should also include a list of potential construction contractors and their demonstrated OSHA safety track record. Using only the safest contractors is an excellent start to protecting workers. Requiring this reporting will encourage contractors to make safe operations a condition of employment with poor performing contractors being weeded out before they facilitate increased worker deaths, injuries and illnesses.
29	13	10/31/2021	Email	Public		Craig Wallentine	11	Water Resources	The DEIS Should Include a full Watershed Management Plan for the East Fork of the Virgin River. The Cove EIS Scoping plan should include a comprehensive water management plan for the East Fork Virgin River (EFVR) watershed beginning at the headwaters of the EFVR watershed as shown on the Cove project map. The watershed management plan should include a clear analysis of how aridification will impact the EFVR watershed over the 100-year project life. The water management plan should include best available and best practicable conservation management processes, tailored for each elevation level across the 100,000 acre EFVR watershed. The primary NRCS project goal is that total and seasonal water flow be managed more effectively upstream of the Cove Reservoir project thus greatly reducing the cost of this project. Upstream watershed management would benefit more Long Valley farmers, native fish, local wildlife and flora at a much lower cost than a single high cost downstream project without any watershed management component. Focusing on the EFVR as a priority is consistent with PL-566 requirements “that local sponsors help ensure adequate conservation treatment measures on at least 50% of the watershed area above retention reservoirs”. A comprehensive EFVR watershed management plan will be cheaper to implement as it will be tailored to current and future water flows while taking advantage of smart water management practices upstream where they will be of the most value to Long Valley users. This critical watershed information should be included in the NEPA DEIS documents for public comment.

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
30	13	10/31/2021	Email	Public		Craig Wallentine	11	Alternatives	The DEIS should include the alternative of two separate projects with a priority on the upstream watershed and agricultural project. The upstream NRCS project would be focused on a cost effective project that would benefit (a) the EFVR watershed and natural environment during a period of long term aridification; (b) benefit Long Valley farmers with federal cost sharing up to 75%; (c)provide increased outdoor recreational activities and local tourism; while (d) greatly reducing the cost of capital construction. The upstream NRCS project would take advantage of best practical watershed management technology and efficient agricultural practices so that a large reservoir would not be needed downstream for Long Valley farmers. Eliminating the proposed reservoir from the upstream proposal would make more money available for smart, local water conservation programs and also meet the fundamental requirements of PL-566 by eliminating a flood risk that does not need to be created by a large expenditure of federal taxpayer dollars. The second, downstream project alternative should be developed by WCWCD on behalf of its private water rights stakeholders. The WCWCD project would help private interests obtain the maximum value for their water rights in Washington County by supplying the high demand growth in municipal and commercial water use in St. George and surrounding communities without inappropriate federal taxpayer subsidies.
31	13	10/31/2021	Email	Public		Craig Wallentine	11	Alternatives	Natural restoration programs should be given priority in the EFVR Watershed DEIS. The Utah Division of Wildlife Resources (UDWR) has written a beaver management plan that has been shown to effectively protect upland Utah watersheds and counter the long-term impacts of aridification. The original Cove Environmental Assessment (EA) made no mention of this low cost alternative to restore natural water management practices to the East Fork Virgin River watershed. Nearby Beaver, Utah was named for the great number of beaver dams present in early pioneer days and reintroduced beavers are doing a good job of stream restoration in the adjacent Escalante River watershed. The successful restoration of beaver habitats in the Intermountain West is well documented in "Eager: The Surprising, Secret Life of Beavers and Why They Matter" by Ben Goldfarb and "Saving the Dammed - Why We Need Beaver-Modified Ecosystems" by Ellen Wohl. The UDWR Beaver Management Plan shows that there are “substantial opportunities” for watershed restoration and improvement in the 100,000 acre watershed that feeds directly into Long Valley. As stated in the Cove project design basis, slowing the flow of water through natural means will reduce excess storm runoff and erosion and smooth out irrigation water flows. The Cove DEIS should include a detailed discussion of how reintroduction of beavers in the EVFR watershed could be a low cost and natural restoration project.
32	13	10/31/2021	Email	Public		Craig Wallentine	11	Water Resources	The DEIS documentation should include detailed hydrological information on the Long Valley farm beneficiaries of this project. The original Cove Environmental Assessment (EA) contained almost no information on the actual farm users for the project especially in Long Valley. The DEIS should include a tabulation of the number of farmers, the amount of irrigated land at each elevation in Long Valley, the historical water usage time series (e.g. how much water is needed each month) for alfalfa production by these farmers in Long Valley and the increased water demand based on the project projections. The original Cove EA appeared to be based on a few emails between KCWCD board members that were then extrapolated into the justification for the largest NRCS project in the United States. An investment of this magnitude deserves better and more quantitative water use analysis in the DEIS.
33	13	10/31/2021	Email	Public		Craig Wallentine	11	Alternatives	The DEIS should give priority to natural and low cost EVFR stream management and restoration projects versus high cost downstream capital investments. The DEIS should include a detailed EFVR river management plan upstream of the proposed Cove reservoir site with common sense water management projects that would benefit the upstream farmers such as: (1) inclusion of water efficient programs from the USDA and Utah Farm Bureau to reduce water usage in current farm operations and increase water retention on local properties; (2) removal of invasive species like tamarisk and Russian olive trees and replacement with native flora that use less water (3) use of natural flora along the EFVR to trap and release more water for local users along with natural stream management (4) natural stream restoration programs as discussed on the NRCS website and in the literature on renewing river corridors in dry-land regions; (5) consideration of a long term agricultural strategy for Long Valley with a view to what crops are going to be economically viable at that elevation as aridification continues and water prices increase (6) consideration of the relative benefit for federal taxpayers of purchasing a certain amount of water conservation easements rather than funding expensive capital projects. The original Cove Environmental Assessment (EA) discussed none of these critical alternatives and this critical watershed information should be included in the DEIS documents for public comment.

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
34	13	10/31/2021	Email	Public		Craig Wallentine	11	Alternatives	The DEIS should include discussion of other potential water storage sites and structures that would benefit Long Valley farmers upstream of the proposed Cove reservoir site. The project sponsors claim that the proposed reservoir site is optimal. However, common sense suggests that placing an agricultural water reservoir downstream of the farmers it is intended to benefit is not logical. In addition, it does not appear that the proposed Cove reservoir will function as designed. During the October 21, 2021 public comment session, Mr. Mike Noel of the KCWCD stated that (1) the inlet to the proposed reservoir would not handle either high spring runoff flows nor (2) monsoon storm-water flows. He then went on to say (3) that essentially only “clear” water would be allowed into the reservoir so that dam silting would not be an issue and that fish stocked in the proposed reservoir would have clearer water. The DEIS should contain tabulations showing exactly how the proposed reservoir will function; e.g. use historical and projected water flows as constrained by Mr. Noel with the resulting time series on how the reservoir water level and water quality will fluctuate. It may be that the reservoir will not be functional given existing water usage and the constraints that Mr. Noel has described. If the EFVR water supply is fully allocated and the reservoir cannot function as claimed per the limitations outlined by Mr. Noel, then there is no logical reason to build an oversized reservoir downstream of the Long Valley farmers since there will be no “excess” water flow to capture. Please discuss alternative water retention sites across the EFVR watershed that could actually capture “excess” water flows while managing the sedimentation issue at much lower capital cost. It would seem that smaller upstream dams and diversion areas could (1) capture “excess” flows when and as needed; (2) slow down water flow to allow sedimentation to occur in manageable locations so that clearer water can flow out and on downstream and (3) identifying locations above and in Long Valley for placing water management structures upstream of the actual farmers who can then use the water. In essence, this would be a continuation of the upstream EFVR watershed management program in the agricultural area above the proposed dam site per NRCS best practices.
35	13	10/31/2021	Email	Public		Craig Wallentine	11	Recreation	The DEIS should include an accurate assessment of the impact of East Zion Growth Initiatives on agricultural land use in Long Valley. The proposed new East Entrance Visitor Center at Applecross Station along with the major new trail network and the proposed subsidized shuttle systems with Kanab and Springdale will dramatically increase the number of visitor days on the east side of Zion National Park to the benefit of visitors, locals and the environment. The original Cove environmental assessment failed to fully discuss this anticipated tourism associated growth in Long Valley. At the public hearing on 10/20/21, the KCWCD representative stated that there are already many vacation rental units in the Mount Carmel to Glendale area. Utah congressional representatives are also on record as saying that they will not support any caps on total visitors to Zion National Park which means a long term increase in East Zion visitor days. Taken all together, this indicates that pressure for tourist accommodations on the east side of Zion Park will result in gradual conversion of agricultural lands in Long Valley to higher profit commercial and municipal uses such as outdoor activity companies, automobile service stations, food stores, coffee shops, retail stores, restaurants, hotels/motels and private lodging. The EIS should take account of impending development activities that will inevitably reduce the amount of agricultural land in use in Long Valley thus reducing the scope of and claimed benefits of the proposed Cove reservoir project.
36	13	10/31/2021	Email	Public		Craig Wallentine	11	Recreation	The DEIS should include a more accurate assessment of the actual potential recreational benefits of the proposed Cove reservoir . The DEIS should not use Federal or Utah state parks with high interest features as the benchmarks for the Cove Reservoir project which lacks such distinguishing features. Accurate benchmarking will prevent overstatement of the actual number of increased visitor days generated by the project. The DEIS should also not be comparing the private, seasonal Cove reservoir with much larger, year round reservoirs like Quail Creek State Park which is deeper, twice the size and much closer to local population centers or Sand Hollow Utah State park which is six times the size with steady sources of inflows. The DEIS should use smaller, privately owned/county owned recreational facility benchmarks for this project. As the KCWCD representative stated at the public hearing on 10/20/2021, local usage of the reservoir will be encouraged thru subsidized use for local residents who will not bring new dollars to the area and higher fees will be assessed for out of county/out of state users which will suppress demand. These two management decisions will result in both reduced visitor days and lower per person economic benefit per user day than outlined in the original environmental assessment. Further, the EIS should include realistic costs for maintaining visitor support facilities and dealing with invasive species if it is to be anything more than a glorified rest stop with minimal incremental recreational benefits. The EIS needs accurate recreational benchmarks, discussion of management practices/income and honest cost accounting in order to produce a trustworthy estimate of recreational benefits.

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37	13	10/31/2021	Email	Public		Craig Wallentine	11	Alternatives	The DEIS should address an alternative of a larger Valley camping and recreational site on the East side of Zion National Park with easy access to the Applecross Station Entry Station and Kanab. The original Cove environmental assessment correctly identified the critical fact that outdoor recreational facilities generate significantly higher return on investment than one additional cutting of hay. While the recreational benefits of the original Environmental Assessment were overstated for the ridiculously undersized campground with its minimal amenities, a properly sized outdoor recreational alternative should be considered for the East side of Zion National Park as part of an upstream NRCS project focused on improving the upper EFVR watershed and the economy of Long Valley. A full-scale campground of 200 campsites (10X the EA proposal) with room for both motorized and tent campers would generate significant financial benefit from extended stay visitors and accelerate the growth in the tourist economy of Long Valley and nearby Kanab. Inclusion of this new site in the Utah State Park system would generate far more financial benefit than currently contemplated in the Cove project design. The impact of such an alternative should be included when considering the future land use in Long Valley both not only because it will generate higher project returns but also because the expanded East side recreational opportunity this type of growth will likely free up water resources and reduce irrigation needs and prevent the creation of a dam that creates significant flood risk where none exists.
38	13	10/31/2021	Email	Public		Craig Wallentine	11	Water Resources	The DEIS should include an assessment of the cumulative impact of East Zion Growth Initiatives on water rights usage as agricultural land use is converted to commercial and municipal use in Long Valley. The EIS should discuss the change in water rights ownership as commercial development is promoted on the East side of Zion National Park in the coming decades. While this change will not be the same order of magnitude as in Washington County and would not threaten NRCS support, the actual number of irrigated acres in Long Valley will steadily decline over the project time horizon and should be accounted for in the upstream project design basis especially the acreage of irrigated fields adjacent to logical commercial and residential development sites.
39	14	11/9/2021	Email	Agency	Office of the Govorner	Redge Johnson (Executive Director)	12	Biological Resources	The state of Utah (State) appreciates the opportunity to provide scoping comments on the Cove-East Fork Virgin River Watershed Project Environmental Impact Statement (EIS). The State provided comments on the project's Environmental Assessment on December 31, 2020, and in collaboration with the Division of Wildlife Resources (DWR), the State restates these comments for the EIS project your consideration. Additionally, the State would like to take this opportunity to highlight that the Kane County Resource Management Plan1 states that one of the purposes for the county land use plan is to "provide for sustainable productive watersheds for a continued supply of waters for Kane County's irrigated agriculture, sector which is dependent on both stream flows and water storage" (page 264).
40	14	11/9/2021	Email	Agency	Office of the Govorner	Redge Johnson (Executive Director)	12	Biological Resources	The Draft EA claims potential benefits for three Threatened and Endangered (T&E) species: the Southwest willow flycatcher, woundfin, and Virgin River chub. Another species of particular concern for this project area is the Virgin spinedace, which is managed under a Conservation Agreement and Strategy and has been petitioned for listing as a T&E species. The U.S. Fish and Wildlife Service is currently determining whether listing is warranted for the Virgin spinedace, and yet impacts to that species are not included in the EA. The State recommends that impacts for this species, in addition to the others listed above, be considered, and included in the draft EIS. Prior to claiming a benefit to the species listed above, DWR recommends the following points be carefully considered: • The term "summer months" should be defined, and the low end of the stream flow delivery range should be included, in relation to the high end of 882 acre-feet • The claimed benefits these flows could have for T&E species are undemonstrated. There is reference to a water budget for the project which includes evaporative losses (193 acre-feet), but it is unclear how much water will still be in the stream channel 50 miles downstream from the project, at different levels of release. • When water is diverted to Cove Reservoir, spring runoff flows would decrease. T&E fish and Virgin spinedace require higher spring flushing flows to cue spawning and clean necessary spawning habitat. A reduction in spring flows could limit available spawning habitat, thus impacting existing spawning, ultimately reducing population levels. The EA should express what percentage of the total flow in the East Fork Virgin River would be diverted. The extent and effect of decreased spring runoff flows should be analyzed and reported as a potential impact in Table S-4. • The Draft EA does not analyze how much of an increase in flow would be required to reduce temperatures and salinity below Pah Tempe Hot Springs. It is not possible to determine from the document whether the proposed releases from Cove Reservoir would be sufficient to deliver native fish benefits in that reach.

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41	14	11/9/2021	Email	Agency	Office of the Govorner	Redge Johnson (Executive Director)	12	Biological Resources	Cove Reservoir has the potential to become an important recreation offering in a part of the state with limited opportunities for cold water sport fisheries. The State recommends the following points be carefully considered regarding potential recreational benefits associated with the creation of a cold-water sport fishery: • The proposed location of Cove Reservoir is at an elevation where frequent and largedrawdowns would occur, which would negatively impact a sport fishery. A conservation pool will be an extremely important component if the fishery andrecreation plan is to be successful. Additional analysis is needed to determine the appropriate size for a conservation pool and what the extent and timing of drawdowns should be to produce the desired cold-water fishery. • It is currently unclear if DWR would be interested in contributing financially to a conservation pool at the reservoir. That determination would be made in the future based on the analysis of the necessary conservation pool size and cost and weighed in terms of benefits gained. Additionally, if DWR elected to contribute, DWR would not be able to pay more than the appraised value of the water. It is not clear presently whether the benefits of such a conservation pool would justify the costs. • More detail is needed on the plans for recreational facilities including a boat ramp, such as when would these actions take place, how far into the reservoir the ramp would go, and how many days of the year the boat ramp would be accessible. These details are important for the cost/benefit analysis. • There will also be stocking limitations in this system due to existing agreements. Kane County Water Conservancy District should coordinate with DWR in developing any stocking plans for the reservoir.
42	14	11/9/2021	Email	Agency	Office of the Govorner	Redge Johnson (Executive Director)	12	Biological Resources	In summary, the State finds additional analysis is needed to determine impacts to the Virgin spinedace, as well as the claimed benefits to the three T&E species that inhabit the project area. Additional analysis on the requirements needed to establish a conservation pool that would create a sustainable cold water sport fishery would also strengthen the draft EA. For questions regarding these recommendations or any others related to the project, please contact Gary Bezzant, Habitat Program Manager, DWR, via The State appreciates the opportunity to provide scoping comments on the proposed Cove-East Fork Virgin River Watershed Project EIS.
43	15	12/21/2021	Email	Agency	Utah State University	Justin Stout	13	Water Resources	I was born and raised in Southern Utah. My family settled Shunesburg, Grafton, Cane Beds Arizona and Hurricane. I do see that CSU is committed to "attempting" to conserve southern Utah. I agree with most of the comments made in your comment document Re: the Cove Reservoir. However, your comments lack actual scientific rigour.- which is EXACTLY - the issue. How can a group from Phoenix give you guidance on where your'e to go when they have Zero knowledge in the area. From my reading, the majority of their/your evidence appears to be a misinterpreted set of data for the Colorado River Basin. The papers you cite do not explicitly apply to So. Utah. Your comms people should check you on this before you try this... Again I strongly feel that CSU are focusing on the wrong part of conservation. While I agree with forcing the Cove Reservoir into an EIA, You all have sat silent on the development of property (EXAMPLE: HOUSING AND CAMPING DEVELOPMENTS.) next to the national park boundaries.These developments have worse implications for the Virgin River and the surrounding economy than a 6 thousand acre foot Reservoir on the East Creek. A very specific example is what has happened in Star Vally Wyoming. Is that what you want? Private Development on the edge of protected land should be your priority. Again. YOU ALL ARE MISSING THE POINT! I hope that the CSU can actually become a TRUE members of conservation of Southern Utah. Not just another problem. Please contact me so you can do better to serve the true conservationists in So Ut. We are many!
44	16	2/12/2022	Email	Public		Laura Wilson	10	Health and Safety	I have had several dreams showing me in detail how a complete failure of this dam will affect my property below the Cove Reservoir. I would like to add that others have had similar dreams. The devastation, not only to me, but all citizens along the Southern Virgin River, would be deadly and catastrophic. How it will break, I did not see, only that it broke completely and all at once. Perhaps a very large earthquake, or terrorism. If what we recently read in “Come Follow Me” about the continents coming together and the Isles of the Sea coming together indicates a serious shaking of the earth, maybe all dams will break and all men will fall to the ground. Most of us have felt resigned to this project with the feeling that there is nothing we can do to stop it. However, it might be something of a compromise if you built a smaller dam, letting other cities share the risk by getting their own systems. Just thought I would comment one last time before the public comment period is over.

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45	17	2/7/2022	Email	Tribe	Hopi Tribe	Stewart B. Koyiyumptewa	14	Tribal and Cultural Resources	Thank you for your correspondences dated January 14, 2022, regarding the National Resources Conservation Service (NRCS) proposing the Cove Reservoir-EA. The Hopi Cultural Preservation Office appreaciates the NRCS's continuing solicitation of our input and your efforts to address our concerns. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidence of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. We request consultation of any proposal in Utah that has the potential to effect prehistoric cultural resources. We undersatand environmental analyses will be prepared, and thereore we look forward to being provided with hard copies of the cultural resources reports and draft environmental assessment for review and comment. If prehistoric cultural resources are identified that will be adversely affected by the proposed project, we request continuing consultation including being provided with a copy of any proposed treatment plans for review and comment. Thank you for your consideration.
46	18	4/15/2022	Email	Public		Dave and Jolene Clark	15	Watershed Protection	The Clarks called Norm Evenstad regarding an issue of debris depositing on the East Fork Virgin River and its impact on their property adjacent to the river. They sent him a photo by email. The property is located in the Mt. Carmel area. The photo shows a lot of debris, but lateral bank erosion that could benefit from bank stabilization is not observed. The NRCS can respond to erosion issues that threaten life and property under the Emergency Watershed Protection Program (EWP). Norm mentioned this to the Clarks, and also that it is past the event date to qualify for a EWP. Photo included in printed comment.
47	19	4/18/2022	Email	Public		Hayden Forbes	16	Water Resources	Thank you for the opportunity to provide comments on the Cove Reservoir - East Fork Virgin Environmental Impact Statement. As a river enthusiast who cherishes wild and free-flowing rivers, I implore the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. If the project proceeds, the NRCS needs to fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River’s spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, is not economically feasible and is a misuse of taxpayer money. Thank you for considering my comments on this project.
48	20	4/19/2022	Email	Public		Michael Greenburg	17	Water Resources	I can't believe that in the 21st century we still have to fight against dams in a desert that should never have been cultivated in the first place, but here we are. Cove Reservoir doesn't make sense outside the narrow interests of alfalfa farmers, who shouldn't be farming such a water-intensive crop in the Colorado river basin anyway--the fact that you are even considering using our money to subsidize them is insulting. We need only to look to the diminished ecosystem of the Grand Canyon to see why this is a bad idea; our desert rivers need heavy spring runoff and occasional flash floods to remain healthy, and as somebody who lives in and loves Utah I don't want to see yet another one diminished for foolish ends.
49	21	4/19/2022	Email	Public		Samuel Cramer	18	Water Resources	Thank you for the opportunity to provide comments on the Cove Reservoir - East Fork Virgin Environmental Impact Statement. As a river enthusiast who cherishes wild and free-flowing rivers, I implore the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. If the project proceeds, the NRCS needs to fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River’s spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, is not economically feasible and is a misuse of taxpayer money. Thank you for considering my comments on this project.

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50	22	4/19/2022	Email	Public		Keegan Waller	19	Water Resources	Thank you for the opportunity to provide comments on the Cove Reservoir - East Fork Virgin Environmental Impact Statement. As a river enthusiast who cherishes wild and free-flowing rivers, I implore the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. If the project proceeds, the NRCS needs to fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River's spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, is not economically feasible and is a misuse of taxpayer money. Thank you for considering my comments on this project.
51	23	4/19/2022	Email	Public		Andy Scherer	20	Water Resources	Thank you for the opportunity to provide comments on the Cove Reservoir - East Fork Virgin Environmental Impact Statement. As a river enthusiast who cherishes wild and free-flowing rivers, I implore the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. If the project proceeds, the NRCS needs to fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River's spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, is not economically feasible and is a misuse of taxpayer money. Thank you for considering my comments on this project.
52	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	Dear USDA and DOI Secretaries Vilsack and Haaland: Please review the Natural Resources Conservation Service's (NRCS) published Federal Register Notice of Intent (NOI) today at the web link below and attached, and challenge this proposed wasteful diversion of Virgin River water in the Lower Colorado River Basin before it could reach Lake Mead. Former Utah Republican legislative leader Mike Noel's controversial proposed Cove Reservoir project, actively promoted during the Trump era, unfortunately remains alive under a misrepresented Trojan horse "watershed plan" title under the Biden administration. In reviewing this NOI, it is appallingly clear that the NRCS office in Utah ignored virtually all of the previous public comments on their earlier defective and biased Environmental Assessment (EA). For example, the two action alternatives described in today's NOI are substantially similar to what was originally proposed in the EA. Both would divert Virgin River water that would otherwise flow downriver to Lake Mead. Both would facilitate more water-wasting alfalfa farming during the hot summers, and likely provide for potential future water sales and transfer to expand sprawl developments in Washington County. In a nutshell, if approved and implemented, this project would use federal funds to facilitate further unsustainable private water use and development instead of advancing feasible and bona fide methods to actually improve watershed health during this mega drought. In addition, the NRCS continues to refuse to answer basic questions such as how or whether this proposed Virgin River diversion would comply with the Colorado River Compact (Law of the River). Lake Mead is already dangerously low, but the NRCS and other Utah promoters of this Cove Reservoir seek this harmful Virgin River diversion without regard for the added negative impacts on other Lower Colorado River Basin water users.

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53	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	Cont… This NOI is supposed to start a broad scoping process under the National Environmental Policy Act (NEPA) where the public may provide comments on the proper purpose and need for action, feasible alternatives to the proposed action, and resources/issues of concern. Sadly, based on the arbitrary narrowness of this NOI, NRCS appears to remain highly biased toward what Mike Noel and other development interests want. The Cove Reservoir could apparently not be built unless the Bureau of Land Management (BLM) approves needed borrow pits. So NRCS and BLM are each responsible for this NEPA compliance prior to any final decisions. Given the high level of public controversy and conflicts with the Biden administration's executive orders and professed environmental policies, the ultimate fate of this proposal may be with high-level Agriculture (NRCS) and Interior (BLM) Department Biden administration officials. However, there is no indication that these officials are even aware of nor perhaps care about what is going on in Utah. Just like with their ridiculous proposed Lake Powell Pipeline, Utah's regressive officials continue to arrogantly ignore the two-decade-long mega drought and foolishly believe that they can create water by building more storage structures. Strong accountability is needed to stop federal subsidizing of this unsustainable insanity. Please help change this status quo by challenging the NRCS' improper bias toward the Cove Reservoir and by ensuring that any subsequent DEIS provides a positive purpose and need statement that enables a broader and objective analysis of genuine watershed health alternatives without any proposed Virgin River diversions. For more relevant background information, please see the additional attachments and second web link below. Thank you very much for your consideration. ATTACHMENT - Copy of Publication in Federal Register
54	24	3/29/2022	Email	Public		Richard Spotts	1	General	Please accept, carefully consider, respond to, and include in the relevant project file my following comments on the above-referenced Draft Watershed Plan (DWP) and Environmental Assessment (EA) for the proposed Cove Reservoir Project. I reviewed this DWP and EA and I attended the Zoom EA public meeting on December 9, 2020. I asked many questions during that virtual meeting; some of which were at least partially answered, while others were deflected or ignored. By way of brief background, I have been a Washington County Utah resident for over eighteen years, and I have a strong and longstanding interest in environmental, public lands, wildlife, and water issues. I also have extensive professional and volunteer experience with implementation of the National Environmental Policy Act (NEPA) and the associated Council on Environmental Quality (CEQ) regulations. I deeply care about the proper conservation and management of water and other natural resources.
55	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	At the outset, I do not believe that this EA is adequate under NEPA because of a biased and narrow purpose and need, deficient evaluation of possible lessdamaging alternatives, and a superficial cumulative effects analysis. Instead, I believe that this DWP and EA are a type of “Trojan horse” propaganda piece whereby private and county water rights holders want the federal government to largely pay for a local project that would primarily benefit those holders’ potential future profits from speculative water sales. The purported recreational and listed fish species benefits are merely window dressing to make this boondoggle appear more reasonable. Indeed, I believe that this proposed project is another cynical example of Utah public officials who consistently slap Uncle Sam in the face with one hand while grabbing his wallet with the other hand. These types of highly questionable projects have flourished during the Trump administration because greed for the few with political connections currently supersedes fidelity to law, science, and the overall public interest.
56	24	3/29/2022	Email	Public		Richard Spotts	1	Water Resources	It seems clear that the overwhelming driver of this DWP and EA is to primarily use federal funds for a local project to divert water to a reservoir to increase surface water supplies to private and county water rights holders. In the near term, these additional supplies would be used to increase alfalfa production and associated profits on private lands. Alfalfa production is obviously one of most wasteful uses of water, especially given the prolonged drought caused by climate change. There are already severe water shortages in much of the West, including in the Colorado River Basin. Lakes Mead and Powell are at historically low levels, and some states have already had supply reductions under the Colorado River Compact and Drought Contingency Plan. The demand for water continues to increase while the supply continues to decrease. Some municipal water districts are literally paying people to convert lawns into natural xeriscape to reduce water use. And tiered water pricing rates are being instituted to properly promote water conservation.
57	24	3/29/2022	Email	Public		Richard Spotts	1	General	The DWP and EA say that this Virgin River water would be “lost” if this diversion is not allowed. That alone demonstrates fundamental bias and myopia. If not diverted, this spring runoff water simply travels down the Virgin River and ends up in Lake Mead. The Virgin River system is part of the Lower Basin under the Colorado River Compact.
58	24	3/29/2022	Email	Public		Richard Spotts	1	General	On the controversial proposed Lake Powell Pipeline (LPP), all Compact states (save Utah) asked that the environmental review process be halted until all Compact states could come to a consensus on future Colorado River water management and possible additional diversions. Although the EA is silent on this key point, I believe that this proposed Cove Reservoir diversion of Lower Basin water should fall under the same Compact states’ request. The amount of water here may be much less than the LPP, but a new diversion of any amount would have a cumulative effect and establish a potentially dangerous precedent.

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59	24	3/29/2022	Email	Public		Richard Spotts	1	Economics	During the December 9 Zoom EA meeting, the leading project proponent, Mr. Mike Noel, acknowledged in response to a question that the Cove Reservoir water could be used for municipal and industrial purposes. I believe that this was a pivotal admission about the likely true dominant motivation of project proponents. The short-term wasteful agricultural water use for alfalfa would be converted to much more lucrative water sales for these higher M&I value uses. Out of necessity and growing scarcity, water marketing is rapidly gaining ground in the West. Like the old adage that "water flows uphill toward money in the West." I generally support water marketing because it reflects the true value of this increasingly precious commodity and encourages more efficient use of water. However, as a taxpayer, I do not believe that the federal government should interfere with this free market by rewarding or subsidizing some water rights holders at the competitive disadvantage of other such holders. The proposed Cove Reservoir would constitute such an unfair subsidy to a few private and county water rights holders. These federal funds would be much better spent on providing projects and incentives that facilitate greater water conservation and reclamation by the general public. It is unfair to have the American people pay for most of a capital improvement while a few private and county water rights holders gain the appreciated profits. The EA basically ignores these realistic cost-benefit and social equity issues. For example, the EA analysis does not provide for reimbursement of federal funds if the original justification (alfalfa water augmentation) is changed to municipal and industrial water sales. The EA also fails to address to what extent the private and county water rights holders could market their rights for profit without the need for an off-river diversion and reservoir. The Southern Nevada Water District might be willing to pay top dollar for these Virgin River water rights without the need for a federally-subsidized reservoir project. Indeed, such market-driven water transfers might have the greatest public benefits at little or no cost to the taxpayers.
60	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	The EA's stated purpose and need boils down to four components: agricultural (and future M&I) water; reservoir recreation; hydroelectric power; and Virgin River Endangered Species Act (ESA) species. On the water purpose, the EA admits that no non-structural alternatives were carried forward and analyzed. Much of this watershed suffered from excessive historic overgrazing and other land uses that resulted in serious soil erosion and the unnatural downcutting of gullies and ravines. There are many existing and feasible watershed restoration methods to reverse this current erosive trajectory and begin to heal the watershed. For example, small check dams can be constructed in deep gullies and ravines to slow storm flows, capture sediment, and gradually elevate the gradient. Where they are absent and sufficient riparian vegetation does or could exist (with livestock exclusion fencing), beavers can be reintroduced to serve as nature's premier watershed restoration experts. By implementing these positive and much less expensive and energy-intensive methods, heavy runoff during severe storm events would be cumulatively slowed across the watershed, with less soil erosion and sediment transport and greater soil infiltration and groundwater recharge. These watershed restoration outcomes would have much greater environmental, economic, and social benefits and would serve the American people instead of a few water rights holders. These outcomes would also help to restore the Virgin River's natural ecological and hydrologic processes. It is appalling that the NRCS did not analyze any of these types of alternatives, and instead this EA only compares the proposed reservoir and no reservoir. NRCS has an affirmative legal duty to not only consider the applicant's purpose and need but also the federal agency's broader purpose and need in terms of fulfilling its statutory mission and serving the public interest. NRCS failed to fulfill this duty by limiting the EA purpose and need to essentially what Mr. Noel and other proponents wanted. NRCS is supposed to advance watershed restoration and soil conservation, not promote narrow reservoir projects. And the Bureau of Reclamation and Army Corps of Engineers are supposed to be the federal agencies with dam building jurisdiction and expertise.
61	24	3/29/2022	Email	Public		Richard Spotts	1	Economics	On the reservoir recreation purpose, this is another example of biased tunnel-vision. There is indeed growing public demand for recreational opportunities in this region and excessive tourism is already causing problems in some popular locations. However, much of this tourism is drawn by relatively unique scenic beauty combined with opportunities for experiencing pristine natural areas. Reservoirs are common throughout most of the United States, and there are many existing reservoirs (Jackson Flat, Sand Hollow, Quail Creek, Kolob, Gunlock, etc.) in this region. Most visitors do not come here to camp by a small reservoir. Instead, most visitors come here to camp in spectacularly beautiful areas and to have a chance to hike, mountain bike, or otherwise explore wildlands. As such, the Cove Reservoir is unlikely to be a tourist draw and its EA projected recreational value may be greatly overestimated. The federal funds would be much better spent on providing more mountain biking, equestrian, and hiking trails and primitive camp sites along loops of those trails. That approach would fit with what most tourists to this area desire. As such, I believe that reservoir recreation is largely a potential illusory or nominal benefit that proponents seek to exploit to advance their water project.
62	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	On the hydroelectric power purpose, the EA is predictably myopic on the subject of energy. First, the EA basically ignores climate change, and does not analyze the significant need to use and burn fossil fuels to build this reservoir and excavate and transport the substantial borrow materials from distant pits. There is no comparison of how much of the hydroelectric energy would be offset or superseded by this significant burning of fossil fuels (that cumulatively contribute to climate change and associated drought). Second, without this diversion, this water could run into Lake Mead, where it may be converted to hydroelectricity when released at Hoover Dam. Third, modern "run-of-the river" hydro was not analyzed as an alternative. Fourth, there was no consideration of using these federal funds to augment solar or wind power generation. In short, hydro power seems to be a minor potential benefit to help sell this reservoir project.

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63	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	On the Virgin River ESA listed species issue, the EA analysis essentially relies on a vague and potentially illusory commitment. On EA page 28 (and elsewhere), it says that "The proposed reservoir would provide up to 882 acre-feet of water annually during the summer months to augment endangered fish and flycatcher habitat." The conditional text of "up to" indicates that 882 acre-feet is the ceiling or greatest amount of water that may be used for this ESA listed species purpose. However, the EA does not disclose whether there is any floor or minimum amount of water that must be released each summer. The EA is also unclear about who would decide how much water should be released each summer, including during severe droughts when the reservoir may be at or near its minimum conservation pool. In short, it appears that the U.S. Fish and Wildlife Service (FWS) and Utah Division of Wildlife Resources (UDWR) were improperly willing to rely on this "up to" commitment without any guarantees about the actual amount of future summer water releases. Absent a clear contractual commitment or firm permit condition enforceable by outside entities, I am skeptical that these promised benefits to ESA listed species may occur, especially in drought years. For example, in a similar situation, I understand that the Washington County Water Conservancy District (WCWCD) may not have fulfilled such a water release requirement when it acquired federal approval for another reservoir or pipeline project. Utah public officials have a history of not keeping their conservation promises. And too many federal and state public officials have backbones of jello and a history of being successfully intimidated by bullying local Utah officials.
64	24	3/29/2022	Email	Public		Richard Spotts	1	Biological Resources	In terms of whether this water diversion and proposed reservoir could benefit these ESA listed species, the EA makes several dubious and unproven assumptions. For example, it says that the summer releases (if they actually occur) would benefit downstream riparian habitats used by southwestern willow flycatchers. This ignores the reality of how the Virgin River watershed has operated ecologically and hydrologically over the past thousands of years. Heavy spring and summer (monsoonal) flows are natural and healthy. The ESA listed species evolved with them. These large flows cause natural sediment transport, bank erosion, and channel migration processes that create and maintain a diversity of natural habitat conditions. They bring woody debris into the system as an important source of carbon. They recharge the river bed sediments and shallow groundwater to sustain riparian vegetation over the dry periods. The scouring flows help to establish new native cottonwoods and willows. They expose gravel beds and create riffles that some fish need. The EA acknowledges that past disruptions in natural Virgin River flow patterns caused significant adverse impacts, yet the EA then hypocritically goes on to promote the new Cove Reservoir diversion as a purported benefit. The EA assumes but does not explain how the reservoir releases would add to these natural benefits, nor increase the quality or quantity of riparian habitats along the river. Speaking of riparian habitats, the EA assumes that the new reservoir would enable the establishment of new riparian habitat around it that would benefit associated species. I seriously question this assumption. Depending on the amount of annual average draw down and the soil substrate, many existing reservoirs tend to exhibit a "bathtub ring" around most of their edges, not healthy and persistent riparian vegetation. As such, there is no guarantee that the professed reservoir riparian habitat benefit would be fully or partially realized.
65	24	3/29/2022	Email	Public		Richard Spotts	1	Purpose and Need	Under NEPA, the applicant and federal agency's purposes and needs are used to determine the overall scope of the environmental analysis and which alternatives should be carried forward for detailed analysis. In this case, as previously described, the EA's purpose and need are improperly too narrow, biased, and myopic. That results in this ridiculous "take it or leave it" EA that only takes a "hard look" at the proposed action/preferred alternative Cove Reservoir and the obligatory no action (status quo) alternative. The alternatives analysis is the "heart" of the NEPA process but sadly this EA has no heart. A whole spectrum of alternatives that would be much less costly, less energy intensive, and less environmentally destructive were basically given short shrift or entirely ignored. Relevant modern issues of growing public concern, like climate change, environmental justice, landscape ecology, and aquatic nuisance/invasive species were neglected.
66	24	3/29/2022	Email	Public		Richard Spotts	1	Cumulative Effects	Under NEPA, the required cumulative effects analysis must evaluate all past, present, and reasonably foreseeable future actions that may affect any of the resources or uses carried forward for analysis. The cumulative effects analysis in this EA is patently inadequate. It is superficial, conclusory, and ignores many relevant projects. For example, it omits the WCWCD's proposed Ash Creek reservoir and pipeline project in the same Virgin River watershed. It omits the recent funding of a new flood control project along the Virgin River. It omits many past and proposed future projects that would affect the same vegetative communities and species in this watershed, such as BLM mastication and chaining efforts in these same sagebrush and pinyon-juniper habitats. It omits consideration of aquatic invasive species that have seriously harmed aquatic ecosystems and could do the same in Cove Reservoir (and, from releases, be carried down river). (At the December 9th virtual meeting, on this issue, it was answered that only nonmotorized boating would occur. However, the EA says that "small motors" could also be used, and these boats may transport harmful aquatic invasive species).

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67	24	3/29/2022	Email	Public		Richard Spotts	1	NEPA Process	The Trump administration's CEQ recently adopted weakening changes to the NEPA regulations in mid-September. These changes are now subject to several court challenges and they may be overturned in the next session of Congress or by the incoming Biden administration. In any case, these changes should not apply to this EA. The policy is that the applicable CEQ regulations are those in legal effect when the relevant NEPA process was initiated. In this case, the official scoping for this EA occurred in mid 2018, and the BE and other relevant documents were done in 2019. It is clear that this EA was not only initiated but also much of the background analysis was done prior to September of this year. As such, the previous or original CEQ NEPA regulations apply to this EA. The Bureau of Land Management (BLM) and National Park Service (NPS) are cooperating agencies on this EA. It is not clear to what extent these agencies may adopt or supplement this EA for the purpose of NEPA compliance for any authorizations that they execute which may allow, facilitate, or be connected to this proposed Cove Reservoir project. I generally follow the BLM and NPS NEPA notification web sites, and I am not aware of any notice on either site that the agency may use this NRCS EA for the purpose of achieving that agency's NEPA compliance for an authorization. As such, people like me who follow BLM and NPS NEPA may not be aware of this current opportunity to review and comment on this pending NRCS EA. Similarly, I am not aware of any such notice for the previous EA scoping period in the summer of 2018. As such, I do not believe that the NPS and BLM may have provided adequate public notice of this EA process and associated "connected actions" involving BLM and NPS managed lands and resources.
68	24	3/29/2022	Email	Public		Richard Spotts	1	Wild and Scenic Rivers	I understand that there was a Zion National Park NPS negotiated reserved federal water right agreement for in-river flows from the 1990s. I also understand that there was a subsequent Wild and Scenic River designation for this same Zion river segment. It is not clear in the EA how these two things (an administrative agreement versus a statutory designation) are or should be reconciled, and whether there is a potential conflict that may need resolution. In my mind, a wild river segment should include the allowance and continuation of natural hydrological flow patterns through that segment. As such, an unnatural diversion up-river may be harmful to that conservation purpose.
69	24	3/29/2022	Email	Public		Richard Spotts	1	ACEC	In addition, BLM has down-river designated Areas of Critical Environmental Concern (ACECs) in Arizona and Nevada intended to protect riparian habitats and ESA listed species dependent upon natural flow regimes. The EA does not acknowledge these ACECs nor whether they have or should have any dedicated reserved federal water rights to maintain essential river flows. I believe that BLM has an affirmative obligation to assert such reserved federal water rights when necessary to protect and maintain the resource values that they manage and have designated for such protection. I am concerned that BLM may have failed to do so in connection with the now constructed Jackson Flat Reservoir. Any diversion of water that would otherwise flow down Kanab Creek could reduce or harm the riparian habitats and associated species intended for protection in BLM's Kanab Creek ACEC.
70	24	3/29/2022	Email	Public		Richard Spotts	1	Effects Analysis	The EA acknowledges the "connected actions" of needing BLM approval for use of two existing and one new borrow pit for construction of the dam and reservoir. However, except for Visual Resource Management (VRM), the EA is missing information that BLM would need as part of its required NEPA analysis. For example, as previously described, BLM should not rely on this NRCS EA's improperly narrow purpose and need, myopic alternatives, and deficient cumulative effects analysis. This NRCS EA also does not describe all of the relevant BLM Kanab Field Office (KFO) Resource Management Plan (RMP) decisions and how the proposed action would conform to those decisions. As such, BLM should not adopt this NRCS EA for the purpose of NEPA compliance for authorization to use or expand these BLM borrow pits. If BLM nevertheless proceeds to do so, I hereby request actual notice when BLM approves any such authorization so that I may pursue any appropriate administrative remedies.
71	24	3/29/2022	Email	Public		Richard Spotts	1	NEPA Process	The EA acknowledges that, prior to project construction, one or more permits would be necessary from the Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act. However, the ACOE is not a cooperating agency for this EA and it is unclear how they would achieve their NEPA compliance prior to permit issuance. I believe that the ACOE has an obligation to consider feasible alternatives, which this NRCS EA does not do.
72	24	3/29/2022	Email	Public		Richard Spotts	1	Economics	On EA pages 60 and 61, under Public Health and Safety, the EA acknowledges that this proposed dam and reservoir have a "high" hazard classification and that 10 to 15 people would be at mortal risk from dam failure. The EA also acknowledges that construction related traffic would increase the risk of traffic accidents and damage up to 20 miles of existing dirt and gravel roads. I did not see how or whether the EA factored these risks and potential damages into the cost-benefit calculations. Water marketing or other feasible alternatives would not pose these risks or potential damages, but sadly the EA ignores those options.
73	24	3/29/2022	Email	Public		Richard Spotts	1	Effects Analysis	On EA page 63, in describing the proposed Lake Powell Pipeline and Cove Reservoir, it says that "Both projects would result in a combined increase in water scarcity in Kane County." Please explain this sentence as it makes no sense in this context.
74	24	3/29/2022	Email	Public		Richard Spotts	1	Economics	And the EA Cost Benefit Summary is biased and confusing. In one place, it says the cost benefit ratio is 1.19 to 1. In another place, it says that ratio is 1.03 to 4.4. The estimated agricultural benefit from increased alfalfa production is $826,000 and the recreational benefit is $176,000. These relatively minor estimated benefits do not come close to justifying NRCS in spending over $20,000,000 in federal funds. This funding could be much better and more efficiently and equitably spent on genuine watershed restoration and water conservation measures in the public interest.

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75	24	3/29/2022	Email	Public		Richard Spotts	1	General	For the preceding and other reasons, I strongly oppose the EA proposed action/preferred alternative to build and operate the Cove Reservoir project. This proposed boondoggle is wasteful, ridiculous, and politically driven for the benefit of the few at the expense of the many. The various public officials at NRCS, BLM, NPS, FWS, and ACOE who have apparently been cooperative and supportive of this boondoggle should be ashamed. These officials should realize that times have changed, progressive and creative reforms are long overdue, and more status quo dam building is regressive and foolish. In light of my comments, I believe that NRCS and the other cooperating federal agencies have only two choices. On the one hand, they can support and approve the EA No Action Alternative and deny the associated funding requests and permit applications. On the other hand, they can prepare a supplemental EA that remedies or corrects all the current EA's many deficiencies and omissions. This supplemental EA should then be made available for another round of public review and comment and posted on the NPS and BLM NEPA web sites as well as the NRCS site. At minimum, NRCS and Congress should not provide any funds for this project until adequate public notice and NEPA compliance have occurred. I reserve the opportunity to add to these comments if new issues or information come to my attention prior to the EA comment deadline. Please add me to the relevant mailing list for this proposed project and send me all notifications relating to it. Please also let me know if you have any questions about my comments. Thank you very much for your consideration.
76	24	3/29/2022	Email	Public		Richard Spotts	1	General	Reference to Utah Rivers Council Comments submitted on December 31, 2020.
77	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	General	Dear Ms. Fife, The National Park Service (NPS) appreciates the opportunity to provide comments during the scoping period of the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project and accepts the request to become a formal cooperating agency with the United States Department of Agriculture, Natural Resource Conservation Service (NRCS). The NPS within Zion National Park (ZION) manages a portion of the East Fork of the Virgin River within the park and holds special expertise regarding Wild and Scenic River, Endangered Species Act, Migratory Bird Treaty Act and Wilderness management. At your earliest convenience, please send ZION a draft of the proposed Memorandum of Understanding for NPS review. In addition to the comments and information requests outlined below, we strongly encourage NRCS to provide information related to impacts this project may have on regional dark night skies and mitigations planned to reduce those impacts.
78	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Water Resources	**1. 1996 Zion National Park Water Rights Settlement Agreement** Notably, in 1996 the NPS, State of Utah, Washington County Water Conservancy District, and Kane County Water Conservancy District entered into a historic agreement to establish federal reserved water rights memorialized in the Zion National Park Water Rights Settlement Agreement (SA). In the SA, the NPS agreed to subordinate its senior water rights to limited future water development in the East Fork of the Virgin River. This includes a cap on cumulative storage capacity in one or more reservoirs not to exceed 6,750 acre-feet and a limitation of individual new reservoirs with total storage capacities greater than 20 acre-feet not to exceed 10 (SA Article II.D.1.a&b). With this limitation on new reservoir development addressed in the SA, restrictions on flow were also established for any new diversion structures constructed for new, large reservoirs (SA Article II.D.3), as well as the timing of diversion for any diversions associated with the new reservoirs with a storage capacity greater than 20 acre-feet (SA Article II.D.6). In addition, limits were set on the bypass flows below any new reservoirs (SA Article II.D.4) and reservoir discharge (SA Article II.D.5). We respectfully request the following information to determine if this proposed project is in compliance with the terms of the SA: **1.A.** The location of any diversions associated with this proposed reservoir and the flow planned to be maintained below any new surface water diversions associated with the proposed reservoir. **1.B.** The planned timing and diversion rate on all diversions associated with the proposed reservoir. **1.C.** The proposed location, timing, and volumetric flow rate of releases and any return flow associated with the proposed reservoir. The NPS anticipated development of this proposed reservoir whose terms were outlined in the SA. In addition, the NPS is required to evaluate the proposed development for compliance with other federal laws as described below. Therefore, the NPS requests additional information in order to complete the required analyses.
79	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Wild and Scenic Rivers	**2. Wild and Scenic River Act** As a water resources project requiring federal assistance located upstream of a designated Wild and Scenic River, the East Fork of the Virgin River, this project is required to be evaluated using Section 7 of the Wild and Scenic Rivers Act, to determine if it will invade the river area or unreasonably diminish the river's scenic, recreational, fish, or wildlife values. This evaluation will be completed by the NPS as the river administering agency. The NPS will use information available in the project's National Environmental Policy Act (NEPA) documents to complete the Section 7 Determination. The NPS requests specific information and analysis to be completed in the Watershed Plan and Environmental Impact Statement to inform its Section 7 Determination. The East Fork of the Virgin River designated Wild and Scenic River provides habitat for four native fish species: desert sucker (Catostomus clarkia), flannelmouth sucker (Catostomus latipinnis), virgin spinedace (Lepidomeda mollispinis) and speckled dace (Rhinichthys osculus). The desert sucker, flannelmouth sucker and Virgin spinedace are each listed as a Utah Species of Greatest Conservation Need by the Utah Department of Natural Resources. Flow depletion and dewatering caused by stream diversions for agricultural, municipal, and industrial uses are among the primary threats to the desert sucker, flannelmouth sucker, and Virgin spinedace. Prolonged periods of drought and increasing stream temperatures are compounding threat factors that are further exacerbated by flow depletion from stream diversions. Other threat factors listed for fish species native to the East Fork Virgin River include pesticides and other pollutants introduced by return flows from municipal and agricultural drains and runoff, invasive wildlife species, invasive plant species, and the introduction of aquatic invasive parasites and diseases. We respectfully request the following information to help inform the Section 7 Determination:

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80	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Biological Resources	**2.A.** The effects this water development project may have on Virgin spinedace, desert sucker, and flannelmouth sucker population and habitat maintenance in the East Fork of the Virgin River must be assessed in the EIS. The 2002 Conservation Agreement and Strategy for Virgin spinedace placed management of the recovery and conservation of Virgin spinedace with the Virgin River Resource Management and Recovery Program (VRRMRP), a multi-agency cooperative program. Please work with the VRRMRP to assess potential impacts and develop mitigations to reduce negative impacts on Virgin spinedace population and habitat in the East Fork of the Virgin River which may include the establishment of population maintenance flows or minimum flow requirements.
81	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Wild and Scenic Rivers	**2.B.** Analysis of how this proposed project will impact natural flow regimes (including the magnitude, frequency, and timing of flood flows) and flow-related habitat variables (including water temperature, turbidity, and sediment transport) under a variety of scenarios including low, normal, and high-water years through the East Fork of the Virgin River Wild and Scenic River.
82	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Invasive Species	**2.C.** Mitigation(s) to prevent non-native fish and aquatic invasive species from escaping into the East Fork of the Virgin River from the proposed reservoir associated with this project.
83	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Water Resources	**2.D.** Analysis of how municipal and agricultural runoff as well as chemical and pesticide loads will be altered as a result of this proposed project. If increased runoff is expected, please provide information regarding mitigation measures to reduce runoff into the East Fork of the Virgin River.
84	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Climate Change	**2.E.** Analysis, including any mitigation measures, on the anticipated effects climate change may have on this proposed project, including a reduction in snowpack in the East Fork of the Virgin River Watershed and spring runoff as well as increased air temperatures.
85	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Sensitive Species	**3. Endangered Species Act and Other Sensitive Species** Mexican Spotted Owl (MSO) and MSO Critical Habitat: The East Fork of the Virgin River and its tributaries are inhabited by MSO and the entirety of ZION is designated critical habitat for MSO. Two breeding territories have been confirmed near the East Fork of the Virgin River. Inventory surveys have not been conducted in the majority of potential breeding habitat that exist along the East Fork, and it is likely more territories exist. Water development, including water diversion and reservoirs can degrade, reduce, and/or fragment MSO habitat and/or disrupt migration corridors, inhibit gene flow, alter prey habitat and/or alter grazing patterns by wild ungulates. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.B) will be needed to evaluate impacts to this protected species and habitat and consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.
86	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Sensitive Species	**Southwestern Willow Flycatcher (SWFL) and Yellow-Billed Cuckoo (YBCU):** The riparian habitat along the East Fork of the Virgin River provides migratory stop-over habitat and marginal breeding habitat for SWFL and YBCU. Both species have been detected along the Virgin River in ZION or Springdale, UT during migration. Water development can modify, degrade, or reduce SWFL and YBCU habitat especially if water in riparian ecosystems and associated subsurface water tables are reduced. Reduced flows during spring runoff may degrade/alter the quantity of prey (insects) available to migrating SWFL and YBCU. An increase in upstream establishment of non-native vegetation, such as tamarisk and Russian olive, will increase the rate of establishment of these species downstream which can negatively alter SWFL and YBCU habitat. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.B) will be needed to evaluate impacts to these protected species and consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.
87	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Invasive Species	**3.A.** Provide information on how non-native vegetation will be controlled near the proposed reservoir.
88	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Sensitive Species	**Sensitive and State-listed Species/Other Native Wildlife:** The East Fork of the Virgin River provides habitat for numerous native wildlife species, including State-listed species such as the Arizona toad. Water development projects have the potential to negatively affect wildlife if riparian habitat, fish communities, or aquatic invertebrate populations are negatively altered. Ecologically, if one functional group of wildlife is negatively impacted those effects will cascade to other wildlife species (e.g., if aquatic invertebrates are negatively affected numerous species of bats, birds, amphibians, and reptiles will also be affected). Data on the timing of the discharges from the reservoir and how these discharges will alter the water temperature, natural hydrological cycles and events and flow rates including the magnitude, frequency, and timing of flood flows (as requested in 2.B) will be needed to evaluate impacts on these species.
89	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	Migratory Birds	**4. Migratory Bird Treaty Act** The riparian habitat along the East Fork provides breeding, stop-over, and/or winter habitat for many species of migratory birds. Water development projects can negatively impact the quality and quantity of various habitat components (food, shelter, etc) which can reduce their breeding success or survival. An increase in upstream establishment of non-native vegetation, such as tamarisk and Russian olive, will increase the rate of establishment of these species downstream which can negatively affect migratory birds. Data on timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork (as requested in 2.B) will be needed to evaluate impacts on these species. Data (as requested in 3.A) on how non-native vegetation will be controlled near the proposed reservoir will also be important to identify.

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90	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	ACEC	**5. Wilderness Act and Research Natural Areas** The East Fork of the Virgin River flows within congressionally designated Wilderness at ZION and is a primary feature that defines the Wilderness Character of the park. Three characteristics of Wilderness have the potential to be adversely impacted by the proposed water development project: Natural, Untrammeled, and Other Features of Value. NPS management focuses on maintaining this ecological system as substantially free from the effects of modern civilization (Natural) and unhindered and free from initial actions of modern human control or manipulation (Untrammeled). This area also holds unique features of ecological, geological, scientific, educational, scenic, and historical values (Other Features of Value). The presence of human civilization has long resided within Parunuweap Canyon which was only made possible by the river. This area is also managed by ZION as a Research Natural Area (RNA). In accordance with the NPS Natural Resource Management Reference Manual (DO-77), RNAs are areas designated to be permanently protected and maintained in natural conditions. The ZION General Management Plan specifically calls out Parunuweap Canyon to be managed as an, “undisturbed watershed and riparian corridor.” The East Fork of the Virgin River is a critical component of the Parunuweap RNA which contains a unique ecosystem, ecological features, rare and sensitive species of plants, animals, and their habitats, and provides a high-quality example of a natural ecosystem. ZION manages the East Fork as an RNA to protect the area as a prime example of natural resources and processes, including significant genetic resources that have value for long-term observational studies or as control areas for manipulative research taking place outside of NPS lands. Again, this aspect of the river emphasizes the need to establish a firm understanding of natural streamflow rates and how these might be altered with any water development infrastructure upstream within the drainage. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.C) will be needed to evaluate impacts to wilderness and the RNA. Identifying and communicating strategies for managing flows, to include anticipated discharge schedules and pulse volumes, will be of critical importance in order for the NPS to remain involved in for the life of the project. Any impacts or changes to winter, scouring flows may alter the riparian corridor and how flow rates would be managed to address low water years when pulses cannot be released will be essential for the NPS to understand.
91	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	ACEC	**5.A.** Please provide an analysis of impacts this project may have on Wilderness characteristics within the East Fork of the Virgin River in Zion National Park.
92	25	4/18/2022	Email	Agency	NPS	Michael Reynolds	21	General	We appreciate the opportunity to identify information needs, important needed analyses and to provide comments during the scoping period of the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project. Further, we request the information and analyses discussed above be initiated in consultation with all cooperating agencies. Please work directly with ZION staff to advance the responsibilities and expectations that will be assigned in the memorandum of understanding for cooperating agencies. If you have any questions, please contact Jeff Bradybaugh, ZION Superintendent, as the primary point of contact by phone at
93	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	General	The U.S. Environmental Protection Agency Region 8 has completed a review of the Notice of Intent (NOI) for the Cove-East Fork Virgin River Watershed Plan Project Environmental Impact Statement (EIS) prepared by the USDA Natural Resources Conservation Service (NRCS). The following scoping comments were prepared in accordance with our responsibilities under the National Environmental Policy Act (NEPA). The Project purpose is identified “to increase and maintain a reliable supply of water for local agricultural use and existing storage needs, increase water conservation, and improve water delivery efficiency in the Upper Virgin Watershed…” in Kane and Washington Counties, Utah. The Project proposes three alternatives, including the No Action Alternative. The other Proposed Alternatives include the construction of Cove Reservoir and construction of an alternative reservoir site. EPA has identified the following key topics we recommend evaluating in the Draft EIS to fully understand the potential impacts to public health and the environment: (1) purpose and need, (2) alternatives, (3) water resources, (4) air resources, (5) mitigation, (6) threatened and endangered species, (7) construction and failure response, and (8) environmental justice and NHPA. We appreciate your consideration of the enclosed comments. We are providing a copy of our December 22, 2020, Cove Reservoir Environmental Assessment (EA) comment letter. These comments remain valid for the NRCS to consider as it develops the Draft EIS with Cove Reservoir construction identified as the Preferred Alternative. We value the opportunity to review and provide comments on the NOI. We look forward to working with you and will continue to provide Project assistance on the NEPA process and Clean Water Act (CWA) Section 404 guidelines related to the development of the Draft EIS. If further explanation of our comments is desired, please contact me at or Philip Strobel, Branch Chief, at .

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94	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Purpose and Need	**(1) Purpose and Need** We are pleased to see a better-defined purpose and need statement and the inclusion of an additional alternative in the NOI. We reiterate some of the following information to aid the NRCS in development of the EIS. The previous Cove Reservoir Environmental Assessment (EA) and current NOI documents indicate this Project will require a Clean Water Act Section 404 permit for impacts to aquatic resources. For the purpose of complying with both the CWA and NEPA, EPA recommends ensuring that the purpose and need statement is broad enough to encompass an appropriate range of both "reasonable" (per NEPA) and "practicable" (per CWA Section 404) alternatives to meet the basic (i.e., underlying) project purpose, including the proposed action and other available water supply and management options. A broad purpose and need statement allows for the analysis of a range of water supply alternatives without eliminating less environmentally damaging alternatives that may be considered practicable under the CWA Section 404 implementing regulations (e.g., water conservation and identification of existing nearby water supply sources). Developing an agency-coordinated purpose and need statement is critical prior to establishing subsequent screening criteria or identification of alternatives. Efforts to develop a purpose and need statement that meets the requirements of both NEPA and CWA Section 404 can provide for a more efficient regulatory process, while the use of a narrow project purpose to determine the scope of studies has the potential to result in the need to prepare additional NEPA documentation to meet NEPA and CWA Section 404 requirements. When creating the Project purpose and need statement, we recommend that the Draft EIS describe the quantity of water that is needed above the current supply and the reasoning behind the need. The NOI Preferred Alternative identifies two different volumes for Cove Reservoir, which could be considered two independent alternatives should the impacts vary. Important considerations further include identifying project participants and recent growth projections (e.g., per State Demographer information) in the demand analysis and documenting existing use by each entity utilizing consistent methodology (e.g., gallons per day or gallons per capita). It is informative to describe current community master planning build-out scenarios (i.e., recreational, industrial, residential, or agricultural development plans) and boundaries and estimate demand for these scenarios. If available, it is also helpful to provide similar community-type demand estimates or ranges for comparison purposes. We also recommend quantifying potential reductions to current demand through the implementation of water resource infrastructure improvements and conservation measures within both the description of need and the proposed Project alternatives.
95	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Alternatives	**(2) Project Alternatives** For an alternative to be practicable, it must be reasonably available or obtainable and may include options beyond the authority of the lead agency. To assure that an alternative is permittable, it is essential that the Draft EIS include a range of alternatives with the goal of avoiding and minimizing impacts to waters of the U.S. while meeting the basic purpose of the action. We recommend that the Draft EIS summarize the regulatory criteria and processes utilized to develop the reasonable and practicable alternatives, including any environmental, logistical, technological, and cost criteria applied to identify and screen potential alternatives. Details of the reasoning used to screen or eliminate alternatives is valuable for understanding the decision process. As required by regulation, the rationale must be consistent with the practicability definition and criteria outlined in the preamble language of the CWA 404(b)(1) Guidelines (40 CFR § 230.10). EPA recommends exploring a suite of structural and non-structural options to meet the underlying project purpose when considering a range of alternatives. A combination of non-structural and structural components could serve to meet the basic project purpose, and together may reflect a practicable alternative that is potentially less damaging than a single larger structural option. For example, assess to what extent the need for supplemental water supply could be reduced or resolved through conservation and for any remaining need, if it could be partially or fully met through temporary or permanent agreements for use of agricultural water rights, drought time water use restrictions, water reuse, conjunctive use of groundwater and surface water supplies, alternative development of additional storage, alternative storage sites within the basin, purchase of other water rights that may be less damaging to aquatic resources, blending raw water, regulating development in a service area, or a combination of these ideas. Because non-structural options (e.g., conservation, water rights leasing) may individually contribute less towards meeting the Project purpose than structural options (e.g., new or expanded reservoir storage), we recommend designing screening criteria so that these non-structural components are not eliminated solely on the basis of their potentially smaller individual contributions to meeting the Project purpose and need.
96	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Affected Environment	**Baseline Environmental Conditions** When evaluating effects of alternatives, we recommend using existing environmental conditions as the baseline for comparison of impacts across all alternatives, including the No-action Alternative. Comparing the alternatives to existing conditions is important for understanding and quantifying each Alternative's impacts and potential benefits. This is especially true when there are environmental protections in place that are based on current conditions or special designations of downstream waterbodies such as the Wild and Scenic designation of the Virgin River in Zion National Park. EPA recommends that the NEPA analysis compare and present impacts to resources against the existing conditions baseline using a consistent method to measure project impacts on these critical resources for all alternatives. We recommend that NRCS consider the following when defining baseline conditions: • Verify whether historical data (e.g., data 5 years or older) are representative of current conditions. • Provide a detailed hydrologic analysis in diverted waterways and storage areas to adequately assess the Project's potential biological and geomorphic impacts. At a minimum, include wet, average, and dry year analyses at a daily time-step. Also consider potential influences of temperature and precipitation trends on future hydrology. • Include resources directly impacted by the Project footprint within the geographic scope of analysis (i.e., reservoir locations and pipeline, canal and road routes), as well as the resources indirectly (or secondarily) impacted by the Project. These indirectly impacted areas may include downstream segments, source streams where water diversions will occur and any other resource areas which may be affected by changes in water management or operations.

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97	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	**(3) Water Resources** Analysis of Water Supply Reliability We recommend including information on safe yields from streams and groundwater, water demand, and drought management. Reviewing previously conducted studies by the Institute for Water Resources of the Corps of Engineers may be useful (See "An Evaluation of the Risk of Water Shortages in the Lower Peninsula, Virginia," Revised Report, August 15, 2001, IWR Special Study, U.S. Army Corps of Engineers). An evaluation of potential influences of climate change on the proposed Project is also a valuable component for assessing water supply reliability. The Utah Department of Natural Resources has made projections on climate change attributed changes to annual temperatures and precipitation over the next century that would apply to the Project area (Khatri, K.B. and Strong, C., 2020 Climate Change, Water Resources, and Potential Adaptation Strategies in Utah. Utah Department of Natural Resources, https://water.utah.gov/water-data/water-reports/). Climate change influences on the Project may translate into modified design and operational assumptions for determining resource supplies, system demands, system performance requirements, and operational constraints (Brekke, L.D., Kiang, J.E., Olsen, J.R., Pulwarty, R.S., Raff, D.A., Turnipseed, D.P., Webb, R.S., and White, K.D., 2009 Climate change and water resources management – A federal perspective: U.S. Geological Survey Circular 1331, p.65). We recommend including an analysis of how climate change vulnerabilities have been incorporated into alternative selection and design in the Draft EIS and if or what additional work may be needed to address these points in the future within the watershed.
98	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	**Water Quality Impacts** Should the Project modify water resources through operational changes, construction activities, placement of new infrastructure, increased diversion of water, or introduction of new water sources, we recommend the Draft EIS include an analysis of water quality that evaluates the following areas: • Current and post-project water quality at a critical flow condition and expected changes to assimilative capacity or permit limits for any National Pollutant Discharge Elimination System (NPDES) or state discharge permits downstream of the diversion or impoundment. This analysis should include: o A comparison of current water quality, post-project water quality, and the applicable water quality standard (i.e., nutrient loads and temperature changes downstream in the East Fork Virgin River); o The utilization of state methods to assess water quality and determine water quality-based effluent limits; o An account of changes in background water quality for water quality modeling and determinations of assimilative capacity; o Water quality impairments per State CWA Section 303(d) lists, draft or established Total Maximum Daily Loads (TMDLs) and potentially affected dischargers; o Details of any water quality-limited segments within the affected area; o Source Water Protection Areas and an explanation of how the Project will be consistent with Source Water Protection planning measures; o Direct or indirect effects from the proposed borrow pit(s) on BLM land; and o Potentially affected water treatment providers and possible changes to treatment processes.
99	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	**Groundwater** In assessing the potential impacts of an alternative on groundwater systems in the region of the Project site, EPA recommends that the Draft EIS examine the potential for changes in the volume, storage, flow and quality of ground water through data obtained from ground water resource characterization efforts and ground water use. Projected construction, operation, or maintenance of a project and its associated infrastructure may have significant impact on groundwater resources. EPA therefore recommends highlighting potential impacts to: • Spring and seep emergences and their associated discharge rates and quality; • Regional subsidence associated with groundwater withdrawal; • Sensitive aquifers, sole source aquifers, drinking water well yield and quality; and • Regional aquifer quality, aquifer quality near potential underground storage areas, and areas of groundwater/surface water exchange. EPA recommends the NEPA analysis identify and discuss how groundwater will be protected or impacted by project activities and any changes in the system that may result from the implementation of an alternative. If the Project will impact groundwater, we recommend the analysis consider mitigation measures that: • Avoid impacts on groundwater; • Limit the degree or magnitude of impacts on groundwater; • Reduce impacts by long-term maintenance operations; • Repair or restore groundwater resources; and/or • Compensate for groundwater impacts by replacement or substitution. The EPA recommends the NEPA analysis include: • A list of Best Management Practices (BMPs) that will be required to protect water resources; • A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, sensitive aquifers, spring emergences, etc.); and • An explanation of how NRCS or another government entity would ensure that the BMPs would be monitored to ensure timely and correct implementation.

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100	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	**Streamflow** EPA recommends that the analysis of each alternative, with respect to the affected stream system(s), account for alterations of streamflow quantity and subsequent impacts to aquatic life. In order to understand Project effects on streams, include in the analysis any stream resources in the immediate Project area, downstream of the Project area, and any areas that would be affected by inundation, diversions, or operational modifications within the scope of the impact analysis. For the impact analysis we recommend selecting reaches based upon their representativeness of geographic scope and the type of modification. To ensure that critical resources are considered and the scope of analysis is appropriate, we recommend conducting interagency coordination when selecting stream reaches. For example, it would be valuable to include consideration of species recovery areas, recreational areas, critical habitat for threatened or endangered species, Wild and Scenic designated segments, segments impaired per Section 303(d) of the CWA, segments for which TMDLs have been established, receiving waters for permitted dischargers, and source water protection areas for surface water intakes. We also recommend considering stream impacts regionally within the context of the cumulative analysis portion of the review. If an alternative will alter in-stream flow quantity, we recommend that the Draft EIS include analysis of the following: • Quantify any existing diversions diversions into or out of the water sources affected by the Project; • Present and compare pre- and post-project flows as characterized in Table 1 on the next page. • Assess impacts to the flow regime with an emphasis on the implications of changes to channel complexity, channel maintenance, aquatic habitat availability, and life history adaptations which includes; and, • Assess the cumulative effect to streams of past diversions, project diversions, and any reasonably foreseeable future diversions.
101	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	Include analysis of the following: - SEE TABLE OF FLOW METRICS • Impacts to stream morphology and sediment transport due to reservoir construction/expansion, changes in stream flow, or changes in land use including: o Identify affected riffle-pool complexes; and o Assess impacts from pre- and post-project flows to sediment transport, channel maintenance and channel complexity. • Impacts to resident fish species and invertebrate assemblages which includes: o Baseline data regarding functional species composition, diversity, evenness, abundance, and, for macroinvertebrates, %EPT (Ephemeroptera, Plecoptera, and Trichoptera) and some characterization of flow preference. EPA's rapid bioassessment protocol, or a statespecific method, may be used to describe baseline habitat quality; o Characterization of shifts in species composition, impacts to less tolerant species, and changes in functional composition between current baseline and post-project environment; o Impacts to physical habitat, including availability, heterogeneity, connectivity, and longterm habitat maintenance; o Consideration of multiple metrics or factors that influence habitat such as loss of flushing flows, reduced floodplain connectivity, temperature, and changes to ecologically significant flows; o Analysis of aquatic resource impacts, which integrate any results from flow, stream morphology and water quality analyses; • Impacts associated with reservoir construction/expansion and subsequent inundation and include quantification of lost aquatic and riparian habitat areas and impacts of conversion from lotic to lentic habitat types; and • A description of mitigation measures for potentially adverse impacts to stream resources and aquatic life.

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102	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Wetlands	The protection and restoration of wetlands and riparian areas is a high priority. These resources increase landscape and species diversity, support many species of wildlife, and are critical to the protection of water quality and designated beneficial water uses. To illustrate effects to wetlands in the area, we recommend that the Draft EIS specifically include the following analyses or descriptions: • Description of impacts under individual or nationwide permits authorizing the discharge of fill or dredge materials to waters of the U.S.; • Clear maps, including wetland delineation and regional water features; • Wetland delineation and descriptions, including ecological function analysis if there is any potential that an alternative will cause impacts; • Analysis of the direct, indirect, and cumulative impacts to all wetlands in the geographic scope, including impacts to wetlands from changes in hydrology even if these wetlands are spatially removed from the construction footprint. Include in the analysis the indirect impacts to wetlands from loss of hydrology from water diversion/transfers and the cumulative impacts to wetlands from future development scenarios based on population and growth estimates; • Detailed analysis of potentially adverse impacts to aquatic resources from reasonably foreseeable development; • Impacts associated with infrastructure and reservoir construction/expansion and subsequent inundation with a quantification of lost aquatic and riparian habitat areas • Specific and scientifically-derived evidence to support downstream increases to riparian habitat resulting from reservoir development as described in the EA; and • An evaluation of specific mitigation requirements and BMPs applicable for construction, maintenance, and reclamation activities to prevent adverse impacts to aquatic resources downslope of the Project site. We recommend that the Draft EIS demonstrate that the destruction, degradation, and modification of all wetlands, both jurisdictional and non-jurisdictional, is being avoided and minimized on federal land as outlined in EO 11990. It is the responsibility of NRCS to comply with EO 11990 for impacts on federal lands if any of the project alternatives cross into the surrounding BLM lands. This would involve mapping all wetlands within the project site, including springs and seeps, and assuring all avoidance measures are incorporated into the Project. If non-jurisdictional wetlands on federal lands are going to be impacted, offsetting mitigation efforts will also need to be incorporated.
103	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Air Quality	**(4) Air Resources** Protection of air quality is important to address in the Draft EIS. We recommend that the amount of stationary, mobile, and non-road source emission activities associated with construction, including hazardous air pollutants, be quantified and disclosed. We recommend evaluating and disclosing any air quality impacts and if necessary, identifying mitigation steps that will be taken to minimize associated adverse impacts. Components to be presented in the documentation include the existing air quality conditions in the Project vicinity, and an assessment of any impacts on National Ambient Air Quality Standards, Prevention of Significant Deterioration standards, and air quality related values or Air Quality Related Values. Also, to be addressed are particulate emissions from construction and ongoing operation of maintenance or access roadways.
104	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Monitoring and Mitigation	**(5) Mitigation** EPA recommends that each alternative in the Draft EIS identify appropriate mitigation where impacts to water quality, air quality, stream morphology, or aquatic life are expected. The higher the uncertainty surrounding project impacts, the more emphasis there should be on providing mitigation details (including adaptive management) to assure protection of resources. At a minimum, include the following mitigation information in the Draft EIS: • Identify the entity responsible for implementing each mitigation commitment; • Define a mitigation effectiveness monitoring plan, including baseline monitoring if data are lacking; • Define specific management decision points based upon protecting the minimum desired environmental conditions (thresholds) in the Project area which would trigger modification or improvement actions; • Identify funding sources to sustain mitigation commitments. • Establish mechanisms for public disclosure of the analysis and management decisions; and • Ensure that mitigation details presented are consistent with the 2008 Rule on Compensatory Mitigation for Losses to Aquatic Resources for related impacts if a CWA 404 permit will be required.
105	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Sensitive Species	**(6) Special-Status and Threatened and Endangered Species** The Project area contains special status species, including the Virgin River chub and woundfin species at Pah Tempe Hot Springs, as well as the southwestern willow flycatcher. EPA recommends engaging the U.S. Fish and Wildlife Service (FWS) as early in the analysis as possible to assure that the proposed alternatives responsibly account for or are in compliance with the following: • River restoration, flow and channel modifications, wetlands, and habitat fragmentation regarding species' habitat requirements; • Migratory Bird Treaty Act; • A management plan for surrounding land uses (e.g., pesticide, nutrient, weed, and recreation management), for new reservoir construction alternatives; and To best inform decision-makers and the public, we recommend the Draft EIS: • Summarize the status and trends of the Project area for threatened, endangered, and sensitive (TES) species and potential suitable habitat acreage; • Disclose of any impacts to TES species and habitat resources (including habitat fragmentation) associated with the proposed Project; • Include design criteria, mitigation, and monitoring measures developed in coordination with the FWS and State to ensure the proposed Project and resulting development do not negatively impact habitat for migratory birds, bald eagles, or other species; and • Any FWS recommendations to reduce potential impacts to TES species from the proposed Project.

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106	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Invasive Species	**Invasive species** The EPA recommends that the Draft EIS analyze the Project's potential to increase the spread of invasive species. Invasive species in aquatic environments [i.e., zebra (Dreissena polymorpha) and quagga (Dreissena bugensis) mussels, tamarisk (Tamarix spp.), New Zealand mudsnail (Potamopyrgus antipodarum), and rusty crayfish (Orconectes rusticus)] have been documented across the United States and may apply to any new lands being converted into additional water storage. If the Project has the potential to facilitate spread of invasive species, we recommend evaluation of the impacts to Special-Status and TES species as well as incorporating measures to prevent or mitigate those effects.
107	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Alternatives	**Proposed Alternative Construction** We recommend including specific information about water resource storage construction so that anticipated impacts can be considered when selecting between alternatives. These details include a description of the following factors: • Structural specifications, materials, and locations; • Anticipated support facilities including pipelines, canals, structural yards, maintenance buildings and roads, construction camps and materials sites; • Anticipated temporary land use locations; • Sensitive plant and animal life in the construction area; and • Topography, geology, and surficial hydrology in the vicinity of each structure. Based on these criteria, we recommend choosing structure locations and aesthetics for each alternative in cooperation with the municipalities of Kane and Washington Counties and any other relevant state or federal land managers.
108	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Health and Safety	**Failure Response** We recommend the Draft EIS include an evaluation of potential adverse impacts from the structural failure of the potential constructed water storage alternatives. This evaluation should include potential adverse impacts to surface waters, public or private water supplies, human health, economics, vegetation, and wildlife. In this part of the analysis, it would be useful to discuss the probabilities and likely frequencies of different types and volumes of potential failure events over the life of each alternative and we expect that this information will be useful in determining future emergency transportation corridor locations.
109	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Environmental Justice	**(8) Environmental Justice and National Historic Preservation Act (NHPA)** According to our review of EJScreen data (https://www.epa.gov/ejscreen), there are people of color, low-income and indigenous communities within the geographic scope of the planning area. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations – applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government – sets expectations for a whole government approach to advancing equity for all. Consistent with these executive orders and CEQ's Environmental Justice Guidance Under NEPA (available along with other environmental justice resources at https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act), the EPA recommends the Draft EIS: • Identify communities described above within the geographic scope of the impact area, including the sources of data and a description of the methodology and criteria utilized; and • Document meaningful engagement of such communities with respect to NRCS's decisions on the reservoir selection and Watershed Plan. In particular, and consistent with the Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, we recommend initiating Tribal Consultation. We also recommend discussing the role in the decision-making process of the tribes and individuals in whose beneficial interest the land is held in trust and notifying the Tribal Historic Preservation Officer if cultural or historical artifacts are found in the Project area (see comment below for more information). • Assess environmental justice and other socioeconomic concerns for any people of color, low-income, and indigenous communities, including: o A discussion of the potential direct, indirect and cumulative environmental impacts of the proposed Project on the health of these communities, with consideration of any existing disproportionate impacts being experienced (e.g., if this Project would adversely impact water quality, aquatic ecosystem functions or air quality); o An evaluation of the socioeconomic impacts to the local communities, including the potential for any additional burden placed on local communities' abilities to provide necessary public services and amenities (e.g., reservoir construction affecting existing recreational, spiritual or small business uses for communities and individuals that utilize the East Fork Virgin River. Further, creation of a new major recreation area may place a financial burden on marginalized communities if costs to use the lake are prohibitive to their use by these populations); and o A determination of whether and how there may be disproportionately high and adverse human health or environmental effects, including cumulative impacts, associated with the proposed Project on the identified communities. • Identify mitigation measures or alternatives to avoid or reduce any disproportionate adverse impacts. We recommend involving the affected communities in developing the measures. The EPA recognizes the need for early involvement of the local communities and supports the meaningful participation of community representatives in the NEPA process.
110	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Tribal and Cultural Resources	**NHPA Consultation** We recommend the USFS conduct consultation under the NHPA with the Tribes, as well as the Tribal and State Historical Preservation Offices. It has been our experience that these contacts change frequently and must be verified with each action. To ensure that consultation requirements are met, provided below are two resources which are updated and maintained online: • The National Association of Tribal Historic preservation Officers – Find a THPO https://www.nathpo.org/thpos/find-a-thpo/; and • The National Conference of State Historic Preservation Offices – Directory https://ncshpo.org/directory/ We recommend that an updated contact list for THPOs and SHPOs be cited in the Draft EIS to provide the public with full disclosure on the consultation requirements under the NHPA.

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111	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	General	**Enclosure 2. EPA Comments on Cove Reservoir Draft Plan EA** We are enclosing a copy of our December 22, 2020, letter providing EPA's comments on the Draft Plan EA for Cove Reservoir. The purpose for including this letter is to reiterate comments that may continue to be applicable for the NRCS to evaluate during Draft EIS development considering the NOI identification of Cove Reservoir construction as the Preferred Alternative. The U.S. Environmental Protection Agency Region 8 has reviewed the USDA Natural Resource Conservation Service's November 25, 2020, Draft Plan Environmental Assessment (EA) for the Cover Reservoir Watershed Project. The NRCS has prepared a Draft Plan EA primarily to address summer agricultural irrigation shortages for nearby farms in the watershed. The Draft Plan EA identifies two alternatives for consideration; the Preferred Alternative to construct a dam at the Cove Reservoir site with a 6,055 acre-feet storage capacity and the No Action alternative. In accordance with our responsibilities under the National Environmental Policy Act (NEPA), we are providing the following comments on purpose and need, water quality and aquatic resources, as well as general feedback for consideration as you move into the next phase of NEPA development.
112	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Purpose and Need	**Project Purpose and Need:** The Draft Plan EA identifies that the primary purpose of the project is to capture high winter flows in storage in order to fulfill the need to provide additional water to irrigators during low-flow summer months. The ancillary purposes of this project based on the preferred alternative selection are to create recreation opportunities, relocate and upgrade the Glendale hydroelectric power plant, and generate consistent summer flows to enhance downstream habitat for threatened and endangered species. The Draft Plan EA discusses alternatives that were considered but screened out, leaving construction of a new dam at the Cove Reservoir site as the single preferred action. Because the Draft Pan EA identifies that Cove Reservoir will likely require a Clean Water Act (CWA) Section 404 individual permit for impacts to waterbodies in the proposed reservoir footprint, we recommend that 404 processes and NEPA be merged to increase efficiency. As such, 404 permitting requires that all feasible alternatives be evaluated to determine that the selected alternative is the least environmentally damaging practicable alternative (LEDPA). Our review indicates at least one feasible alternative that would provide approximately 3,000 acre-feet of storage was screened out from evaluation in the Draft Plan EA due to cost, and other alternatives, including non-construction actions (e.g. conservation and modified irrigation practices), were not considered as they did not meet water storage requirements of the purpose and need. We recognize that some alternatives were screened out due to unfavorable conditions, but we recommend that all feasible alternatives be evaluated if they can meet the primary goal of providing additional water needs for existing agriculture activity in the project area. Providing this information will increase the efficiency of CWA 404 permitting in addition to completing a robust analysis for NEPA purposes. We recommend that discussions on purpose and need clearly indicate that the Cove Reservoir location has already been purchased by the Kane County Water Conservation District (proponent). It is not immediately clear in the documentation how the existing land acquisition is factored in the alternatives screening cost evaluation. This information will be relevant for CWA 404 permitting and determining if the preferred alternative is the LEDPA.
113	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	**Water Quality and Aquatic Resources:** Cove Reservoir would utilize diversion of peak flows from the East Fork Virgin River (East Fork) during winter to fill the pool. The East Fork is classified by the State of Utah as a Category 1 high functioning surface waterbody under its antidegradation policy and is currently assessed as unimpaired. As such, activities in or near the waterbody that could result in degradation should be scrutinized and avoided. The Draft Plan EA determines that no change in water quality would occur as a result of Cove Reservoir. Our review of the Draft Plan EA resulted in the following observations that we recommend be addressed to evaluate that determination: •The Draft Plan EA identifies that the diversion and retention of water in Cove Reservoirwill provide a beneficial use due to annual releases of up to 882 acre-feet downstream toprotect federally-listed Virgin River chub and woundfin species at Pah Tempe HotSprings. Additionally, the Draft Plan EA identifies the potential for increased riparianhabitat growth to benefit the listed southwestern willow flycatcher. The Draft Plan EAstates that "up to" 882 acre-feet will be discharged but does not elaborate on what criteriawill be established to determine flows aside from the agreement between the proponentand Zion National Park to not exceed certain flows rates. We recommend the documentanalyze and discuss the potential for adverse effects on listed (state and federal) and non-listed species. We further recommend the document outline whether beneficial flowswould be curtailed due to a priority to meet irrigation needs should there be a droughtyear (or years) and the reservoir does not fill to capacity. As both irrigation and storageand beneficial flows are identified as project purposes, we recommend that the documentidentify if they will have equal weight. Recreation is also a project purpose, and thedocument should address ability to meet recreational needs under similar conditions andidentify if specific purposes will outweigh others should conditions occur where the poolcannot be filled during the high flows season. •The Draft Plan EA does not analyze or discuss the possibility of nutrients or other potential constituents that could accumulate in the reservoir and be released downstream.We recommend evaluating soils and land uses upgradient of the reservoir location to assist in anticipating potential water quality issues. Due to the sensitive and protected nature of the East Fork, we recommend that identification and anticipation of any potential impairments in the East Fork resulting from the reservoir be evaluated so they can be fully disclosed, mitigated or avoided.

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114	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Cumulative Effects	•The Cumulative Effects section (4.4.2.2.) identifies that Jackson Flat Reservoir and theproposed Cove Reservoir would collectively provide irrigation water for Kane Countyagriculture. The Draft Plan EA introduction identifies in section 1.4 that there is currentlyno water storage structure available for irrigators in the area, but this information appearsto contradict that. It is unclear from this section how the water from both sources will becollectively utilized. For clarity, we recommend the document elaborate on this collectiveuse and how it is factored in the water needs projections. If there are plans to combineand convey water from both reservoirs, we recommend the document analyze thepotential in-reservoir and downstream water quality effects that could occur if water is shared between reservoirs. If the reservoirs are independently utilized, that clarificationwill be beneficial to avoid confusion.
115	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Water Resources	•The Draft Plan EA highlights that the reservoir will increase water quality in the EastFork by retaining some sediments from high water or flash flood events. It is unclear inthe Draft Plan EA if there are anthropogenic sources of increased sediment or if thesediment is part of the natural regime of the watershed. For clarification, we recommendthat the document identify if the capturing of sediments will alleviate anthropogenicinfluences on sediment loads in the watershed and East Fork or if the capture ofsediments may alter the natural sediment regime.
116	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Invasive Species	•Recreation is identified as one of the project purposes. We note that the project area is inproximity to Lake Powell and other state reservoirs that provide recreation opportunities.These reservoirs, especially Lake Powell, provide education, inspections, andrequirements to prevent introduction of quagga and zebra mussel invasive species into thereservoirs. We recommend that the proponent identify and commit to measures to avoidintroduction of invasive species by recreational watercraft usage of the reservoir. This isespecially important due to the high quality of the downstream water and federally-listedspecies in addition to the maintenance of the irrigation and power-generatinginfrastructure associated with the project.
117	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Sensitive Species	•The Draft Plan EA identifies that the beneficial summer flows would increase riparianhabitat for the southwestern willow flycatcher. This statement implies certainty of abenefit. Due to the flash flood regime of the watershed, the document would benefit thereader with an analysis and discussion as to whether potentially new habitat growthwould remain established in the downstream environment. If the habitat is not sustainablethe beneficial impact may not be as effective as the Draft Plan EA proposes
118	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	Effects Analysis	•The Draft Plan EA identifies that construction activity will require traffic at crossings ofthe East Fork. We appreciate the proponent's construction BMPs to mitigate impacts tothe waterbody, and strongly encourage investigation of any alternate routes that couldfurther minimize or avoid, if possible, directly impacting the East Fork.
119	26	4/26/2022	Email	Agency	EPA	Matthew Hubner	22	General	The Draft Plan EA identifies the development of an approximately 4.1-acre recreation area. We recommend that BMPs be incorporated to prevent water quality impacts from disturbance and impacts to the watershed, reservoir and surrounding are by increased recreational activity. The maps (Figures 1-2 and 1-3) would benefit from the inclusion of the jurisdictional waterbodies in relationship to the proposed infrastructure. If any of the comments above warrant additional analysis and discussion (i.e. collective use of Jackson Flat and Cove Reservoirs), maps of the involved infrastructure and waterbodies would be useful for the reviewers. Lastly, due to the general unknowns regarding the impacts (positive and negative) to the East Fork immediately downstream of the reservoir project infrastructure, the waterbody Category 1 designation, downstream federally-listed species, and proximity to the Wild and Scenic designated segment of the Virgin River in Zion National Park, we recommend that the NRCS work with the proponent and other stakeholders (particularly ZNP, USFWS and the State of Utah) to develop a monitoring plan to ensure the high functioning nature of the East Fork and Virgin River is maintained should the Preferred Alternative be selected.
120	27	4/28/2022	Email	Agency	BLM	Jamie Pool, Natural Resources Litigation Advisor	23	General	The BLM Utah State Office does not have specific comments on the NOI. Our understanding is that we will be a cooperating agency on the development of this EIS. The instructions provided by our HQ office/DOI are a little vague – do I also need to submit a no comment response via the Federal eRulemaking Portal (docket ID NRCS-2022-0002)?
121	28	4/28/2022	Email	Public		Tracy Hiscock	24	General	It is 11:10pm on April 28, 2022. I just attempted to submit my written comments for the Cove Reservoir project. The portal rejected my comments, stating that " We were unable to successfully submit your comment at this time due to a submission error at Regulations.gov: NRCS-2022-0002-0001 is not open for comment. " I am shocked by this, as there are still 45 minutes or so left in April 28. I will attach my comments below and request that you accept them into the EIS as sent in a timely manner.

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122	28	4/28/2022	Email	Public		Tracy Hiscock	24	General	Docket No. NRCS-2022-0002 I am a long term resident, attorney and taxpayer in Kane County, Utah. I am an avid hiker of Zion National Park and nearby public lands. As such, and as a taxpayer and local citizen, I appreciate the opportunity to provide input "into the scope of the analysis and identification of relevant information" for the Environmental Impact Statement (EIS) for the proposed Cove-East Fork Virgin River Watershed Plan EIS Project as required under the National Environmental Policy Act (NEPA). This proposed Cove Reservoir project has huge potential impacts on downstream Zion National Park, the spectacular public treasure of southern Utah, through which flows the Virgin River, a federally designated Wild and Scenic River, and in which live several Endangered Species of fish, as well as the Parunaweap Wilderness Study Area. The proposed dam to create the reservoir would permanently change the river's natural flow and disrupt the already fragile riparian ecosystems in these areas. It would alter water flows and change flow rates, affecting the wild qualities of the river. It could negatively impact the plants, soils, fish, wildlife and interconnected ecosystems they rely on. Each of these issues must be addressed in an EIS. Significant scientific data is required to adequately analyze all of the potential environmental impacts of this proposal, as required by NEPA in an EIS.
123	28	4/28/2022	Email	Public		Tracy Hiscock	24	Climate Change	And the issue which cannot be ignored- the megadrought that the area has been experiencing for the last 22 years- yes, climate change, must be addressed in the EIS. A project such as this, at this time, seems ill advised. It could greatly exacerbate the changes already happening in the timing, amount, and natural flow of the river that would negatively impact the trees, soils, plants, fish, wildlife, and interconnected ecosystems of the Virgin River, Zion National Park and the Parunaweap Wilderness Study Area. Indeed, an EIS must examine and analyze cumulative impacts as well. A related issue to be considered when proposing the building of a dam is that they worsen the impact of climate change. They release greenhouse gases, destroy carbon sinks in wetlands, deprive ecosystems of nutrients, destroy soils and habitats. Additionally, significant amounts of water are wasted by evaporation in a reservoir. These issues should be analyzed in light of the megadrought and climate change.
124	28	4/28/2022	Email	Public		Tracy Hiscock	24	Economics	An important social issue which should be addressed is the uneven and limited economic benefit of the proposal. If built, this water project will benefit a small number of "local agricultural users," ranchers who grow alfalfa, further subsidizing their agricultural activity, as well as several real estate developers; at taxpayer expense. The proposal primarily serves private interest at public cost. The proposal proponents claim that the annual shortages that occur during the summer months are " primarily due to a lack of storage capability, " are not entirely true. The recent annual shortages in the summer are happening because there is less snow every recent winter to feed the watershed and because the area is no longer seeing the summer rainy season that used to be. Climate change is drying up the west and proposals to build dams ignore these facts and science. Ranchers are not guaranteed that there will be water to use to water their alfalfa. They are not guaranteed infrastructure at public expense to use their water rights. The needs of these few should not be prioritized at the expense of taxpayers. There is no demonstrable public purpose or documented need for the project, no public problem to be solved. This economic justice issue must be analyzed in the EIS.
125	28	4/28/2022	Email	Public		Tracy Hiscock	24	Recreation	The stated need for recreation as a public benefit must be based on facts. I am a regular user of Jackson Flat Reservoir in Kanab. It is not overused by any stretch of the imagination. I have not observed that "water-based recreation activities are in high demand in Kane County" as is stated in the notice document. The fact that nearby national parks have become overcrowded will not be alleviated by another small reservoir in the area. Tourists who are coming to visit Zion National Park, Bryce Canyon National Park or Lake Powell National Recreation Area are unlikely to visit Cove Reservoir instead. Lake Powell is huge and not overcrowded for those who seek and enjoy water recreation. This proposed project, again, does not serve a strong public interest, but benefits a few fortunate, land owning, agricultural users. Please include the issues I have raised in the upcoming EIS for the Cove Reservoir proposal. Thank you for consideration of my comments.

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126	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	General	Thank you for the opportunity to provide scoping comments on the Cove Reservoir Environmental Impact Statement (EIS). American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 6,200 members and 100 local-based affiliate clubs, representing approximately 80,000 whitewater paddlers across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. As leaders and partners in river management nationwide and as representatives of the paddling community, American Whitewater has an interest in the exemplary management of the East Fork of the Virgin River as well as the main stem of the Virgin River. A significant percentage of American Whitewater members travel to the Virgin River downstream of the proposed project for recreation and the paddling community enjoys the outstanding packrafting opportunities in Parunuweap Canyon on the East Fork. American Whitewater has actively participated in this project, providing substantial comments on the Environmental Assessment (EA) in 2020 (American Whitewater letter dated December 23, 2020) and participating in multiple public scoping meetings on the EA and EIS. In response to extensive concern from stakeholders, the Natural Resources Conservation Service (NRCS) made the appropriate decision to conduct a full EIS instead of an EA. Now, the NRCS needs to ensure all of the outstanding issues raised in the EA are addressed in the EIS process. The scoping document suggests that the proposed alternative is very similar to the proposed action in the EA, indicating that significant public comment and identified issues with the proposed action are still being overlooked. Our comments request more diligence and transparency on the project's purpose and need, and go into further detail on what must be analyzed in the EIS.
127	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	General	The EA for this project was severely deficient in its explanation, analysis, and findings regarding the project impacts on downstream ecological and recreational values and details of project benefits. In addition, it is apparent that the project's purpose and need are misleading and should be clarified. Prior to addressing the deficiencies of the original EA, the NRCS and project partners need to accurately define the project area and project purposes and financials. It is unclear how much water will be used for M&I water versus agriculture water and this needs to be more transparent in the purpose and need for the project's Scoping Notice. While the EIS scoping materials mention the use of water demands in Washington County, M&I water is not listed as a primary project objective which is contradictory based on the number of times that M&I water needs are referenced in the EIS purpose and need section and previously mentioned throughout the EA. The EIS needs to clearly delineate the amount of water for present and future M&I use, agricultural use, and any other anticipated uses. Regardless of the project's purpose and need, there are still serious deficiencies with the proposed alternatives that need to be addressed. Core to the project is the diversion of significant flows outside of the summer season. The EIS needs to provide a detailed report on the impacts of diminishing or eliminating the seasonal high flows experienced by the river downstream that play important roles in riparian vegetation, geomorphology, biological cues, fish habitat, and recreation. In addition, the stated benefits to hydropower and recreation are grossly exaggerated and the purported benefits either need to be removed or more appropriately described in the EIS. Given the obvious deficiencies in the project purpose and claimed benefits, and the clear impacts to the downstream river segments, we request that the project be abandoned entirely. If the project is not abandoned, we request that the following analyses and information is explicitly included in the EIS.
128	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Water Resources	**1. The impacts of instream flow diversions must be fully considered.** The EA made it unclear how much water will be withdrawn and when from the East Fork of the Virgin River under this proposal. The EA and supporting documents suggested in piecemeal that annual diversions of up to 30% of flow volume would be diverted into the reservoir between November 1 and May 31. If this were true however, the originally proposed 6,055 acre-foot reservoir would have filled barely halfway in two of the past ten water years, and more typically filled a third or less of its volume based on an analysis of the Glendale USGS Gage. It seems that the project is actually scaled to divert all of the flow in the East Fork of the Virgin River from November 1 to May 31 each year. Only then would the reservoir be likely to fill. We request that a supplemental analysis be produced that models and depicts proposed daily flow diversions and releases associated with both sub-alternatives (6,055 and 4,000 AF reservoir) using stream flow data from the past 10-year period.
129	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Recreation	**a. The EIS must consider diversion impacts to downstream recreation.** Downstream of the proposed project there are numerous beneficial and existing uses of the East Fork of the Virgin River and the Virgin River itself that were erroneously left out of the EA. Nowhere does the EA or the EIS scoping materials mention the whitewater boating that occurs downstream on the Virgin River. At least three whitewater runs are downstream of the project that rely on high spring flows to support recreational use: ● Zion National Park to Virgin1 ● Timpoweap Canyon2 ● La Verkin to Hurricane3 Given the extremely short and stochastic season that paddling on the Virgin River provides, even small reductions in spring run-off could have deleterious effects, making these reaches unrunnable due to flow reduction from reservoir operations.

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130	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Recreation	In addition, Parunuweap Canyon lies downstream of the proposed project on the East Fork of the Virgin River. Parunuweap Canyon offers relatively popular hiking and canyoneering opportunities within the BLM boundary and the lower section is a Natural Research Area managed by Zion National Park. Traveling through Parunuweap Canyon is considered by many to be more spectacular than the Zion Narrows.4 There have also been packrafting descents of Parunuweap upstream of the Park and it has been called a “new 5 star packrafting run”.5 Packrafting is an increasingly popular recreational activity that allows paddlers to explore remote, low volume streams. With already minimal flows on the East Fork of the Virgin, slight reductions to stream flows could make packrafting through Parunuweap Canyon impossible. The proposed artificial increases in summer flows, and elimination of winter and spring flows, could impact these uses. “Parunuweap” means roaring water, and this proposed project would silence the river in most years. The Wilderness character would be greatly diminished by the removal of variable and high flows and the unique geomorphologic and ecological characteristics that are attributed to natural flooding events would deteriorate.
131	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Water Resources	**b. The EIS must consider diversion impacts to downstream riparian vegetation and geomorphology.** In an egregious oversight, the EA failed to seriously explore or disclose the likely severe impacts on riparian vegetation and geomorphology associated with the proposed diversion. Winter and Spring high flows play critical roles in maintaining channel width, pool depth, and other key geomorphological variables. Elimination of high flows in other rivers has proven that without these flows riparian vegetation encroaches into the stream channel, and fine sediment builds up in what little channel is left. The Final EPA-USGS Technical Report: Protecting Aquatic Life from Effects of Hydrologic Alteration summarizes this well-understood and predictable impact as follows: *“It is critically important to maintain extremes (floods and droughts) within the bounds of the natural flow regime to support the ecological structure and function of streams and rivers. However, alterations in low or high flows that are human-induced, affect and can control many ecosystem patterns, such as habitat extent and condition, water quality, connectivity, and material and energy exchange. These patterns can in turn affect many ecosystem processes, including biological composition, distribution, recruitment of biota, and ecosystem production (Rolls and others, 2012).* *Although low flows serve a critical role in ecosystem function, current scientific research indicates that flow criteria ideally should support the natural flow regime as a whole, and that criteria for minimum flow alone (that is, a single minimum discharge value or a minimum passing flow) are not sufficient for maintaining ecosystem integrity (Annear and others, 2004; Bunn and Arthington, 2002; Poff and others, 1997). Minimum flow criteria do not address the full range of seasonal and interannual variability of the natural flow regime in most rivers and streams.* *The natural fluctuation of water volume and levels in rivers and streams is critical for maintaining aquatic ecosystems because aquatic biota have developed life-history strategies in response to these fluctuations (Hill and others, 1991; Lytle and Poff, 2004; Mims and Olden, 2012, 2013; Postel and Richter, 2003; Stalnaker, 1990). Comprehensive flow criteria not only identify flow needs (that is, magnitude) but may also address the rate, frequency, timing, and duration of streamflow required to support ecosystem health (Poff and others, 2010). The Instream Flow Council (a non-profit organization working to improve the effectiveness of instream flow programs and activities: http://www.instreamflowcouncil.org/) recommends developing criteria that incorporate natural patterns of intra- and interannual variability in a manner that maintains and (or) restores riverine form and function to effectively maintain ecological integrity (Annear and others, 2004). Therefore, narrative hydrologic criteria and their implementation ideally should address several flow-regime components (frequency, duration, timing, rate of change) in addition to flow magnitude. The components necessary are determined on a case-by-case basis, depending on which values are most ecologically relevant.”6*
132	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Water Resources	American Whitewater has significant organizational experience with the elimination of high flows, and their restoration. On rivers like the North Fork Feather (CA), Dolores (CO), and Cheoah (NC) we’ve struggled to restore dewatered rivers overtaken with overstory trees and shrubs. On rivers like the Bear (ID) we’ve seen sediment build up in the river channel each year when high flows do not flush it downstream and move it out of the channel laterally, and the effects that has had on macroinvertebrate communities and habitat are severe. The proposed project’s impacts to the frequency, magnitude, duration, season, and rate of change of the high flow regime would cause significant sediment build up, channel geomorphology impacts, vegetation encroachment, and eliminate important biological cues for plant and animal species for many miles downstream. Failing to disclose, explore, and weigh these impacts is a critical law in the project, and needs to be addressed in the EIS. The high flow regime was not the only oversight in the EA. The EA states that evaporation will remove 193 acre feet from the annual flow regime. This is 10% of the flow regime in most years. Also quite clear is that the 6,055 AF sub-alternative will eliminate another 4,500 acre feet or more as irrigation diversions. Together these losses appear to account for over half of the volume of annual flow in the river. The cumulative flow reductions for both all alternatives and sub-alternatives need to be explicitly described in the EIS. Lastly, the proposed summer releases of the 882 acre feet for the 6,055 AF alternative are likely to be released as peaking flows that could further destabilize and unravel the downstream ecosystem. The EIS needs to provide an analysis of the full picture of proposed flow regime alteration. The flow alterations associated with the preferred alternative would have significant and unacceptable impacts on the existing and beneficial uses protected under the Clean Water Act downstream.

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133	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Economics	**2. The benefits of the proposed hydropower projects are overstated and moot.** The EA and EIS scoping materials seek to include the benefits of the proposed hydropower projects in the decision to build the reservoir, however those benefits are both misrepresented and uncertain, the costs undisclosed, and the hydroprojects are unrelated to this project in terms of permitting. The EA estimated that the Orderville plant would yield gross revenue of $19,000, and based on generation estimates the Glendale plant would yield $8,600 to $23,300. It defies logic that these projects will pay for themselves, ever, and the baseload power they generate has little value to the grid. We request that the project costs in EA Table S-2 be broken out in the EIS to reveal the construction, annual operation, and annual maintenance costs of the proposed hydropower projects. Given the undisclosed and likely uneconomical cost-benefit analysis of the hydropower projects, we do not feel that it is likely these projects will actually be built and thus their benefits should not be included in this proposal or analysis. Regardless, they would require an entirely separate permitting process through the Federal Energy Regulatory Commission, so it would be appropriate to remove the hydropower projects from this proposal and EIS. The EIS scoping materials fail to list FERC as one of the required project permitters, which will be necessary if any of the proposed modifications to hydropower are pursued in this project, and as previously mentioned is an entirely separate permitting process. This is a gross oversight and needs to be addressed in the EIS or hydropower needs to be entirely removed from the project design.
134	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Economics	**3. The project is woefully uneconomic and should be rejected as such.** Using the annual net economic benefits of $163,900 in the EA, the preferred alternative as described in the EA would take 182 years to make any returns; the reservoir has a 100 year life expectancy.7 This is not a responsible use of public funds and merits the complete abandonment of the project.
135	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Recreation	4. The project's recreational benefits are overstated and pale in comparison with its impacts. The EA's recreational analysis was one-sided and unclear. First and foremost, as we stated in Section 1 the proposed project is likely to have significant deleterious recreational impacts on hiking and packrafting in Parunuweap Canyon which is an incomparable Wilderness Study Area setting, and also on paddling at least three sections of the Virgin River downstream. In addition, vegetation encroachment and habitat failure associated with the proposed flow diversion is likely to negatively impact riverine angling downstream. Regardless of the recreational benefits, the EIS must also disclose and consider these negative recreational impacts. As to the purported benefits, we have questions. The proposal for the 6,055 AF reservoir would create a reservoir that each Spring and Summer gradually drops from 188 acres8 to the 34 acre conservation pool.9 Over the course of the recreation season the usable reservoir would shrink dramatically and the unsightly varial zone would grow. The boat ramp depicted in EA Figure 3-1 would appear to not reach the water early in the season, preventing trailered boat access. It is unclear that the shrinking and warming reservoir would be cold enough to support trout at the end of the season as claimed, or if stocking presumably non-native trout upstream of the wild portions of the river could have unintended ecological impacts. From a recreational point of view, the proposed project would severely impact a wild river system with significant and high quality recreational experiences in order to create a small reservoir with unproven and questionable value. We appreciate the consideration and inclusion of recreational infrastructure in the project proposal, but the recreation cost/benefit analysis provided in the EA is a reason not to build the project rather than a reason to build it. The EIS will need to provide an accurate assessment of the recreation opportunities that are lost and gained due to the project.

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136	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	Wild and Scenic Rivers	5. The project is incompatible with downstream Wild and Scenic River protections. A 7.53 mile section of the East Fork of the Virgin River downstream of the proposed project is a federally designated Wild and Scenic River, with the most protective classification of “Wild.” The Outstanding Remarkable Values (ORVs) protected under the designation are cultural, geological, ecological, wildlife, and fish values, with the management and values of the river described in the 2013 Comprehensive River Management Plan (CRMP) for the Virgin River system.10 The Winter and Spring high flows, which the proposed project would greatly diminish or more likely eliminate entirely, are directly responsible for the creation and maintenance of the protected ORV’s of the river. The Wild and Scenic Rivers Act will require a Section 7 determination by the National Park Service because the proposed project is upstream of the designated reach, requires a Federal permit and funding, and is likely to affect the river’s fish, wildlife, and scenic values. We appreciate that the required Section 7 analysis is correctly listed as one of the necessary permits in the EIS scoping materials. Once the preliminary alternatives are determined, the NRCS should work with the NPS to carry out the Section 7 analysis before millions of dollars are invested in the remaining EIS process. We acknowledge that the CRMP claims that the 1996 Zion National Park Water Rights Settlement Agreement protects the ORVs of the river, but this is false. This 24-year old agreement pre-dates the Wild and Scenic designation and represents an outdated and erroneous depiction of the instream flow needs of a river, ignoring the essential effects that high flows have on ORVs and the impacts that hydropower peaking flows could have in the summer. While the 1996 agreement may yield certain water rights that could be exploited by the proposed project, it does not preemptively waive Section 7 of the WSRA and allow the use of public funds to create a water resources project that will damage the downstream Wild and Scenic River reach. While the 1996 agreement may appear to require the NPS to allow the proposed reservoir, Section 7 of the WSRA clearly prohibits use of public funds for its creation, if not also certain federal permits. Simply put, the Section 7 determination will be a finding that the proposed project will have a direct and adverse effect on the values for which the river was added to the system. This determination will block the use of public funds for the project and is again why the Section 7 analysis should be done now, before more public money is spent.
137	29	4/29/2022	Email	NGO	American Whitewater	Kestrel Kunz	25	General	The EIS must address the deficiencies outlined in these comments, including but not limited to a detailed analysis of proposed streamflow changes and their impacts on recreation, aquatic organisms, riparian vegetation, and geomorphology downstream at least as far as Hurricane, UT. We request that this analysis inform and integrate the Section 7 of the Wild and Scenic River Act analysis that must and will prohibit federal funding of the proposed project. Based on the EA and EIS scoping materials, it is clear that the proposed project would have significant and unacceptable negative impacts on the East Fork of the Virgin River and the mainstem of the Virgin River, and that the project is uneconomical and illegal to fund with Federal dollars. For these reasons we oppose the project, and request the selection of the No Action alternative.
138	30	4/28/2022	Email	Public		Many		General	Dear Brian Parker, Thank you for the opportunity to provide comments on the Cove Reservoir - East Fork Virgin Environmental Impact Statement. As a river enthusiast who cherishes wild and free-flowing rivers, I implore the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. If the project proceeds, the NRCS needs to fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River’s spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, is not economically feasible and is a misuse of taxpayer money. Thank you for considering my comments on this project.
139	31	4/25/2022	Email	Agency	PLPCO	Sindy Smith	4	Land Use	The State of Utah (State) appreciates the opportunity to provide additional scoping comments on the Cove-East Fork Virgin River Watershed Project Environmental Impact Statement (EIS). The State submitted comments on the project’s Environmental Assessment on December 31, 2020 and scoping comments on the Environmental Impact Statement November 9, 2021. The State incorporates these comments by reference. The State provides the following scoping comments for your consideration. The State restates that the proposed action be consistent to the fullest extent with Kane County’s Resource Management Plan,1 specifically to “provide for sustainable productive watersheds for a continued supply of waters for Kane County's irrigated agriculture, sector which is dependent on both stream flows and water storage” (page 264).

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
140	31	4/25/2022	Email	Agency	PLPCO	Sindy Smith	4	Land Use	The State recommends that the proposed action be consistent to the fullest extent with Washington County Resource Management Plan,2 in particular, Washington County's Irrigation policy: a. County Policy: vi. Washington County supports and encourages the development of dams (diversions and storage), canals, piping and other related water projects to develop and utilize water sources. b. Desired Future Conditions/Objectives: i. The county works cooperatively with partners, including the water conservancy district, irrigation companies, the conservation districts, and municipalities, to plan for future water needs. c. Management Actions: i. The county will seek cooperating agency status on all federal resource management plans within or affecting Washington County.
141	32	11/9/2021	Email	Agency	PLPCO	Sindy Smith	4	Land Use	The state of Utah (State) appreciates the opportunity to provide scoping comments on the Cove-East Fork Virgin River Watershed Project Environmental Impact Statement (EIS). The State provided comments on the project's Environmental Assessment on December 31, 2020, and in collaboration with the Division of Wildlife Resources (DWR), the State restates these comments for the EIS project your consideration. Additionally, the State would like to take this opportunity to highlight that the Kane County Resource Management Plan1 states that one of the purposes for the county land use plan is to "provide for sustainable productive watersheds for a continued supply of waters for Kane County's irrigated agriculture, sector which is dependent on both stream flows and water storage" (page 264).
142	32	11/9/2021	Email	Agency	PLPCO	Sindy Smith	4	Sensitive Species	**Native Species** The Draft EA claims potential benefits for three Threatened and Endangered (T&E) species: the Southwest willow flycatcher, woundfin, and Virgin River chub. Another species of particular concern for this project area is the Virgin spinedace, which is managed under a Conservation Agreement and Strategy and has been petitioned for listing as a T&E species. The U.S. Fish and Wildlife Service is currently determining whether listing is warranted for the Virgin spinedace, and yet impacts to that species are not included in the EA. The State recommends that impacts for this species, in addition to the others listed above, be considered, and included in the draft EIS. Prior to claiming a benefit to the species listed above, DWR recommends the following points be carefully considered: • The term "summer months" should be defined, and the low end of the stream flow delivery range should be included, in relation to the high end of 882 acre-feet. • The claimed benefits these flows could have for T&E species are undemonstrated. There is reference to a water budget for the project which includes evaporative losses (193 acre-feet), but it is unclear how much water will still be in the stream channel 50 miles downstream from the project, at different levels of release. • When water is diverted to Cove Reservoir, spring runoff flows would decrease. T&E fish and Virgin spinedace require higher spring flushing flows to cue spawning and clean necessary spawning habitat. A reduction in spring flows could limit available spawning habitat, thus impacting existing spawning, ultimately reducing population levels. The EA should express what percentage of the total flow in the East Fork Virgin River would be diverted. The extent and effect of decreased spring runoff flows should be analyzed and reported as a potential impact in Table S-4. • The Draft EA does not analyze how much of an increase in flow would be required to reduce temperatures and salinity below Pah Tempe Hot Springs. It is not possible to determine from the document whether the proposed releases from Cove Reservoir would be sufficient to deliver native fish benefits in that reach.

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143	32	11/9/2021	Email	Agency	PLPCO	Sindy Smith	4	Recreation	Sport Fish Cove Reservoir has the potential to become an important recreation offering in a part of the state with limited opportunities for cold water sport fisheries. The State recommends the following points be carefully considered regarding potential recreational benefits associated with the creation of a cold-water sport fishery: • The proposed location of Cove Reservoir is at an elevation where frequent and large drawdowns would occur, which would negatively impact a sport fishery. A conservation pool will be an extremely important component if the fishery and recreation plan is to be successful. Additional analysis is needed to determine the appropriate size for a conservation pool and what the extent and timing of drawdowns should be to produce the desired cold-water fishery. • It is currently unclear if DWR would be interested in contributing financially to a conservation pool at the reservoir. That determination would be made in the future based on the analysis of the necessary conservation pool size and cost and weighed in terms of benefits gained. Additionally, if DWR elected to contribute, DWR would not be able to pay more than the appraised value of the water. It is not clear presently whether the benefits of such a conservation pool would justify the costs. • More detail is needed on the plans for recreational facilities including a boat ramp, such as when would these actions take place, how far into the reservoir the ramp would go, and how many days of the year the boat ramp would be accessible. These details are important for the cost/benefit analysis. • There will also be stocking limitations in this system due to existing agreements. Kane County Water Conservancy District should coordinate with DWR in developing any stocking plans for the reservoir. In summary, the State finds additional analysis is needed to determine impacts to the Virgin spinedace, as well as the claimed benefits to the three T&E species that inhabit the project area. Additional analysis on the requirements needed to establish a conservation pool that would create a sustainable cold water sport fishery would also strengthen the draft EA. For questions regarding these recommendations or any others related to the project, please contact Gary Bezzant, Habitat Program Manager, DWR, via email at .
144	33	4/27/2022	Email	Public		Lauren Nickell	26	Water Resources	I am grateful that the potential decision surrounding Cove Reservoir is open to public comment, as this matter is incredibly dear to me. Years of my life have been spent dedicated to learning about the environment across southwest Utah as a student in hydrology and geology out of nearby SUU. My interest throughout that time has been on the water resources across the four corners region, including the Virgin River. Currently my studies and research are related to understanding how sedimentation impacts downstream reservoir capacity and water quality. It is with this background in mind, in addition to my profound love of this landscape and its various communities, that I ask the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. Further assessment by NRCS is necessary to provide a more robust understanding of the projects downstream impacts. The diminished capacity of the rivers flow for any period of time, in addition to the lack of sedementation, could significantly impact ecological and recreational values downstream of the reservoir. This should include a complete review of different annual hydrograph scenarios, and consider the rivers rate of sedementation in regards to the proposed lifespan of the reservoir. It must also consider what this lack of sedimentation will mean for downstream morphology and the impact on both aquatic populations and vegetation. The project must also consider the long-term feasability of such a costly project. Utah relies heavily on the 130+ reservoirs already established across the state, and the threat that these water bodies face have become increasingly apparent over the prior two decades. Trends towards rainfall over snowfall and a longer window for transitional seasons have resulted in diminished snowpack in many years, and ultimately undermine waterlevels at many reservoirs. Considering another reservoir in the midst of Utah's State of Emergency and record lows at nearby reservoirs, such as the Glen Canyon Dam, blatantly disregards the current trends that have resulted in the southwest's water crisis.
145	33	4/27/2022	Email	Public		Lauren Nickell	26	Health and Safety	In addition to this, an understanding of the proposed threat of upstream disturbance, such as wildfire, must be studied. Fire suppression efforts made throughout the area have resulted in high amounts of fuel in the area, increasing the threat of large, high severity fires occurring. The Stout Creek Fire, which occurred in a watershed nearby the East Fork Virgin River's headwaters, is an example of the threat that fire will continue to present to any reservoir made in this region. In Stout Canyon, the loss of bank stability in a highly erosive canyon primarily composed of sediments from the Claron Formation resulted in rapid channel incision. Any fire that may ignite within, or cross into, the watershed upstream of the proposed Cove Reservoir will likely result in similar rates of sedimentation that can rapidly decrease the carrying capacity of the reservoir. It may also degrade its water quality through nurtrient loading and algal outbreaks, rendering the water inaccessible for many.
146	33	4/27/2022	Email	Public		Lauren Nickell	26	Recreation	In addition to the potential ecological consequences, the varying river flows support the robust recreation of the region that has cemented Utah as an international vacation destination. On the East Fork of the Virgin River’s spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, carries an extreme risk of disturbance, is not economically feasible, and is a misuse of taxpayer money. Thank you for considering my comments on this project.

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147	34	10/31/2021	Email	Public		Craig Wallentine	11	Economics	EIS PROJECT COMMENT #1 - NEPA SCOPING COMMENT FORM – The DEIS should include a provision for the KCWCD and WCWCD project sponsors to absorb at least 50% of all expected cost increases for project construction. The Cove reservoir project has been steadily increasing in cost at each project evaluation. In 2017, the Cove project sponsors were requesting approximately $14MM. Three years later, KCWCD and WCWCD increased their request by 50% to $21MM+ in NRCS Federal taxpayer funds. The DEIS should show a range of future project construction cost scenarios in light of the return of general inflation in the US economy and especially in the material and labor costs in the construction industry. Clearly the Cove project cost is going to increase yet again. The DEIS should include a cost sharing agreement with the project sponsors to be fair to both (a) NRCS Federal taxpayers and (b) to other national NRCS project stakeholders who are seeing over 15%+ of the national NRCS budget consumed by this one Southern Utah proposal. The situation is only going to get worse as the project costs escalate and the project sponsors should share in the burden in order to treat other NRCS stakeholders fairly.
148	34	10/31/2021	Email	Public		Craig Wallentine	11	NEPA Process	EIS PROJECT COMMENT #2 - NEPA SCOPING COMMENT FORM – The DEIS should address why the proposed Cove Reservoir project is so large in comparison to normal NRCS projects and why it should be allocated over 15% of the national budget for the PL 83-566 Watershed Protection and Flood Protection projects. The average size of an NRCS project is approximately $5MM. The DEIS should explain why this project is 4X larger than average NRCS especially since it creates major flood risks where none existed before. The DEIS should also include a listing of the national NRCS projects displaced by funding the proposed Cove project which would absorb more than 15% of the entire national budget for Watershed Protection and Flood Protection. This is critical since the original Cove Environmental Assessment did not achieve breakeven financial return since half of the claimed agricultural land in Washington County had already been converted from agricultural to municipal and commercial use. With less Washington County agricultural land available in the future and with the expected cost escalation, the future Cove project cost benefit ratio will likely be even more negative making alternative and less expensive NRCS projects more attractive to NRCS and federal taxpayers. The DEIS listing should include the respective cost benefit ratios for the displaced NRCS projects around the United States. A simple calculation will likely show that more value is created for American farmers and taxpayers if the NRCS funds smaller, high return agricultural projects versus oversized projects with low or negative returns. The DEIS should also include comments from any Congressional representatives whose constituent's higher return NRCS projects were sacrificed for the Cove project.
149	34	10/31/2021	Email	Public		Craig Wallentine	11	Water Resources	EIS PROJECT COMMENT #3 - NEPA SCOPING COMMENT FORM – The Project EIS should include a detailed discussion of how aridification will impact the Wild and Scenic Virgin River that flows through Zion National Park The original Cove proposal contained minimal facts about the protection of threatened and endangered species in the Virgin River and made essentially no mention of the ongoing aridification of Southern Utah. To avoid preventable errors, the DEIS should include up to date and detailed hydrological data showing the range of water flows across a calendar year in the Wild & Scenic portions of the Virgin River with and without the Cove Project. The DEIS should also discuss the impact of the projected water flows on natural habitat and endangered species and demonstrate that the proposed project will not harm the Virgin River or Zion National Park. Given the increasingly severe impact of aridification, it does not seem likely that there is enough water to meet current water allocations in the first place nor that new water diversions can be done without serious damage to the Virgin River ecosystem.

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150	34	10/31/2021	Email	Public		Craig Wallentine	11	Water Resources	EIS PROJECT COMMENT #4 - NEPA SCOPING COMMENT FORM – The DEIS should include a discussion of the current and future water resources available to meet the 1996 Zion National Park Water Rights Agreement. The entire Colorado River Basin is currently suffering a water crisis because prior water rights agreements either intentionally or inadvertently overstated the amount of water actually available given climatic conditions. The DEIS should address the probability that aridification since 1990 has already reduced the amount of water available in the East Fork Virgin River such that the 1996 Zion National Park Water Rights commitments cannot be met consistently. The DEIS should also assess how aridification of East Fork Virgin River watershed will impact water availability over the 100-year life span of the proposed project. Most scientific estimates of aridification anticipate at least a 5% long term reduction of average water runoff which will reduce supply for current water right holders while eliminating the prospect of diversions for any new projects. If future water flows are only sufficient for current senior water users then water negotiations should be restarted with regards to the actual sustainable diversions in the EFVR watershed in an era of aridification rather than pretending that climatic conditions from 30 years ago will hold 100 years into the future.
151	34	10/31/2021	Email	Public		Craig Wallentine	11	Water Resources	EIS PROJECT COMMENT #5 - NEPA SCOPING COMMENT FORM – The DEIS should include responses from all Colorado River Compact member State Water Engineers with respect to the Cove project diversion of water in the Lower Basin of the Colorado River Compact. The EIS should include comments from State Water engineers in the Colorado River Compact especially Nevada, Arizona and California as the Virgin River is part of the Lower River Basin. The DEIS should also include written input from the other Upper State Water Engineers with respect to this project. It would be useful to outline how many Congressional approvals will be required for this project.
152	34	10/31/2021	Email	Public		Craig Wallentine	11	Tribal and Cultural Resources	EIS PROJECT COMMENT #6 - NEPA SCOPING COMMENT FORM – DEIS should include written input from the sovereign tribes in the Lower Basin of the Colorado River and the State of Utah who have not been receiving their senior water allotments from the Colorado River and who are not receiving the state funds necessary to allow delivery of their senior water rights. The DEIS should include comments from sovereign tribes in the Lower Basin and in the State of Utah as to how the Cove project impacts their senior water rights. The DEIS should also include an official explanation of why federal taxpayer dollars are being used to develop private water rights in the Lower Basin while senior water rights held by the sovereign tribes are not being honored nor serviced by the same Utah state agencies supporting the Cove project.
153	34	10/31/2021	Email	Public		Craig Wallentine	11	Environmental Justice	EIS PROJECT COMMENT #7 - NEPA SCOPING COMMENT FORM – The DEIS should include an Environmental Justice analysis per the National Environmental Policy Act – specifically for the non-privileged and minority residents of Kane County and Washington County, Utah The DEIS should include a comparative financial analysis of who benefits from the Cove project per the White House Council on Environmental Justice principles for environmental justice. Based on information available to date, the Cove project proposes spending $20MM+ of NRCS Federal taxpayer funds almost exclusively for the benefit of wealthy special interests in Kane County and Washington County. The increased asset values for the existing land and water rights owners benefiting from the project will not be shared with the non-privileged/minority/lower income communities. The Cove project appears to provide essentially no new benefits to non-privileged/minority/lower income communities in the project service area. This would not be an equitable or acceptable use of NRCS Federal taxpayer funds The DEIS should include a detailed long-term study of the direct beneficiaries of the NRCS Federal tax- payer subsidy to see how Cove project benefits are actually going to be distributed across all member groups within the greater Kane County and Washington County community. The DEIS should also include a socio-economic analysis of the contractors used during the project construction and how many are owned by non-privileged/minority/lower income principals. Based on the data, the DEIS should include a discussion of how the Cove project could be better designed to deliver the benefits of Environmental Justice to all Kane County and Washington County community members.

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154	34	10/31/2021	Email	Public		Craig Wallentine	11	Economics	EIS PROJECT COMMENT #8 - NEPA SCOPING COMMENT FORM – The DEIS should contain project details on the proposed Garkane Energy hydropower relocation/modernization project as claimed by project sponsors. Such data would allow an accurate public assessment of the feasibility of an EFVR hydropower project to determine if it should actually be part of the NRCS Cove project in the first place. The original Cove proposal contained minimal facts about a proposed hydropower expansion on the EFVR. The DEIS should include the actual project economics, the amount of project funding and sources, the power line routing plans and approvals, outline of the FERC approval process and the project timing commitments directly from Garkane Energy Co-op (named by KCWCD as the project sponsor). In particular, DEIS discussion should include the actual financial benefits of the claimed hydropower generated net of project financing costs with a detailed explanation of how the Garkane Energy hydropower project is connected with NCRS Federal taxpayer spending for agricultural users. This DEIS data is critical because the de-minimis value of the electrical power generation claimed in the original Cove Environmental Assessment could never justify the proposed hydropower project and inclusion in the Cove Project appears to add nothing of value to the NRCS assessment of this project.
155	34	10/31/2021	Email	Public		Craig Wallentine	11	Economics	EIS PROJECT COMMENT #9 - NEPA SCOPING COMMENT FORM – If the Garkane Energy hydropower is to be included in the DEIS, then the DEIS should include an independent study of the most economic power generation options available to Garkane Energy ratepayers over the 100 year life span of the project. NRCS Federal taxpayer funds should not be used to subsidize incidental projects that are not economically feasible in the first place. The original Cove proposal contained minimal facts about the economic competitiveness of a proposed hydropower project on the EFVR. Due to the rapid learning curve as cumulative sustainable energy production increases, there is a steady decrease in the cost of sustainable energy from wind power (available year round not just seasonally); from solar power (also available year round not just seasonally); and potentially, even regional geothermal power from the Milford Utah FORGE project (Frontier Observatory for Research in Geothermal Energy) which would not have diurnal or seasonal time constraints. Over the 100-year Cove project life span, it is almost certain that the incremental cost of energy from these renewable sources will be lower than the proposed, remotely located Garkane Energy hydropower project if they are not already. The value of the DEIS would be greatly increased by comparing the independent long term power cost outlook with that of the strategic energy supply planners at Touchstone Energy, the parent energy co-op for Garkane Energy and discussing any differences of interpretation. If remote hydropower is not cost competitive with alternative sustainable energy sources in the region today or in the future, then there is no value to include a hydropower project as part of the NRCS assessment of the Cove project.

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156	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	General	American Rivers appreciates the decision that was made to analyze this project through a full EIS. In the letter below, we reiterate and elaborate on the concerns that we conveyed to both Transcon Environmental and NRCS in our previous comments. We respectfully submit the following set of concerns and concerns regarding the proposed Cove Reservoir Project, which could adversely affect the Wild and Scenic East Fork Virgin River, Zion National Park, and the fish and wildlife species that rely on the river. We oppose the proposed reservoir based upon a perceived mischaracterization of the purpose and need of the project as an "agricultural" water supply project, as well as the likely future impacts to flow regime, water quality and quantity, sediment transport, and invasive species proliferation that would result from the project. Such impacts would negatively impact fish and bird species protected under the Endangered Species Act (ESA), and adversely impact the values of two important and iconic protected areas: The Wild and Scenic Virgin River and Zion National Park. We outline these objections below. All of these likely and foreseeable impacts must be analyzed in the EIS. **Introduction** American Rivers is a leading conservation organization working to protect and restore the nation's rivers and streams. Our mission is to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. Since 1973, we have conserved more than 150,000 miles of rivers through Wild and Scenic River (WSR) designations, dam removals, on-the-ground projects, and advocacy efforts. Our Southwest Regional Program is headquartered in Denver, CO, while our Southwest River Protection Program is located in Durango, CO, Flagstaff, AZ, and Moab, UT. American Rivers' mission is integrally tied to ecosystem health and the protection of Wild and Scenic rivers such as the East Fork of the Virgin River where the Cove Reservoir project is proposed. **Project Overview** The proposed Cove Reservoir Project aims to build a 6,055-acre reservoir on the East Fork of the Virgin River in Kane County, UT, upstream of Zion National Park and the Wild and Scenic Virgin River system. The project proposal claims that it would irrigate an additional 6,068 acres in Kane and Washington counties, using nearly $30 million of taxpayer funds, $22 million (75%) of which would come from the USDA Natural Resources Conservation Service (NRCS). In addition, the project proposes providing reservoir-based fishing, camping and boating recreation, a small hydropower project, and an augmentation of flows for endangered fish and bird species downstream. Concerns with the Proposed Project Which Must be Analyzed in the EIS This proposed project raises a number of concerns for us, enumerated below.
157	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	General	**1. The proposed project may violate the law, as most of the identified project lands are not agricultural properties, but instead new residential and commercial properties.** Under the proposal, NRCS would provide $22 million of the $29,982,000.00 cost of the project, or approximately 75% of the required funding. The project identifies 6,068 acres of "agricultural" land in Washington and Kane Counties. Closer research of the project area on Google Earth, and then through on-the-ground site visits by a local partner, shows that only 1600 acres of the project area are in fact still agricultural lands. The other 4,468 acres (64% of the project area) are composed of new residential and commercial developments, making this a municipal water project. The Watershed Protection and Flood Prevention Act of 1954 directs the NRCS to not pay more than 30% of project costs for municipal projects,1 yet the NRCS is proposing to pay 75% of the Cove Reservoir project. This must be analyzed in detail and reviewed by NRCS. A municipal project would presumably require a flattened annual hydrograph in order to provide consistent water for homes and businesses, which is contraindicated for native ecosystem health. In addition to the agency taking a close look at the project area, we ask that it undertake a robust flow analysis for the East Fork Virgin River, accounting for both pre-project flows and post-project flows on a month-by-month, annual basis. Since municipal water is in question, we request that subsequent analysis in an EIS also consider conservation measures to meet municipal demands analyzing potential environmental harms and likely economic costs in a least-cost methodology. The fact that the Cove Reservoir Project area has been so drastically raises significant doubts and concerns with the rest of the unsubstantiated ecosystem benefit claims for which the project is purportedly proposed, warranting a hard in the EIS or abandonment of the project altogether.

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
158	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	Sensitive Species	**2. The proposed project would likely adversely impact two federally listed fish species, the woundfin and Virgin River chub, and one federally listed bird species, the Southwest willow flycatcher.** In 2000, the U.S. Fish and Wildlife Service (USFWS) designated 87.5 miles of the Virgin River, including the East Fork Virgin River confluence, as critical habitat for the woundfin and Virgin River chub, protected under the Endangered Species Act (ESA) in 1970 and 1989, respectively.2 *"Both species have declined in numbers because of loss or degradation of habitat, including channelization, impoundments, loss of water due to diversion projects, and alterations to natural stream flow, temperature, and sediment processes. The introduction and proliferation of nonnative fishes, such as the red shiner, have also contributed to the species' decline."3* Reservoirs have been proven to exacerbate all of the direct causes of native fish species decline listed by USFWS, and Transcom Environmental and the Natural Resources conservation Service (NRCS) must address these issues in the EIS. The claim that the reservoir would "benefit" listed species4 is unsupported and contrary to the proven negative impacts that dams have on the native fish in the Colorado River system. Furthermore, the project proposes the addition of "boating, fishing and camping" facilities at the reservoir,5 but fails to note whether or not the reservoir will be stocked with non-native game-fish species (as is typical), which would be detrimental to the woundfin and Virgin River chub. The project proposal also fails to address the detrimental impacts of severing of fish and wildlife habitat that the physical dam and reservoir themselves would cause in the river system. Drastically altered flows, invasive species and habitat modifications at reservoir sites and along impacted river corridors are precisely the factors that led to the listing of the southwestern willow flycatcher in 1995. A riparian nesting species, the southwestern willow flycatcher, "has declined because of removing, thinning, or destroying riparian vegetation; water diversions and groundwater pumping which alter riparian vegetation; overstocking or other mismanagement of livestock; and recreational development," according the USFWS.6 The EA fails to address how the more managed, altered flow regime from the proposed Cove Reservoir, also directly associated with habitat loss due to non-native species encroachment in riparian areas, could possibly improve the habitat of the southwest willow flycatcher. By all estimation, such a project would further impair its habitat. Due to the potential, adverse impacts to ESA-listed species, we request that the NRCS address the issues above in a full EIS, find that none of the potential harms listed above would occur, or cancel the project.
159	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	Wild and Scenic Rivers	**3. The proposed project would adversely impact the Wild and Scenic East Fork Virgin River and Zion National Park.** American Rivers is highly concerned about the potential impacts that the proposed Cove Reservoir would have on the Wild and Scenic East Fork Virgin River, the mainstem of the Virgin River, and Zion National Park – all downstream of the proposed project, and not adequately addressed thus far. The East Fork Virgin River was protected under the Wild and Scenic Rivers Act as a "Wild" classified river for its "Cultural, Fish, Geologic, Wildlife and Ecologic" outstandingly remarkable values (ORVs) in 2009.7 The East Fork is an essential part of the 165-mile Virgin River system protected within Zion National Park and an adjacent Bureau of Land Management (BLM) Wilderness Area. The canyons of the Virgin were carved and shaped by the river over the course of 13 million years, essentially tying the habitat and cultural values of these protected areas to the natural flows of rivers such as the East Fork Virgin River. Under Section 7 of the Wild and Scenic Rivers Act (WSRA), projects proposed outside of the Wild and Scenic corridor must not "invade or unreasonably diminish" the outstandingly remarkable values (ORVs), free-flowing character, or water quality of the designated reach, in this case downstream. Considering that 145 miles of the Virgin River system downstream of the proposed project was designated as a National Wild and Scenic River in 2009, NRCS must require a detailed analysis of the proposed Cove Reservoir project under Section 7 of the WSRA. The Virgin River and its tributaries also provide a unique and intact habitat for a number of native fish and wildlife species, including the woundfin, Virgin River chub, Virgin spinedace, flannelmouth sucker, desert sucker, speckled dace, southwestern willow flycatcher, desert bighorn sheep, Mexican spotted owl and the endemic Zion snail. The geologic setting, high flows, large sediment loads, unique water quality and frequent disturbance are effective deterrents to exotic species. Other factors contributing to the productivity of native fish are connectivity to tributary systems and habitat diversity for spawning, rearing and supporting adult fish. Additionally, the Zion stonefly, an important component of the food web and directly linked to both flow regimes and water quality, is found along the Virgin River and its tributaries.8 Potential adverse impacts to these species and values must be addressed in the EIS. The proposed project fails to address the likely negative impacts that Cove Reservoir could have on the ORVs of the Wild and Scenic Virgin River system, Zion National Park, and the fish and wildlife species important to such protected areas. Due to the serious, potential adverse impacts of the project, we request that the NRCS require analyses under the Wild and Scenic Rivers Act and the Endangered Species Act in coordination with the National Park Service and the U.S. Fish and Wildlife Service in the Environmental Impact Statement (EIS) or cancel the project altogether.

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160	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	NEPA Process	**4. A full Environmental Impact Statement (EIS) is required by the scope and magnitude of the potential impacts of the proposed project.** This controversial project with substantial potential impacts to currently protected landscapes and ESA-listed species on federal public lands, requires the preparation of a full Environmental Impact Statement, including robust coordination and consultation with indigenous Tribes, the National Park Service, and U.S. Fish and Wildlife Service. The National Environmental Policy Act (NEPA) requires federal agencies to prepare a full Environmental Impact Statement before undertaking "major Federal actions significantly affecting the quality of the human environment." CEQ regulations provide direction about evaluating the context and intensity of significant aspects of the project.9 One measure is whether there are "unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas."10 In this case, the proposed dam and reservoir project envisions trading impacts to three ESA-listed species, a Congressionally designated Wild and Scenic River, and Zion National Park for an increase in irrigated agriculture, municipal water with unproven need, and reservoirbased recreation, costing nearly $30 million. The project fails to provide evidence of the need for more irrigated agriculture, more municipal water, or increased reservoir-based recreation in the region, and fails to address potential impacts to the three ESA-listed species and two protected areas. The Cove Reservoir Project clearly requires analyses of these issues under the criteria provided by NEPA. We thank the NRCS for requiring this analysis, and the hard look into the issues that we list here that it requires.
161	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	Climate Change	**5. Aquatic resources and climate adaptation.** The protection of aquatic resources, including wetlands, riparian areas, and water quality and quantity, rank among the most critical issues to be addressed in any NEPA analysis for potential development, particularly in the Colorado River Basin, where so few free-flowing rivers remain and climate change is expected to decrease river flows 20-30% by 2050.11 Activities resulting from the proposed Cove Reservoir Project have the potential to adversely impact aquatic resources, including wetlands, streams, riparian areas, and their supporting hydrology. Since the proposed project may ultimately result in adverse impacts to aquatic resources, the NRCS must pay particular attention to ensuring a robust treatment of the issues in the EIS, including an assessment of cumulative impacts. Our rapidly warming climate is causing dramatic changes in the landscapes, habitats, and hydrology of the Colorado River Basin. Retaining intact river corridors and unfragmented habitat is crucial to any adaptation strategy in the face of climate change. The EIS must analyze potential impacts to the ability of species that use the public lands and rivers upstream and downstream of the proposed project to adapt to future shifts in hydrology and habitat owing to climate change if the construction of Cove Reservoir is allowed to go forward. Likewise, The EIS must take into consideration the 100-year projected hydrology of the East Fork Virgin River under climate change, how much water is projected to occur in the river, and what potential future depletions could do to the values and natural resources of the Virgin River downstream, many of which are protected under federal law.
162	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	General	**6. Documentation of FERC hydropower exemption needed.** Finally, the original project briefly mentioned an off-site hydropower project, which may be exempt from permitting and regulation under the Federal Energy Regulatory Commission (FERC) due to its size, though details of the project were slim. If such an exemption has been received from FERC, the analysis should both cite it and provide the documentation in an appendix. If this hydropower component is still a part of the project proposal, it must also be analyzed for potential impacts in the EIS.
163	35	4/28/2022	Email	NGO	American Rivers	Michael Fiebig	27	General	**Conclusion** Reiterating many of the points from our previous letter and due to the reasons articulated above, American Rivers supports the "no action" alternative for the proposed Cove Reservoir Project in the EIS, requiring the project to be abandoned altogether. The proposed project would have myriad adverse effects on fish, wildlife, cultural sites, and federally protected areas. In addition to analyzing the issues we have discussed here, we expect the NRCS to require documentation of robust consultation and coordination with potentially effected indigenous Tribes, the National Park Service, and the U.S. Fish and Wildlife Service.
164	36	4/23/2022	Email	Public		Barry Sochat	7	General	As a long time resident of Rockville, Utah, I am reliant on waters from the Virgin River for both culinary and agricultural usage. I am particularly alarmed by the frequent outbreaks of deadly bacterial algae during the low river flows and how any upstream diminution of flow will further worsen the water quality of the North fork of the Virgin River. Please enter all concerns into the official record for the Cove Reservoir Project DEIS, to wit:
165	36	4/23/2022	Email	Public		Barry Sochat	7	Climate Change	1. Study existing megadrought conditions and the current modeling for the future of water supplies in the region driven by climate change and determine if this project is sustainable.
166	36	4/23/2022	Email	Public		Barry Sochat	7	Alternatives	2. Suggest that federal agricultural funding might best be used to help farmers in Kane and Washington counties transition to climate and sustainable smart agriculture. There are a variety of new agricultural technologies including remote sensing technology that can result in using less water and increasing yield. These are practices that are beginning to be used world-wide. A cost-effective study should be completed comparing the cost of arming farmers with new technologies vs. the cost and environmental impact of constructing and maintaining the Cove Reservoir.

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167	36	4/23/2022	Email	Public		Barry Sochat	7	Cumulative Effects	3. Analyze the direct, indirect, and cumulative impacts of eliminating high flows on both the East Fork and the Main Virgin as it relates to the hydrologic connection of both ground and surface water. Changing river flow levels forever could hinder how the aquifer is recharged along with permanently decreasing the flow of surface water downstream of the project area.
168	36	4/23/2022	Email	Public		Barry Sochat	7	Sensitive Species	4. Study the history of what caused the endangered fish in the Virgin to become imperiled in the first place and evaluate how further reducing perennial flows will further complicate the effort to save these species. Changing the historical flows are likely to have an impact as well on the entire riparian zone along the river. This must be carefully evaluated.
169	36	4/23/2022	Email	Public		Barry Sochat	7	Water Resources	5. Complete an analysis of ecosystem health of the Virgin River watershed with attention to how using more fertilizer for agriculture affects downstream water quality.
170	36	4/23/2022	Email	Public		Barry Sochat	7	Water Resources	6. Complete an analysis of the complete Virgin River watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River watershed is technically in the Lower Basin drainage.
171	36	4/23/2022	Email	Public		Barry Sochat	7	Water Resources	7. Analyze and evaluate the water rights that the irrigation companies are using to build the project. Current records show these water rights are being protested by other water users.
172	36	4/23/2022	Email	Public		Barry Sochat	7	Economics	8. Calculate the cost/benefit ratios for the 100-year life of the project.
173	37	2/4/2022	Email	Public		Martha Ham	28	General	I am following the Cove-East Fork Virgin Watershed Project-Kane County, Utah. I received the public scoping notice in the Fall of 2021 and was notified of several meetings. I never saw the scoping comment period open. What can you tell me about the status of this project?
174	38	10/14/2022	Email	Public		Jane Whalen	3	NEPA Process	Is the Cove reservoir project the same as the design in the EA? Will the new description of the project be available for the up coming meetings? Thus far, there is little information on the new project plan so that will make it hard to write any constructive scoping comments. Thanks so much for taking the time to respond.
175	39	4/13/2022	Email	Public	The Spectrum	Sean Hemmersmeier	29	NEPA Process	My name is Sean Hemmersmeier, I'm a reporter for The Spectrum in St. George. I'm following any updates that happen with the Cove Reservoir project. I recently got sent an email about the public scooping period for the project is closing soon and I've visited the NRCS project website and am a little confused by the timeline for the project so I'm one of you can answer some questions I have. On the NRCS website it says the scoping public comment period opens on Apr. 28 and will close 30 days after a NOI is published but the email I got today says the Apr. 28 is the deadline for comments. So I just wanted to clarify when the comment period for the scoping portion of the project would end, is it Apr. 28? When this comment period ends what are the next steps for the Environmental Impact Statement for the Cove Reservoir project to be completed? How long will it take finish the EIS and when would you expect the EIS to be made public?
176	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	General	Please accept and fully consider these comments from Conserve Southwest Utah (CSU). CSU is a nonprofit 501(c)(3) organization based in St. George, Utah, advocating for the conservation of Southwest Utah's natural resources and was established in 2006. CSU worked hard to help pass the Omnibus Public Lands Management Act of 2009 (P.L. 111-11). It designated the Red Cliff and Beaver Dam Wash National Conservation Areas and Wilderness Areas in Washington County. It also designated approximately 165.5 miles of the Virgin River and its tributaries across federal land within Zion National Park (28 segments) and adjacent Bureau of Land Management Wilderness (11 segments) as part of the National Wild and Scenic Rivers System. Many CSU members and supporters live near, recreate in, and value Zion National Park. CSU's supporters include more than 2,500 individuals. These lands provide critical habitat and unique opportunities for sightseeing, hiking, camping, trail running, mountain biking, appreciation of archaeological resources, natural quiet, journaling, birdwatching, ecosystem research, photography, and more. These lands are the traditional homelands of Native Americans, including the Paiute Tribe. Our vision is that Southwest Utah grows in a manner that enables the conservation and restoration of its natural and cultural resources. Our mission is to advocate for conservation and stewardship of our area's natural and cultural resources and implement the Smart Growth policies that enable conservation for the benefit of present and future generations.

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177	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	General	I. Introduction The East Fork Virgin River is a small stream of critical significance. Conserve Southwest Utah (CSU) is concerned that the Cove Reservoir Project (Project) will permanently change the river's natural flow and disrupt this already fragile riparian ecosystem. In the face of rapid climate change, and in megadrought conditions, the Project would cause and greatly exacerbate changes in the timing, amount, and natural flow of the East Fork that would, in turn, negatively impact the plants, fish, wildlife, and interconnected ecosystems they all depend on to survive. There are only two rivers designated as Wild and Scenic in Utah: Sections of the Green River and the Virgin River that runs through Zion National Park. The East Fork of the Virgin River is designated as Wild under the Wild and Scenic Rivers Act, where it flows through Zion National Park. Protecting and preserving this Wild designation has both practical and legal significance. The Project would likely alter water flows in this area, and changes in flow rates will adversely affect the values that underlie the Wild qualities of this delicate river. Changes in the natural flow patterns, particularly during the summer months, may negatively impact the visitor use in the famous slot canyons of the Bureau of Land Management's Parunuweap Canyon Wilderness Area (WSA) of 30,800 acres. The WSA boundary is located near the project area, and downstream of the gravel pits needed to build the 90-foot-high earthen dam. The East Fork Virgin River runs through the proposed Wilderness Study Area—an area that should remain wild. Unfortunately, the NOI lacked detailed and essential information regarding the proposed Cove Reservoir Project. We contacted the applicable agencies to verify whether the Project design was the same as in the 2020 Plan-EA, because some water would be diverted to agricultural fields in Hurricane. We received no clear answer and concluded that the scoping period should have been postponed until the details of the Project were determined. Therefore, we relied on the Project's description in the 2020 Plan-EA to make scoping comments on this Project. CSU will include sections from our previous comments on the 2020 Cove Reservoir Plan-EA for our scoping comments. Where applicable, the section from the Plan-EA receiving a comment is identified by the section number and title. The quoted text is italicized and indented. CSU's comments follow.
178	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Purpose and Need	II. Purpose and Need The Draft Environmental Impact Statement (DEIS) must include an evaluation of the validity of water rights for the 100-year life of the Project in the purpose and need. The water availability for the reservoir would undermine the Project's ability to supply water to agricultural uses and generate power. Therefore, the availability of water supply is directly related to the Project's purpose and must be disclosed. The ability of the Kane County Water Conservancy District (KCWCD) to capture the water from the eleven subbasins above the dam to fill the reservoir must be verified. Due to increasing temperatures and less precipitation, it is unclear whether there would be enough physical water in East Fork Virgin River to sustain the reservoir over the 100-year life span of the Project. A study needs to be conducted regarding how much physical water there is flowing in the East Fork and from the drainage up-gradient to the dam. As water supplies decline as expected, the DEIS must determine who has the priority water right to use it over the Project's 100-year life span. The DEIS must also calculate how much water would remain in the Virgin River between the diversions and withdrawals for the Project and where the critical aquatic species need it. These species include macroinvertebrates, which are the basis of the aquatic food chain. This is a critical analysis to include in the DEIS. From: 40 CFR 1500.1 Purpose and Policy (b): NEPA procedures are intended… "…to ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making by Federal agencies. The regulations in this subchapter are also intended to ensure that Federal agencies conduct environmental reviews in a coordinated, consistent, predictable and timely manner, and to reduce unnecessary burdens and delays." The DEIS must provide the public and decision makers with adequate, clear, and high-quality scientific analysis of the impacts of the Project on the environment.

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179	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Wild and Scenic Rivers	III. East Fork Virgin River Designated Under Wild and Scenic Act The East Fork of the Virgin River corridor shelters one of only two designated Wild and Scenic Rivers in the state. It is not only congressionally designated as a Wild and Scenic River but is also designated as a Research Natural Area. The DEIS must analyze the direct, indirect, and cumulative impacts of the Project's water diversions and withdrawals on the ecosystem health and hydrologically connected flows applicable to this designated wild segment of the East Fork of the Virgin River. CSU is concerned that flows will be altered and adversely affect the wild character of the river, in violation of the Wild and Scenic Rivers Act (WSRA). Plan-EA, 2.6 Wild and Scenic Rivers, page 17: *"The East Fork Virgin River enters Zion National Park approximately 20 river miles downstream and southwest of the proposed project area. The river flows through the Park from the east boundary to the west boundary. This portion of the river has been designated as wild under the Wild and Scenic Rivers Act (National Wild and Scenic Rivers System 2018). This designation means that the river is free of impoundments and generally inaccessible, except by trail, and includes watersheds or shorelines that are essentially primitive with waters unpolluted, representing vestiges of primitive America. Outstandingly remarkable values (ORV) associated with this stretch of the river include cultural, geologic, ecological processes, wildlife, and fish. Additionally, the East Fork Virgin River was designated as a Research Natural Area in 2001. The area has been set aside for research purposes and is closed to recreation (NPS and BLM 2013)." (Emphasis added)* The DEIS must include the East Fork Virgin River's Outstandingly Remarkable Values (ORV). Federal agencies' are obliged to protect these values in a designated Wild and Scenic River.
180	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Wild and Scenic Rivers	IV. FERC Restrictions on Hydropower Plants above a Wild and Scenic River *"In addition to using reserved water rights to protect the flows of designated rivers, the WSRA provides protection for a designated river by limiting the licensing of dams, reservoirs, and other water project works on, or adversely affecting, protected segments. The WSRA prohibits the Federal Energy Regulatory Commission (FERC) from licensing "the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act ... on or directly affecting any river" designated as part of the national wild and scenic rivers system. Likewise, no other federal agency may "assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which [a designated] river was established." The prohibitions on water and power projects are very broad in the WSRA. The prohibitions generally limit federal agencies from recommending authorization of such projects, or appropriations to begin construction on such projects, that would have an adverse effect [sic] on the purpose of the designation". (Emphasis added)*
181	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	ACEC	V. East Fork Virgin River Designation as Parunuweap Canyon Wilderness Study Area The Bureau of Land Management has designated 30,800 acres of the East Fork Virgin River watershed as part of the Parunuweap Canyon Wilderness Study Area.1 This designation holds both historic and legal significance. The historic significance includes honoring the explorations of the East Fork Virgin River by John Wesley Powell, Stephen Jones, and Joseph Young in 1872. The DEIS must take a hard look at the direct, indirect, and cumulative impacts of the proposed projects altering hydrologically connected flows through this designated area. With that, the DEIS must determine the impact of the proposed Project on this designation. This includes, among other things, analyzing the impact of the Project's release of more water in the summer for downstream irrigation on visitor use in the slot canyons.
182	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Water Resources	VI. Analyze Water Rights for Proposed 100-year Project In the DEIS, the agencies must holistically evaluate the water rights in the Virgin River Watershed. It must disclose all water rights to the East Fork Virgin River and identify those which can depend on those rights over the long term as water supplies decline. The KCWCD claimed in the 2020 Plan-EA that the only water being stored in the reservoir would be from the irrigation water rights of Orderville, Mount Carmel, and Glendale irrigation companies. However, the proposed reservoir has a 6,055 acre-feet capacity, much more water than the canal companies have water rights to. Table 1 shows water rights held by the three irrigation companies that would receive water from the reservoir. Table 1 also shows that each of these irrigation companies' water rights is being protested. An analysis of the potential impact of possible results of the protests on the amount of that water for or from the reservoir needs to be addressed and disclosed in the DEIS. Further, the 2020 Plan-EA didn't describe how much water would be counted as depletion and how much water would be counted as a return flow. These issues must be analyzed and disclosed in the DEIS. SEE TABLE OF RIGHTS CSU notes that the river's average flow between November and March is 17 CFS at the Glendale USGS gage # 9404450. Table 1 points to the problem of the over-allocation of diminishing resource water; new binding agreements would be needed to protect the ecosystem health for the imperiled Virgin River fishes of the East Fork of the Virgin River and still provide water to the irrigation companies. The planned reservoir requires too much water from a small stream; it would diminish the river's natural flow and negatively affect the fragile natural ecosystem of the East Fork.

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183	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Water Resources	The KCWCD also wants to capture runoff from the 4.7 square miles of watershed behind the dam. However, Utah's water law does not allow the enlargement of the existing water rights of the canal companies. The Plan-EA failed to determine the amount of surface flows that the reservoir and dam would block. The amount of water use allowed in this region is limited. Based on how many water use depletions are accruing in the region, none of this critical information on depletions and return flows was in the 2020 Plan-EA; therefore, it should be in the DEIS. CSU is concerned that the project diverts water from the East Fork in two ways; building a dam to contain runoff from 4.7 square miles in eleven subbasins that would normally flow to the East Fork plus the diversion of mainstem East Fork flows into the reservoir. Both of these withdrawals from the East Fork watershed disrupt the river's natural flow, and neither is adequately analyzed in the Plan-EA and must be evaluated in the DEIS. The DEIS should complete a water rights assessment mentioned in a Washington County Water Conservancy District (WCWCD) letter of June 20, 2018, requesting a study to determine whether the Project would harm WCWCD's water rights. They wrote: "the Project must evaluate the proposed reservoir and its function on the district's ability to capture and store water within its existing rights. Any negative impacts to existing rights and uses in the basin must be addressed to the satisfaction of the district." The DEIS should disclose what WCWCD's water rights would be used for the Project and how much water from the Project they will receive. The DEIS must analyze: 1. whether the irrigation companies have a right to store the water up-gradient from the proposed dam at a different diversion point; and 2. whose water rights will be used to fill the reservoir; and 3. what will be the amount of runoff water expected per year; and 4. who has rights to this water (if anyone)
184	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Water Resources	VII. Analyze Whether Utah has Adequate Water for the Project Utah's Colorado River water right is not fixed; it is a percentage. Under the Colorado Compact, it is 23% of 15-million-acre feet a year (MAFY) after other senior water rights are met, including abiding by the compact agreements with the Lower Basin States and the treaty with Mexico. But due to a warming climate, water supplies are declining, and Utah no longer has as much water left to use. The DEIS must analyze how many water use depletions remain undeveloped in this region that the Project can use. The problem is the state estimates it could still develop 1.4 MAFY of depletions in its compact allocation, but they are basing this on a higher flow of 15 MAFY, whereas the annual flow has been much less at about 12.5 MAFY or less. Consequently, the state will have to use less water and there may not be water left for this Project. The DEIS must comprehensively analyze this issue to determine whether this proposed diversion complies with the Colorado River Compact. The States of Arizona and Nevada also hold water rights in the Virgin River watershed downstream of the Project that needs to be included in the DEIS's water availability analysis for the Project.
185	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Climate Change	VIII. Evaluate Critically the Impact of Climate Change on the Project CSU has mentioned in these comments that the Project may not be viable in a few years. The DEIS must use the best available science to assess the East Fork Virgin River's existing and future conditions after climate change impacts on the Project. The DEIS should determine what the flows in the East Fork of the Virgin River need to be to keep it functioning for the 100-year life span of the Project. One study on climate impacts on reducing Colorado River flows concluded a significant risk of permanent flow reduction in the Colorado River Basin of 30% by midcentury.2 Similarly, another study explains the impact of "unprecedented basin-wide warming" températures on increased precipitation and plant water use, decreasing runoff, reduced snowpack, and the overall reduction of Colorado River flows.3 In that context, CSU is concerned with the prudence, viability, and sustainability of this Project and requests that the DEIS research and disclose all pertinent evidence. Further, the DEIS must consider other studies that forecast lower flows in the East Fork of the Virgin River predicted by 2050, ranging from -7 percent to -27 percent4 and -14 percent to -31 percent.5 Courts characterize NEPA's procedural requirement as obliging agencies to take a "hard look" at the environmental consequences and alternatives.6 This information must be rational and disclosed to the public before final decisions are made. NEPA emphasizes informed decision-making based on the best science available. Thus, the DEIS must provide a thorough climate change impact analysis that "presents the environmental impacts of the proposal and the alternatives in the comparative form [and] sharply define the issues and provide a clear basis for choice among options by the decision-maker and the public."7 Moreover, the DEIS must follow NEPA regulations 40 CFR § 1500.1(b).

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
186	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Sensitive Species	IX. Analyze Impacts Regarding Imperiled Virgin River Fishes The DEIS must include an analysis of the proposed Project on native fishes, including the Virgin spinedace, desert sucker, and speckled dace. The Virgin spinedace Conservation Agreement was not considered in the 2020 Plan-EA, though it is part of the Virgin River Resource Management and Recovery Program (Program). The Virgin River Resource Management and Recovery Program (Program) establishes a multi-agency cooperative program of the United States Fish and Wildlife Service (USFWS), Bureau of Land Management (BLM), National Park Service (NPS), Utah Department of Natural Resources (UDNR), and the Washington County Water Conservancy District (WCWCD). Two goals have been defined for the Program. These goals have been developed from the objectives, actions, and tasks outlined in the Virgin River Fishes Recovery Plan (VRFRP), the Virgin Spinedace Conservation Agreement and Strategy (VSCAS), and the Virgin River Management Plan (VRMP). These goals include Goal 1: Implement actions to recover, conserve, enhance, and protect native species; and Goal 2: Enhance the ability to provide adequate water supplies for sustaining human needs. The Virgin spinedace, desert sucker, and speckled dace, were considered imperiled aquatic species and are in the river reach of East Fork Virgin River. The Spinedace Conservation Agreement was developed to expedite measures that have been identified by the USFWS and the Utah Division of Wildlife Resources for the continued existence and conservation of Virgin spinedace (Lepidomeda mollispinis mollispinis), flannelmouth sucker (Catostomus latipinnis), desert sucker (Catostomus clarki), speckled dace (Rhinichthys osculus), and the southwestern toad (Bufo microscaphus). Implementation of the Program will also reduce threats to these species that might otherwise warrant listing as a sensitive, threatened, or endangered species. NRCS must consider the Virgin Spinedace Agreement in the DEIS. The 2020 Plan-EA included a reference to the "East Fork Virgin River Instream Flow Memorandum of Understanding (MOU)" between Kane County Water Conservancy District, Orderville Irrigation Company, UDWR, and USFWS. This MOU discusses an agreement between the parties regulating water flows on the East Fork Virgin River (KCWCD 2001; Appendix E). The DEIS must analyze and update this MOU. It should be updated as an agreement of the proposed operation of the Project and include protection to flows for the Virgin spinedace, desert sucker, and speckled dace, the imperiled Virgin River fishes. CSU requests a copy of "The East Fork Virgin River Instream Flow Study March 2001" by Watershed Systems Group of Logan, Utah, which was the basis of the study. The DEIS must include: 1. Hydrological analyses of the water for the fishes needs to be based on the best available science; and 2. A direct assessment of the reliability of the Project to protect the flows for the benefit of imperiled Virgin River fishes for the life of the project; and 3. An analysis detailing how the lower flows will directly affect the natural resources of ecosystems that the fish rely on to survive; and 4. Incorporate the cumulative effect of the Quail Lake Diversion withdrawals from the Virgin River on the imperiled Virgin River fishes.
187	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Effects Analysis	X. Analyze Impacts Regarding Highly Erodible Soils in Project Sites The DEIS must assess the direct, indirect, and cumulative impacts of discharge on water quality and the impact to fish and water quality from sediment. The dry drainages above the proposed Cove Reservoir dam are very deep and show evidence of substantial erosion, presumably because of the geology and the topography. Further, it mush analyze how much water could be lost to seepage beneath the reservoir. The DEIS must include essential information on how the Waters of the United States will be protected and managed and who holds the water rights from these drainages. Given the highly erodible soils above the reservoir, the DEIS must include an analysis of how fast the reservoir's storage will be diminished by silt. Further, the DEIS must contemplate the risks of, since these soils are highly erodible, making an earthen dam out of these soils and the associated risk of failure in a heavy rainstorm. Additionally, the DEIS must analyze whether the proposed secondary spillway will survive an overflow event, as it is an earthen structure (trapezoidal earthen channel 1,070 feet long and 30 feet wide).
188	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Water Resources	XI. Analyze Impacts Regarding Riparian Water Resources The DEIS must analyze the degree in which the Project will reduce high water flows away from the current riparian zone, significantly changing the existing ecosystem. The DEIS must document the existing conditions of the baseline health of the watershed's ecosystem and determine whether its current state is deemed healthy or distressed. The North Fork Virgin River fails to meet healthy water quality standards because of over-grazing. More agriculture, coupled with increased use of fertilizers, will likely worsen the East Fork watershed exacerbating water quality problems. The Virgin River watershed is shared by two other states, Arizona and Nevada, and each state depends on return flows and values water quality. This watershed analysis must also consider the direct, indirect, and cumulative impacts on downstream water rights holders. Further, the DEIS must include floodplain models and analyze how they would be affected by reduced winter flows.

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189	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Water Resources	XII. Analyze Impacts Regarding the Hydrologic Connection of Ground and Surface Water Groundwater is the foundation on which all surface water rests, including the East Fork Virgin River. Water flow toward the discharge area can take days, weeks, months, years, decades, centuries, or millenia depending on the distance of flow from recharge to discharge area. Understanding how, when, and where discharge and recharge occurs is essential information to ensure that all hydrologically connected withdrawal and diversion are conducted in a sustainable manner to maintain this precious resource over time. The DEIS must include the exploration, monitoring, and analysis of the East Fork Virgin River groundwater resources to understand the hydrologic connection of ground and surface water and, in that context, detail and disclose the direct, indirect, and cumulative impacts of the proposed Cove Reservoir Project. The DEIS must include information essential to make a reasoned choice among alternatives—including, but not limited to, hydrologic connection models. A conceptual model must reflect the physical system and the operational or management features. With that, the information must disclose existing data for the system, including how many years data was available. The modeling experts must reduce the conceptual model into a numerical and computer model by either using 1) field data; and 2) the establishment of dimensions of time and space units. The information must consider whether the model adequately describes the system and disclose the levels of uncertainty related to predictions quantified and attributed to various sources beyond simply the error rate of calibration data.8
190	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Effects Analysis	XIII. Analyze Impacts Regarding Borrow Pits The Plan-EA, Table S-4, provides context for this section under; Summary of Resource Concerns and Potential Environmental Impacts, page S-5, et seq. Water Resources, Water Resources (surface water quality and quantity: *"Construction activities would occur in drainages and near water sources. Two potential borrow pit sites would be accessed by crossing the East Fork Virgin River on existing dirt roads. Use of the third borrow site would not affect any water resources. Storage of surface water would provide additional water for summer irrigation and recreation. Interception of ephemeral floodwater could occur. Construction activities near water areas could result in short-term water quality reduction…"* It will take three years to build the proposed Project, and the Plan-EA described reductions in reservoir volume resulting from sedimentation. Still, the Plan-EA did not consider the impacts of the heavy equipment that will have to cross the East Fork Virgin River and gather material on the other side of the river from two existing borrow sites to provide gravel and riprap for the proposed project 90-foot high earthen dam. The sentiment load in the East Fork will likely be significantly increased. The amount of material to build the dam and reservoir is estimated to be 4,360,000 cubic yards—which is about the same as the volume of concrete used to build the Hoover Dam and power plant.9 The roads and materials are also located in an area with highly erodible soils that could degrade water quality downstream. The DEIS must analyze how this Project affects the wilderness values of the Bureau of Land Management's Parunuweap Canyon Wilderness Study Area (WSA) (30,800 acres) downstream of the Project. The Plan-EA revealed that the trucks must drive through the East Fork of the Virgin River to access Lamb's Pit and Tait Pit, two of the gravel pits it relies on, but it fails to assess the sedimentation associated with that disturbance. Consequently, if it takes three years to build the Project, the impact on the river's water quality will likely be significant. The DEIS must analyze Borrow pit impacts by: 1. estimating the amount of material from each pit. Table 11 in the Plan EA only gives amounts of types of material; and 2. describing how to minimize dust when accessing borrow pits, p. 32 et seq. (total disturbance ~75 ac, total 4,319,000 cu yd removed), and over 7 miles of dirt road along Glendale Bench Road; and 3. analyzing the impact of sedimentation from extracting material from the borrow pits on the values of the Bureau of Land Management's Parunuweap Canyon
191	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Economics	XIV. Analyze KCWCD and WCWCD Potentially Misleading for Better Funding The DEIS must analyze whether the proponents are misleading the public and whether the Districts' misuse of these funds is allowed under the NRCS Watershed Flood Prevention and Protection Program (PL83-566). According to an article in the Spectrum newspaper,10 the project proponents admit they do not have to continue to use the water for agriculture if they just declare that they are using it now for agriculture. It seems the proponents want to get the better terms for funding an agricultural project, all the while intending to use the water for municipal purposes. For example, the DEIS must include the information that KCWCD anticipates rezoning along the access roads around the reservoir to allow property sales and homes to be constructed along the access road to help finance the Project. The Plan-EA said, "The pipeline would be an 8-inch line with fire hydrants located every 500 feet." This is a requirement under the fire code for building homes. Thus, NRCS funding would be used for municipal development, not agricultural development. Further, KCWCD claims they have already spent $2 million building the Project piecemeal without environmental review of being a part of a larger project. The property for the reservoir was purchased, a pipeline was built double its original size from the proposed reservoir to the Orderville diversion, and they participated in the Orderville diversion. They applied for the NRCS grant in 2017, and three years later, in 2020, the Project completed a watershed plan and an environmental assessment omitting this key information. They left these vital components out of the environmental review of the 2020 Plan-EA, and they must be evaluated in the DEIS.

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192	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Alternatives	XV. CSU Proposes Another Alternative to be Studied in the DEIS The other alternatives proposed to be studied in the DEIS were only about different dam sites and not the proposed purpose of the Project being the need for water for growing more alfalfa on the farmers' existing fields. As mentioned in our comments, CSU is concerned that the proposed Project is not viable over the long term due to the foreseeable reduction of future water supplies because of a warming climate. This Project was envisioned many years ago, and since then, circumstances have changed significantly due to the ongoing and projected diminishing water supplies. CSU proposes another alternative that should be studied in the DEIS that could focus precious funds on better agricultural practices to conserve water in preparation for expected changes in precipitation patterns, such as, but not limited to, using smart technologies such as metering all agricultural water use and using satellite technologies. For instance, Alfalfa and Forage Specialist at UC Davis Dan Putman concluded that: *"While alfalfa holds some important advantages in terms of water use efficiency and water management, there is no question that the alfalfa industry needs to envision improvements in irrigation management and WUE [water use efficiency] for a water-scarce future. These long-term strategies include 1) improving yields through genetic and crop management methodologies, 2) Changing irrigation technology where appropriate and optimizing system performance in all systems, and 3) Improving water management monitoring systems to more closely estimate and match crop water demand with applied water."* He continued, "[e]nvisioning more water-use efficient systems is critical to meeting future needs for forage crops in a more water-limited future."11 CSU shares Dan Putnam's vision for improvements in irrigation management for water conservation in the face of a water-scarce future. The proposed Project draws serious concerns. The DEIS must take a hard look at this feasible and reasonable conservation alternative—using the best available science to assess the East Fork Virgin River's existing and future conditions and closely consider climate change impacts. In considering this and other alternatives, all essential information must be rational and disclosed to the public before final decisions are made. Additionally, the No Action alternative should describe existing conditions in detail and how they will be improved or impacted by the proposed alternative.
193	40	4/26/2022	Email	NGO	Conserve Southwest Utah	Jane Whalen	3	Effects Analysis	XVI. Conclusion The DEIS must complete the analyses begun in the prior Plan-EA to address the in-depth and long-term impacts of this project on the environment. That analysis must include additional reasonable alternatives such as that suggested above.
194	41	4/20/2022	Email	Public		Brian Behle	30	General	As an outdoor enthusiast and native Utahn I ask you support the no action alternative regarding the Cove Reservoir proposal. Farming is important, however, this planned reservoir for irrigation is deeply flawed. It risks degrading the amazing attraction of the Virgin River, so important to local tourist dollars and all Americans' enjoyment of our national treasures. We have thousands of better alternatives to grow more crops in the U.S. Thank You, Brian Behle
195	42	4/22/2022	Email	Public		Jason Costa	31	General	I grew up in Utah, fishing and paddling the rivers across the state. This project threatens delicate ecology and ecosystems, and puts natural resources at risk. It is also a tremendous waste of taxpayer money. Please keep the Virgin River wild and scenic, and select the NO ACTION option on Cove Reservior.
196	43	3/4/2022	Email	Public		Richard Spotts	1	NEPA Process	I would appreciate answers to the following questions related to the above-referenced proposed NRCS project. 1) Will or may this proposed project receive any of the recently approved USDA infrastructure funding for new flood control projects? Please see the related article at this web link: https://www.eenews.net/articles/usda-emphasizes-flood-control-in-face-of-climate-disasters/ 2) Why has the required Notice of Intent (NOI) for this forthcoming Environmental Impact Statement (EIS) not yet been published in the Federal Register (it was announced last October), and what is the NOI's current status or expected date of publication? 3) When it is published, will the NRCS NOI include a description of the draft agency purpose and need statement that would be subsequently used to determine which alternatives should be carried forward for detailed EIS analysis? If so, would this statement be consistent with and help advance the Biden administration's executive orders and policies relating to responding to the climate and extinction crises, and encouraging more sustainable and efficient uses of water? I look forward to your answers.
197	44	4/15/2022	Email	Public		Dave and Jolene Clark	15	Watershed Protection	*Norm Evenstad had a phone conversation with Jolene Clark regarding flood protection improvements at their property as part of the project proposal. She sent over a photo during a flood last year.* Response: I have forwarded to the Cove Reservoir-East Fork Virgin EIS Planning team to capture your concern. Per our phone conversation March 31, 2022, I am not sure our specific proposed project can do much for your particular scenario, but the team will consider your comment/concern.

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198	45	4/28/2022	Email	Public		Mike Crane	32	General	I appreciate the hard work the NRCS does every day. The agency does much to help protect America's rivers. However, in the case of the Cove Reservoir on the East Fork Virgin, based on your Environmental Impact Statement, the agency is making a grave mistake that can damage the environmental integrity of the Virgin River ecosystem. The current EIS is remiss on several important considerations and therefore I respectfully request the National Resources Conservation Service and other project partners to abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. The EIS did not fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River's spring peak flows provide the only possible time of year to go boating. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. The project as proposed would have severe environmental and recreational impacts, is not economically feasible, and is a misuse of taxpayer money. Thank you for considering my comments on this project.
199	46	4/19/2022	Email	Public		Doug Tally	33	General	RE: Cove Reservoir (rhetorical) What is the project lifetime expense to taxpayers v proposed water diversion uses? What are reasonable unintended consequences and their costs? I kayak and raft rivers in the Northern Rockies to Michigan and Florida and I cherish wild and free-flowing rivers. No Action Alternative is the reasonable decisiin based on prior publications. Detractors: - Environmental - Recreation use - Financial... especially in current harsh realities and uncertain future taxpayer overload.
200	47	4/19/2022	Email	Public		Daniel Cottam	34	General	Thank you for the opportunity to provide comments on the Cove Reservoir - East Fork Virgin Environmental Impact Statement. As a river enthusiast who cherishes wild and free-flowing rivers, I hope the National Resources Conservation Service and other project partners abandon the proposed project as described in both the previous Environmental Assessment and the EIS scoping notice by choosing the No Action Alternative. If the project proceeds, the NRCS needs to fully assess all downstream impacts of the project, including impacts to recreational, ecological, and other values. This should include a complete review of different annual hydrograph scenarios. Naturally varying river flows support a myriad of important ecological attributes, including sediment transport and vegetation management., On the East Fork of the Virgin River's spring peak flows provide the only possible time of year to go kayaking and rafting. Downstream reaches on the mainstem of the Virgin are very well-known amongst recreators and flows are dependent upon high spring streamflows in the East Fork Virgin River. Having personally kayaked the much of the virgins entire length it amazes me that they want to take away this opportunity from me. I have valued these runs and they are truly some of the most unique in the entire world from the narrows in the NP to the hurricane gorge and the virgin gorge. Timpoweap canyon is not to be missed. And all these runs happened without any government help. Imagine how many boaters there would be if the was an approved put in and take out and they held releases of known amounts and times in timpoweap canyon. Instead there is nothing and we are left guessing as to what is going to happen. I would certainly donate time and money for put and take out places for boaters. The project as proposed would have severe environmental and recreational impacts, is not economically feasible and is a misuse of taxpayer money. This is especially gauling as SE Utah has more water use per person than any other place in the whole country. I have a house in St George and the amount of grass they have down there in a desert is awful. At least Las Vegas pays you to pull up your turf. St George does nothing then wants to steal water without considering recreation. There is at least one commercial company with a permit on the virgin river and they can't run it because so many people are taking water out. We need viable river flows and reliable river flows. We already have two reservoirs that don't consider kayakers/rafters we don't need a third. These runs could be as famous as the Grand Canyon but we take so much water out we depend on high flow in spring as our only chance to run them.

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201	48	4/20/2022	Email	Public		Sam Carter	35	General	I am writing you today about the proposed water storage project of Cove Reservoir on the East Fork of the Virgin River. My request is that you cancel this project. Why? Damning rivers in the southwest USA does not work well for the downstream river environment. I live at the Dolores Project where McPhee dammed the Dolores River. McPhee is at historic lows and there have not been adequate downstream releases as "advertised" when the storage project was proposed. And now that downstream environment is struggling. Cottonwoods are not repopulating the riparian reach. Willows are encroaching on the river bed more and more. And the native fish are in steep decline. Come for a visit. I'll take on a dry river tour. And then just southwest of here is Lake Powell and its mess of a project. There is not enough water in the SW to store in a reservoir and to sustain flows out of said reservoir. The Cove Reservoir will crush the riparian habitat of the EF Virgin River. While you may believe otherwise, you are being duped. It doesn't work. Thank you for your time.
202	49	4/27/2022	Email	Public		Stanford Pitcher	36	General	The East Fork of the Virgin is such a small river which rarely flows except for a short time in the spring. It is ridiculous to consider to put a dam on it. The water is needed downstream to give the Virgin enough water to allow floating between Springdale and the Virgin Gorge. I'm sure the fish on the river appreciate it too! The Virigin River is a magnificent part of the Zion area and Utah - please don't change its wilderness character to grow alfalpha!
203	50	4/20/2022	FR	Public		Robert Figgins	37	General	As a resident of orderville it is my opinion that the reservoir will only improve our beautiful town. This project will provide much needed recreational options for all of Kane county. The new reservoir will also benefit the agricultural community. More water better crops. For the residents of orderville mt caramel and glendale this reservoir will improve the ability to have good old fashioned family fun without breaking the bank. Please move forward on this project
204	51	4/20/2022	FR	Public		Kurt Brinkerhoff	38	General	We in Glendale (irrigation company) are in dyer need of water that could be used if/when the Cove Reservoir project is completed.
205	52	3/30/2022	FR	Public		Richard Spotts	1	General	Dear NRCS officials: Please accept, carefully review, respond to in the forthcoming DEIS, and include in the NEPA project file my following scoping comments in response to this NOI. At the outset, I live near the Virgin River in Washington County Utah. As a twenty-year Utah resident, I am continually disappointed by the unsustainable, regressive decisions and actions by most Utah officials. For example, they constantly support risky and expensive boondoggle water projects instead of much more reliable and less costly water conservation and reclamation methods. They refuse to implement already-proven-effective water conservation and reclamation measures in a county with an obscenely excessive per capita water use rate. This NRCS NOI is another example of this pattern of moving backward when we desperately need to be moving forward. Former Utah Republican legislative leader Mike Noel's controversial proposed Cove Reservoir project, actively promoted during the Trump era, unfortunately remains alive under this NOI's misrepresented Trojan horse "watershed plan" title under the Biden administration.
206	52	3/30/2022	FR	Public		Richard Spotts	1	Purpose and Need	In reviewing this NOI, it is appallingly clear that the NRCS office in Utah ignored virtually all of the previous public comments on their earlier defective and biased Cove Reservoir Environmental Assessment (EA). For example, the two action alternatives described in today's NOI are substantially similar to what was originally proposed in the EA. Both would improperly divert Virgin River water that would otherwise flow downriver to Lake Mead. Both would facilitate more water-wasting alfalfa farming during the hot summers, and likely provide for potential future water sales and transfer to expand sprawl developments in Washington County. Both ignore cheaper and more reliable watershed health measures proposed during the previous round of EA comments. In a nutshell, if approved and implemented, this project would use federal funds to facilitate further unsustainable private water use and development instead of advancing feasible and bona fide methods to actually improve watershed health during this mega drought. In addition, the NRCS continues to refuse to answer basic questions such as how or whether this proposed Virgin River diversion would comply with the Colorado River Compact (Law of the River). Lake Mead is already dangerously low, but the NRCS and other Utah promoters of this Cove Reservoir seek this harmful Virgin River diversion without regard for the added negative impacts on other Lower Colorado River Basin water users. This NOI is supposed to start a broad scoping process under the National Environmental Policy Act (NEPA) where the public may provide comments on the proper purpose and need for action, feasible alternatives to the proposed action, and resources/issues of concern. Sadly, based on the arbitrary narrowness of this NOI, NRCS appears to remain highly biased toward what Mike Noel and other development interests want. The Cove Reservoir could apparently not be built unless the Bureau of Land Management (BLM) approves needed borrow pits. So NRCS and BLM are each responsible for this NEPA compliance prior to any final decisions.

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207	52	3/30/2022	FR	Public		Richard Spotts	1	General	Given the Cove Reservoir's high level of public controversy and conflicts with the Biden administration's executive orders and professed environmental policies, it is shameful that NRCS was allowed to publish such a misleading and truncated NOI. Just like with their ridiculous proposed Lake Powell Pipeline, Utah's regressive officials continue to arrogantly ignore the two-decade-long mega drought and foolishly believe that they can create water by building more storage structures. It is tragic that NRCS officials who should know better are nevertheless willing to partner with these Utah officials. As President Biden has noted, the climate and extinction crises are real, connected, getting worse, and require bold and innovative solutions. The proposed Cove Reservoir would add to these problems and take precious funds away from implementing positive solutions. NRCS should not waste its limited resources to subsidize Utah's unsustainable insanity. For scoping purposes, I hereby wish to fully incorporate by reference as part of my scoping comments the relevant attachments provided (including my previous Cove Reservoir EA comments) and the information at the web link below. This information provides pertinent input on the DEIS purpose and need statement, a reasonable range of feasible alternatives that should be carried forward for detailed analysis, and many resources, uses, and issues that should be addressed. I may supplement my comments by the April 28th deadline.
208	52	3/30/2022	FR	Public		Richard Spotts	1	General	SEE ATTACHED COMMENTS to FR
209	53	3/30/2022	FR	Public		Robert Lacey	6	General	As a resident of Orderville, shareholder in the Orderville Irrigation Company, and member of the Orderville Town Council, I am excited to see this project moving forward. Many residents, and particularly farmers and ranchers in our area, have been anticipating the construction of this reservoir for many years. It will be a major benefit to our small community as water availability is stabilized throughout the summer. With climate change affecting our weather patterns, storage capacity like this is invaluable for an agricultural community like ours. Additionally, the increased recreational opportunities will benefit residents directly, along with the potential growth in tourism. The improvement in clean hydropower capacity will also be welcome. In my view, this project is a win for all involved. The reservoir is off-river, using a diversion and pipeline that is already in place, so the impact to the river ecosystem should be minimal. Having increased river flow later in the summer should return the river to a more historic state, since water that is currently diverted may not need to be to the same extent. I recognize that there are others who don't share these same views, including a few who live downstream from the proposed Cove location. I anticipate that the floodplain permit will account for any of their concerns as it moves forward. I, for one, have spent a fair amount of time exploring and utilizing the area that will be inundated. While it is a quiet area with some dirt roads and brush, there is nothing particularly interesting there, and I feel that the benefits of the water storage project outweigh the loss of the area for ground-level recreation. I look forward to seeing the EIS move forward and for the project to advance into construction and completion.
210	54	4/4/2022	FR	Public		Anonymous	N/A	General	I recommend this project be ended. The area is desert and we are in a mega drought. There is no water resources available for development and we must stop and begin reversing growth in the counties. The only good option is to live within our means and retreat if necessary. We must downsize our families and consumption.
211	55	4/10/2022	FR	Public		Carolyn Borg	39	General	As a long-time Utah and Washington County resident, I vigorously oppose this misleadingly titled "watershed plan" because it is a ridiculous contrivance for the controversial proposed Cove Reservoir. NRCS did a previous Environmental Assessment (EA) for the Cove Reservoir that was clearly biased and defective. Strong public comments and questions were submitted to NRCS in response to this EA. To the best of my knowledge, NRCS has never responded to these comments nor answered these questions. Instead, NRCS has simply fraudulently re-packaged this proposed reservoir as a watershed plan. Diverting Virgin River water for wasteful summer alfalfa growing and for speculative future sales to developers are not legitimate watershed plan purposes. This is a shameful attempt to fool the public and to cloak a boondoggle as a plan. Mike Noel and the other Cove Reservoir proponents tend to hate the federal government except when they can obtain public federal subsidies to increase their private profits. It is like they figuratively slap Uncle Sam in the face with one hand while trying to steal his wallet with the other hand. I am appalled that something as unnecessary and wasteful as the proposed Cove Reservoir would even be allowed to proceed under the Biden administration. There are much more important and legitimate projects that should be the focus for using limited federal funds and staff. We are in the midst of the worst drought in apparently 1,200 years and Lakes Mead and Powell are already dangerously low. The Colorado River Compact states are struggling to develop an updated drought contingency plan and painful reductions in water deliveries are already occurring. In this context, diverting Virgin River water into the Cove Reservoir would exacerbate these worsening problems and reduce the flows into Lake Mead. The water in Lake Mead is far more valuable for existing human uses, whereas the Cove Reservoir water would be largely wasted for summer alfalfa irrigation and to stimulate further sprawl developments. There may be a need for some legitimate watershed health projects in this area to slow erosive runoff, reduce soil loss, increase soil water infiltration, recharge depleted groundwater aquifers, and restore degraded riparian habitats. These are the types of projects that should constitute a reasonable range of feasible alternatives for objective analysis in a Draft Environmental Impact Statement (DEIS). Unfortunately, NRCS is clearly not interested in pursuing these types of bona fide watershed projects in the public interest, nor fairly considering alternatives to the Cove Reservoir. NRCS is merely going through the NEPA motions with this required scoping process.
212	56	4/13/2022	FR	Public		Edward Bolander	40	General	Given the difficulties of maintaining sufficient water in the area, this project should proceed ASAP

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213	57	4/20/2022	FR	Public		Chris Gorzalski	41	General	Please accept my comments on the proposed Cove-East Fork Virgin River Watershed Plan NRCS-2022-0002. I am a resident of St George, Utah and have been a frequent recreational user of the Parunuweap Canyon WSA and the Zion National Park Wilderness area including the East Fork of the Virgin River. I am concerned that the development of the proposed reservoir will effect the flow of the East Fork Virgin River to the extent that irreparable damage will occur to the Wilderness characteristics of the WSA and Wilderness Area. I am aware that seeps do feed into the river but the initial water flow will be reduced during the summer months when we have already been seeing low flows occurring due to the drought. Has a full study of the effect this flow reduction will have on the species in the canyon? Parunuweap canyon is a wild and beautiful area which has not been overrun due to its relative inaccessibility. Petroglyphs show that this area has been important to mankind for a long time. It is an area worth saving.
214	58	4/20/2022	FR	Public		M. Honer-Orton	42	General	At a time when we are in Extraordinary drought, this proposal ignores all cautionary concepts with regard to conserving water and instead creates an additional reservoir to store water for growing alfalfa, a water intensive crop. Utah officials arrogantly ignore the two-decade-long mega drought and foolishly believe that they can create water by building more storage structures. In addition there do not seem to be any specifics as to who or what will determine when and how much water will be released to downstream water users including water that should rightfully be going to Lake Mead. Also, the ultimate plan for this water seems to be a residential development and not agricultural/recreational uses. We oppose this water grab project that can only reduce supply to down river users and right-holders.
215	59	4/20/2022	FR	Public		John Horel	43	General	As an Orderville home owner, there seems to be little justifiable need for this project to have moved to the point of requiring an EIS. Having participated in the earliler EA, there seemed to be little recognition of the limited value of this project and overstatements of its benefits. I hope Option #1 becomes the preferred outcome.
216	60	4/20/2022	FR	Public		Merlin Esplin	44	General	Thank you for receiving comments on the proposed Cove Reservoir. I am a resident of Orderville and own property near the proposed reservoir site. I am not excited about some aspects of having a reservoir adjacent to my property, but I understand the great benefits that such a project would create for Orderville, and Kane County. First - there is a diversion already in place and a pipeline already delivers East Fork Virgin River water to the reservoir site. Farm land is currently irrigated right to the proposed reservoir site. This will not entail a new diversion. Water will be stored beyond currently irrigated property on dry range land. Second - the reservoir would allow water users in this part of Kane County to better use the water they have rights to buy providing storage and releasing water during times when the river does not provide the full right granted. A reservoir would also allow farmers to choose to cultivate various types of crops. Most farms now grow alfalfa as feed for livestock. Alfalfa is deep rooted and produces well when it receives enough water, but has the ability to go dormant when the soil dries out. It can then green up again when water is available. This makes alfalfa a great crop that does not have to be replanted after every dry spell. Water storage in a reservoir would allow farmers to grow other types of crops, including vegetables, because there would be a more reliable expectation of water delivery at more dependable intervals. Also, greater production of alfalfa and forage could be expected with water storage on the system. Third - a reservoir would bring business opportunities, especially in the form of recreation, to our area. Fourth - Washington County's involvement in the Cove Reservoir makes sense because they could store water at higher elevations and reduce evaporation. Whether they used the water for culinary or irrigation - it could help meet their water needs. This is not an attempt to capture a complete list of opportunities and benefits, but a quick glimpse showing there is good reason to proceed.
217	61	4/21/2022	FR	Public		Tina Esplin	45	General	Because of the continuing drought, we are learning and seeing the importance of storage reservoirs to secure water and water rights for the residents of southern Utah. This reservoir is critical for water storage, farming, recreation, the local economies and the beauty and overall enhancement of this area, and Action 1 Alternative is the only alternative that provides for all of these important matters, and the building of the reservoir should proceed as soon as possible. Thank you.
218	62	4/23/2022	FR	Public		Shauna Archer	46	Climate Change	We live in an arid state and adding a reservoir does not seem to be an appropriate action to counteract water demands. There are so many other alternatives to pursue that are more sustainable including types of crops being planted, how water is used including watering times, and how to best manage water without creating reservoirs which cause damage to ecosystems and of which much of the water is evaporated in our arid climate. In a day and age in which we are beginning to understand how important it is to humans to have intact ecosystems and sustainable practices this solution does not seem to be viable long term. Other options have been proposed and a formal in-depth study has been suggested. Bottom line we have too many people living in an arid climate and making demands on the land that are not appropriate for this climate and ecosystem. Solutions should be long term and sustainable. If not for this generation we owe it to be considered for future generations. Please consider the following steps that were submitted by Utah Water Conservation Organizations. 1. Study existing megadrought conditions and the current modeling for the future of water supplies in the region driven by climate change and determine if this project is sustainable.
219	62	4/23/2022	FR	Public		Shauna Archer	46	Economics	2. Suggest that federal agricultural funding might best be used to help farmers in Kane and Washington counties transition to climate and sustainable smart agriculture. There are a variety of new agricultural technologies including remote sensing technology that can result in using less water and increasing yield. These are practices that are beginning to be used world-wide. A cost-effective study should be completed comparing the cost of arming farmers with new technologies vs. the cost and environmental impact of constructing and maintaining the Cove Reservoir.
220	62	4/23/2022	FR	Public		Shauna Archer	46	Water Resources	3. Analyze the direct, indirect, and cumulative impacts of eliminating high flows on both the East Fork and the Main Virgin as it relates to the hydrologic connection of both ground and surface water. Changing river flow levels forever could hinder how the aquifer is recharged along with permanently decreasing the flow of surface water downstream of the project area.

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221	62	4/23/2022	FR	Public		Shauna Archer	46	Sensitive Species	4. Study the history of what caused the endangered fish in the Virgin to become imperiled in the first place and evaluate how further reducing perennial flows will further complicate the effort to save these species. Changing the historical flows are likely to have an impact as well on the entire riparian zone along the river. This must be carefully evaluated.
222	62	4/23/2022	FR	Public		Shauna Archer	46	Water Resources	5. Complete an analysis of ecosystem health of the Virgin River watershed with attention to how using more fertilizer for agriculture affects downstream water quality.
223	62	4/23/2022	FR	Public		Shauna Archer	46	Water Resources	6. Complete an analysis of the complete Virgin River watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River watershed is technically in the Lower Basin drainage.
224	62	4/23/2022	FR	Public		Shauna Archer	46	Water Resources	7. Analyze and evaluate the water rights that the irrigation companies are using to build the project. Current records show these water rights are being protested by other water users.
225	62	4/23/2022	FR	Public		Shauna Archer	46	Economics	8. Calculate the cost/benefit ratios for the 100-year life of the project.
226	63	4/25/2022	FR	Public		Arthur Haines	47	Climate Change	I have two comments on the scope of the EIS for the Cove-East Fork Virgin Riven Watershed Plan. First the, impact on this fragile water shed of the current mega drought and the impact of climate change must be assessed. This assess must be thorough and objective.
227	63	4/25/2022	FR	Public		Arthur Haines	47	Purpose and Need	Secondly, the project is built on the assumption that Kane and Washington County farmers need additional water to support their (alfalfa) fields. This assumption must fully evaluated. The assessment must determine the beneficial impact of new water saving project. Moreover, in Washington count these fields are likely to transition to residential develpment early in the life cycle of the Cover Reservoir. This implications of this highly probable future on the rationale for the Cover Reservoir must be evaluated.
228	64	4/26/2022	FR	Public		Ingrid Akerblom	48	Purpose and Need	I am providing this comment in opposition to the proposed Cove-East Fork Virgin River Watershed Plan Project. I have provided a comment on this project during the EA phase. I appreciate that a full environmental analysis will be performed before proceeding with this project. My concerns remain relevant. From the NOI: “ The primary purpose for watershed planning…is to increase and maintain a reliable supply of water for local agricultural use….agricultural users routinely experience water shortages in the late summer months…” This project is a government hand-out to specifically benefit the alfalfa farmers in the local area who are refusing to face up to climate change and the increasing drought conditions that will spell the end of their businesses in the coming years. This reality is harsh and I understand that no one wants to give up on their history and their livelihood. However, building a new reservoir for water that likely will not be there in even the near-term future is irresponsible and a waste of taxpayer money. It is pertinent to note here almost all of UTAH and particularly Southern Utah is in exceptional drought status currently with no relief in sight. The drought emergency has now become even more extreme since the conception of the project in 2020 or earlier – the megadrought we are facing now is unprecedented and there is no relief in sight. •The EIS must include studying existing megadrought conditions and the current modeling for the future of water supplies in this region due to climate change. Whether or not this project is sustainable in light of what will be considerable expense must be determined In addition, the initial projections showed the net economic cost/ benefit in the best of circumstance was barely above break even annually with nearly all the benefit going to a select few farmers through increased agricultural production. It was not clear if the cost/ benefit included the investment needed to do the project or just operating expenses. As for the ongoing operating expenses, I was not able to determine who would be paying for those; I am assuming not the primary beneficiaries. As a Utah and federal taxpayer, I see no justification for using my money to support this project in order to subsidize this small group.
229	64	4/26/2022	FR	Public		Ingrid Akerblom	48	Alternatives	•The EIS under the NO ACTION Alternative must include reviewing the impact on water use of adopting new agricultural technologies such as remote sensing technologies that can reduce water use and increase yield. A cost benefit study should be included that compares the use of the newer agriculture sustainable and water-saving technologies with that of the total cost of this project including operating expense. •The EIS under the NO ACTION alternative must consider buy out costs for farmers and developing alternative revenue sources vs moving forward with this project. NO matter what is done it is likely that there won’t be enough water to sustain agriculture and hydroelectric power generation due to the increasing desertification of Southwest UTAH.
230	64	4/26/2022	FR	Public		Ingrid Akerblom	48	Sensitive Species	As an avid hiker and outdoor enthusiast, I have great concern on the impact of this diversion to ecological habitats downstream both within and outside Zion National Park. The park belongs to all Americans and the health of its extended ecosystem should not be endangered for the benefit of a very few. The NRCS should leave the existing river and the wildlife and human recreation downstream intact by maintaining the natural flow of the river. It is critical that the Wild and Scenic values of the Virgin River and Zion National Park designations remain intact. •The EIS must include analyses of how the diversions from the East Fork of the Virgin River will affect the downstream ecosystem directly, indirectly, or cumulatively by eliminating high flows on both the East Fork and the Main Virgin. How will the changing river flows affect recharging the aquifer in the watershed? How will further reducing perennial flows complicate the efforts to save endangered species that are already struggling for low water due to drought?

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231	64	4/26/2022	FR	Public		Ingrid Akerblom	48	Water Resources	•The EIS must also include an analysis of the complete Virgin River Watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River Basin is in the Lower Basin drainage. The EIS must address water rights for the watershed - what are the rights of the irrigation companies involved in this project? Finally, having driven Route 89 many times to view the scenic beauty there, I would be heartbroken to see this wild river become yet another casualty of a short-sighted effort to retain a way of life that has no future – the folly of continuing to grow crops not suited for the desert environment.
232	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Climate Change	1. Study existing megadrought conditions and the current modeling for the future of water supplies in the region driven by climate change and determine if this project is sustainable.
233	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Economics	2. Suggest that federal agricultural funding might best be used to help farmers in Kane and Washington counties transition to climate and sustainable smart agriculture. There are a variety of new agricultural technologies including remote sensing technology that can result in using less water and increasing yield. These are practices that are beginning to be used world-wide. A cost-effective study should be completed comparing the cost of arming farmers with new technologies vs. the cost and environmental impact of constructing and maintaining the Cove Reservoir.
234	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Water Resources	3. Analyze the direct, indirect, and cumulative impacts of eliminating high flows on both the East Fork and the Main Virgin as it relates to the hydrologic connection of both ground and surface water. Changing river flow levels forever could hinder how the aquifer is recharged along with permanently decreasing the flow of surface water downstream of the project area.
235	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Sensitive Species	4. Study the history of what caused the endangered fish in the Virgin to become imperiled in the first place and evaluate how further reducing perennial flows will further complicate the effort to save these species. Changing the historical flows are likely to have an impact as well on the entire riparian zone along the river. This must be carefully evaluated.
236	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Water Resources	5. Complete an analysis of ecosystem health of the Virgin River watershed with attention to how using more fertilizer for agriculture affects downstream water quality.
237	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Water Resources	6. Complete an analysis of the complete Virgin River watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River watershed is technically in the Lower Basin drainage.
238	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Water Resources	7. Analyze and evaluate the water rights that the irrigation companies are using to build the project. Current records show these water rights are being protested by other water users.
239	65	4/27/2022	FR	Public		Stephanie Kilcher	49	Economics	8. Calculate the cost/benefit ratios for the 100-year life of the project.
240	66	4/27/2022	FR	Public		McKay Williams	50	General	The virgin river is one of our last untouched natural recourses here in Utah and we need to protect it as such. Please consider the recreational and environmental opportunities we will loose out on forever if we do not consider protecting this waterway for generations to come.
241	67	4/28/2022	FR	Public		Christian Felger	51	Wild and Scenic Rivers	Much of the E. Fork of the Virgin River is protected wilderness study area. This change could heavily impact the ecosystem in this area.
242	68	4/28/2022	FR	Public		Helene Jorgensen	2	Water Resources	Please accept and include in the relevant public record my scoping comments on the Cove-East Fork Virgin River Watershed Plan, Kane County, Utah in preparation of the Draft Environmental Impact Statement (DEIS). I am a Kane County UT resident. I deeply care about reliable water supply and the future management of our water resources. I strongly believe that water resources should be managed in the long-term public interest. I am concerned that there is insufficient water, both water rights and wet water, to fill and operate a reservoir at the East Fork Virgin River in Kane County. The U.S. Bureau of Reclamation needs to analyze and evaluate the water rights used for this project. The Bureau of Reclamation also needs to study and develop projections for future precipitation and water flows in the East Fork Virgin River.
243	68	4/28/2022	FR	Public		Helene Jorgensen	2	Purpose and Need	The Notice of Intent (NOI) for the project, published on 3/29/2022, provided limited information about the project itself, the location of the reservoir, the beneficiaries, and potential environmental impacts. This makes it challenging to provide specific public scoping comments. The fact that the public information meeting was held in October 2021, almost 6 months before the NOI was published, also has contributed to the scarcity of information provided to the public. The NOI states that the primary purpose of the project is “to increase and maintain a reliable supply of water for local agricultural use and existing storage needs, increase water conservation, and improve water delivery efficiency in the Upper Virgin Watershed in Kane County, Utah, and for existing and future water demands in Washington County, Utah.” Due to rapid development in Kane County and Washington County, alfalfa fields and other agricultural activities are disappearing. It is not clear which future agricultural uses the U.S. Bureau of Reclamation envisions that Cove reservoir would benefit.
244	68	4/28/2022	FR	Public		Helene Jorgensen	2	Economics	The NOI states that “the project proposes a new Glendale [power generating] facility and would make water available during the summer months at the Orderville site that could help meet energy needs.” The Glendale facility was not mentioned in the scoping notice published in October 2021 or at the public meeting in October 2021. This component of the project needs to described and cost estimates for building the power plant should be included in the DEIS.

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245	69	4/28/2022	FR	Public		Carolyn Borg	39	Wild and Scenic Rivers	As a Washington County Utah resident, I concur with the scoping comments submitted by Conserve Southwest Utah. The East Fork of the Virgin River is a small stream of critical significance. The proposed Cove Reservoir would permanently change the river's natural flow and disrupt this already fragile riparian ecosystem. In the face of rapid climate change, in megadrought conditions, the project would cause and greatly exacerbate changes in the timing, amount, and natural flow of the river that would negatively impact the plants, fish, wildlife, and interconnected ecosystems they depend on to survive. The East Fork of the Virgin River is designated as Wild under the Wild and Scenic Rivers Act, where it flows through Zion National Park. The project will likely alter water flows in this area, and changes in flow rates will likely affect the wild qualities of the river. The change in the natural flow patterns in the summer may also negatively impact the famous slot canyons of the Bureau of Land Management's Parunuweap Canyon Wilderness Area (WSA) of 30,800 acres. The WSA boundary is near the project area along the East Fork and downstream of the gravel pits needed to build the 90-foot-high earthen dam. The East Fork runs through the proposed wilderness area—an area that should remain wild. There are many important issues, resources, and concerns that should be fully analyzed in the NRCS DEIS, including the following:
246	69	4/28/2022	FR	Public		Carolyn Borg	39	Climate Change	1. Study existing megadrought conditions and the current modeling for the future of water supplies in the region driven by climate change and determine if this project is sustainable.
247	69	4/28/2022	FR	Public		Carolyn Borg	39	Water Resources	2. Federal agricultural funding might best be used to help farmers in Kane and Washington counties transition to climate and sustainable smart agriculture. There are a variety of new agricultural technologies including remote sensing technology that can result in using less water and increasing yield. These are practices that are beginning to be used world-wide. A cost-effective study should be completed comparing the cost of arming farmers with new technologies vs. the cost and environmental impact of constructing and maintaining the Cove Reservoir.
248	69	4/28/2022	FR	Public		Carolyn Borg	39	Economics	3. Analyze the direct, indirect, and cumulative impacts of eliminating high flows on both the East Fork and the Main Virgin as it relates to the hydrologic connection of both ground and surface water. Changing river flow levels forever could hinder how the aquifer is recharged along with permanently decreasing the flow of surface water downstream of the project area.
249	69	4/28/2022	FR	Public		Carolyn Borg	39	Sensitive Species	4. Study the history of what caused the endangered fish in the Virgin to become imperiled in the first place and evaluate how further reducing perennial flows will further complicate the effort to save these species. Changing the historical flows are likely to have an impact as well on the entire riparian zone along the river. This must be carefully evaluated.
250	69	4/28/2022	FR	Public		Carolyn Borg	39	Water Resources	5. Complete an analysis of ecosystem health of the Virgin River watershed with attention to how using more fertilizer for agriculture affects downstream water quality.
251	69	4/28/2022	FR	Public		Carolyn Borg	39	Water Resources	6. Complete an analysis of the complete Virgin River watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River watershed is technically in the Lower Basin drainage. Determine how this proposed diversion of Virgin River water may affect compliance with the Colorado River Compact (Law of the River) and future water availability for the Lower Basin Compact states.
252	69	4/28/2022	FR	Public		Carolyn Borg	39	Water Resources	7. Analyze and evaluate the water rights that the irrigation companies are using to build the project. Current records show these water rights are being protested by other water users.
253	69	4/28/2022	FR	Public		Carolyn Borg	39	Economics	8. Calculate the cost/benefit ratios for the 100-year life of the project. Analyze whether other watershed health and storm water retention projects would provide cheaper and more reliable benefits than the proposed Cove Reservoir.
254	69	4/28/2022	FR	Public		Carolyn Borg	39	Economics	9. Confirm whether this proposed watershed project would ultimately lead to water transfers to benefit additional sprawl developments.
255	70	4/29/2022	FR	Public		Kyle Roerink	52	NEPA Process	RE: COVE RESERVOIR SCOPING COMMENTS, NRCS-2022-0002 The Great Basin Water Network, the Center for Biological Diversity, and Living Rivers submit scoping comments on the Natural Resource Conservation Service (NRCS) proposal on Cove-East Fork Virgin River Watershed, Docket No. NRCS-2022-0002. COUNCIL ON ENVIRONMENTAL QUALITY (CEQ) REGULATIONS NRCS must specify under what authority it will be issuing the EIS as it relates to the National Environmental Policy Act guidance from CEQ. At the least, we believe that the project must be reviewed in accordance with the Council on Environmental Quality's proposed rule via docket CEQ-2021-0002. It would not be a hardship to put forth an EIS under this CEQ guidance, considering that this "Phase 1" approach from CEQ had been in effect since 1978 prior to the Trump Administration. If NRCS is not issuing this NEPA under the 1978 standard, we would need a significant explanation. On the scoping call, NRCS said that it would "follow what is current, which is basically the reinstated." Therefore, we believe that what officials during scoping actually meant were that NRCS will follow CEQ guidance and requirements as outlined in CEQ-2021-0002. But due to the uncertainty, we would like to confirm.
256	70	4/29/2022	FR	Public		Kyle Roerink	52	General	VALIDITY OF CONDUIT PERMIT NRCS must detail the additional permits and applications that the project proponent will need in order to generate power. In the public scoping meeting presentation in October 2021, Mike Noell mentioned that no permit would be required from FERC. He also mentioned one or two other necessary permits for electricity generation and exemptions from FERC. The public needs a complete listing of all applications/exemptions related to the project.
257	70	4/29/2022	FR	Public		Kyle Roerink	52	Air Quality	METHANE: NRCS must provide a detailed analysis for how it will account for methane emissions from the reservoir.

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258	70	4/29/2022	FR	Public		Kyle Roerink	52	Water Resources	WATER RIGHTS, DELIVERY AND CAPTURE • The applicant must demonstrate how the project will affect groundwater and surface water rights in the East Fork of the Virgin River and the associated hydrographic areas upstream and downstream. • The applicant must analyze how this project will affect flows on the main stem of the Virgin River and the Colorado River. • The applicant must provide legal justification for how this project complies with the Drought Contingency Plan, the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Mead, and other reservoir management practices on the Colorado River. • NRCS must list the associated water rights numbers as issued by the Utah Division of Water Rights associated with the project. • NRCS must outline delivery schedules. • NRCS must outline what happens if water rights owners file for change applications that would change the place of use of the water rights associated with this proposal.
259	70	4/29/2022	FR	Public		Kyle Roerink	52	Legal	PROJECT FUNDING If the preceding Environmental Assessment for the Cove Reservoir project is any indicator, this is a municipal effort masquerading as an agricultural project. Taxpayer dollars from the Watershed Protection and Flood Prevention Act, PL 83-566, are slated to fund this effort. The mandate associated with those funds require that the project be predominantly for agriculture. In 2020, the signatories of this letter and other NGOs expressed concerns about the funding source during the project's previous NEPA review.1 During the pre-scoping comments for this iteration of Cove Reservoir, the project proponent and federal officials did not provide any meaningful details about the legal justification for the project while knowing that the intent is for urban development. The EIS must include solicitor analysis relating to the legality of the project. Mike Noell described the project as being almost "100 percent" for agricultural water in the pre-scoping meeting on October 20, 2021. NRCS must list what would happen if water were used for non-ag uses.
260	70	4/29/2022	FR	Public		Kyle Roerink	52	Sensitive Species	ENDANGERED SPECIES The Virgin River, its forks, and its tributaries are important ecosystems that have been highly altered by human activities, resulting in a loss of native biodiversity. Two species of fish in the Virgin River are listed as endangered under the Endangered Species Act: the Virgin River chub (Gila robusta seminuda) and the woundfin (Plagopterus argentissimus). There is a third fish, the Virgin River spinedace (Lepidomeda mollispinis mollispinis) which was petitioned for listing in 2012 and was found not warranted for listing by the US Fish and Wildlife Service in 2021. These species are perilously close to extinction, and one of the main drivers of their endangered status is the precarious nature of the water supply in the Virgin River. [E]ndangered species," such as the Virgin River chub and the woundfin, are "any species which is in danger of extinction throughout all or a significant portion of its range."2 The Endangered Species Act ("the Act") prohibits the "take" of listed species.3 Section 9 of the ESA prohibits all "persons" from "taking" any endangered fish or wildlife species.4 "Take" encompasses a broad spectrum of conduct; it is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."5 "Harm" has further been defined in regulation to mean "an act which actually kills or injures wildlife [including] significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering."6 The term "person," is broadly defined to include: [A]n individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any entity subject to the jurisdiction of the United States.7
261	70	4/29/2022	FR	Public		Kyle Roerink	52	Sensitive Species	Courts have repeatedly held that government regulations authorizing third parties to engage in harmful actions can constitute an illegal taking under Section 9 of the ESA.8 Courts have found that habitat modification conducted or carried out by a State agency, which injures or kills listed species, may amount to an unlawful taking.9 And at least one court has expressly held that State water rights do not prevail over the restrictions on habitat codification set forth in the ESA.10 This holding, combined with the "proximate cause" view of causation expressed in cases such as Cascadia Wildlands v. Kitzhaber, 911 F. Supp. 2d 1075 (D. Or. 2012), and Strahan v. Coxe, 127 F.3d 155 (1st Cir. 1997), indicates that States may incur liability under the ESA based on the issuance of water rights. An entity, such as NRCS, permitting the damming of surface water resources to the point where habitat for a listed species is degraded (i.e. permitting pumping which affects flows in the Virgin River) would be responsible for an unlawful taking under Section 9 of the Act, and vulnerable to litigation by the US Fish and Wildlife Service, or private parties, seeking to enforce the Act. Additionally, permitting a dam sufficient to diminish Virgin River flows poses a new, previously unanticipated risk of extinction to the Virgin River spinedace, and as such may precipitate a new listing petition for the fish. The US Fish and Wildlife Service would then be required to reexamine their assessment that listing for the spinedace was not warranted, and should NRCS permit these water rights applications, it may trigger a new Endangered Species Act listing.
262	70	4/29/2022	FR	Public		Kyle Roerink	52	Health and Safety	WE'RE NOT PLANNING FOR A DAM FAILURE Mike Noell said multiple times that his agency is "not planning" for a dam failure. Depending on the context of his words, that statement could be of great concern to downstream residents.
263	70	4/29/2022	FR	Public		Kyle Roerink	52	Alternatives	ALTERNATIVES Considering the well known intent of this project, federal officials and the project applicant must develop proposed alternatives that include municipal conservation independent of damming and diverting new sources.

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264	71	4/29/2022	FR	Public		John Hiscock	53	General	I hereby re-submit my previous comments (December 30, 2020) on the Cove Reservoir Environmental Assessment for consideration during the current EIS scoping. My previous comments should be considered and addressed as the EIS is developed. Thank you for your consideration. The following comments are submitted in regard to the Draft Watershed Plan and Environmental Assessment for the Proposed Cove Reservoir Project – Kane County, Utah (EA). My basis for submitting comments is as follows: - I am a United States citizen and taxpayer, and this project is proposed to be funded primarily by federal funds. - I am a resident and property owner of Kane County, Utah, subject to taxes and fees paid to the Kane County Water Conservancy District (KCWCD) – the primary sponsor of this project. - I am an avid and regular user of federal public lands that will arguably be affected by this project, such as Bureau of Land Management lands in the Kanab Field Office Area, and Zion National Park.
265	71	4/29/2022	FR	Public		John Hiscock	53	Legal	Legal Basis for Federal – Natural Resource Conservation Service – Project Funding The EA states that the total project cost is estimated at $29,982,000.00 and that $21,426,000.00 will be federally funded from Natural Resource Conservation Service (NRCS), PL 83-566, allocations. See EA, §6.9, p. 79. PL 83-566, 16 USC §1001, et. seq., authorizes the Department of Agriculture (DOA) and NRCS to: *cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment.* 16 USC §1001. The law continues to state: *In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary [of DOA] is authorized . . .to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years . . .* and that, *In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs.* 16 USC §1003(a). Certain limitations on the DOA's cost sharing apply, including most pertinent, a limitation on funding applicability based on the size of the watershed within which the project is located. The statute states "works of improvement" that may be funded only include those "in watershed or subwatershed area not exceeding two hundred and fifty thousand acres . . .." 16 USC §1002.
266	71	4/29/2022	FR	Public		John Hiscock	53	Legal	The watershed relevant to this project is the watershed of the East Fork Virgin River. The EA states that the size of said watershed is 152.2 square miles, equivalent to 97,408 acres. EA, §S-6.0, p. S-3. However, at least one other federal agency is on record as measuring the watershed acreage as substantially larger. The National Park Service has recorded the East Fork Virgin River watershed at 1,051.2 square kilometers, or 405.87 square miles, equivalent to 259,757.177 acres. See https://www.researchgate.net/figure/1-Watershed-area-East-Fork-Virgin-River_fig1_283516483 , from Riparian Monitoring of Wadeable Streams, East Fork Virgin River, Zion National Park, Summary Report, 2008–2012, Northern Colorado Plateau Inventory and Monitoring Network, NPS (September 2015). This acreage exceeds the maximum which the NRCS, the DOA, and the federal government are authorized to provide project funds for pursuant to 16 USC §1002. This discrepancy in federally measured watershed size, and allowable federal, DOA/NRCS funding, must be explained. If the watershed is in excess of the statutorily mandated watershed acreage limitation, the project cannot be funded by DOA and NRCS.

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267	71	4/29/2022	FR	Public		John Hiscock	53	Effects Analysis	The EA Analysis of Potential Impacts to Downstream Watershed Values and Resources of Public Lands, Zion National Park, and the East Fork Virgin River Wild and Scenic River Is Inadequate The Cove Reservoir project is upstream of Zion National Park, and the East Fork Virgin River Wild and Scenic River on NPS lands, and Bureau of Land Management, Kanab Field Office area public lands, including specifically, the Parunuweap Wilderness Study Area. The analysis of potential impacts of the proposed project on these public lands, resources, and values, and congressionally designated protected lands is woefully inadequate. Although the EA touches on the Zion National Park Water Rights Settlement Agreement entered into by the NPS, the State of Utah, the KCWCD, and others, the NRCS fails to recognize that this agreement is not comprehensive in assuring the federally mandated protection of NPS resources and values. While the agreement does assure quantifiable flows to and through the Park, it does not override federally mandated protection of park resources and values which may be affected by other considerations than water rights quantities. Most importantly, and as readily asserted by the project proponents, the construction and operation of Cove Reservoir will purposely alter seasonal and high and low flows of the East Fork of the Virgin River. Many natural resources and values of Zion National Park are dependent upon continuation of varying seasonal and high and low flows of the river. These include geologic riverine deposition and erosion processes, maintenance of aquatic and riparian flora and fauna of all types and adjacent plant and wildlife species, unacceptable establishment and spread of exotic species, etc. Many examples of protected park resources and values should be considered. One example, and only an example, that comes to mind is the continued establishment and maintenance of cottonwood seedlings and trees along the river corridor. Will the natural processes that contribute to the protection of this natural species be assured with further alteration of seasonal and high and low flows of the East Fork as envisioned by the Cove Reservoir project? A multitude of these kind of consequences must be thoroughly analyzed and assessed in a truly comprehensive EA, or arguably a complete EIS given the potential impact of the project on Zion National Park.
268	71	4/29/2022	FR	Public		John Hiscock	53	Wild and Scenic Rivers	The EA contains little or no reference to, or consideration of, the guidance of important NPS documents related to general and specific park purposes, resources, values, plans, and research. Examples of such guiding documents include: Foundation Document – Zion National Park – Utah, National Park Service / U.S. Department of the Interior (October, 2013). This planning document sets forth the significance of the park and its fundamental resources and values. The document explains that park "Significance statements express why a park's resources and values are important enough to merit designation as a unit of the national park system. These statements are linked to the purpose of Zion National Park, and are supported by data, research, and consensus." (p.5). The Foundation Document includes the following park significance statements: Geologic processes continue today as the free-flowing Virgin River rapidly cuts into the margin of the Colorado Plateau, incising a multitude of deep, narrow canyons. An abundance of canyon springs, fed by groundwater, create hanging gardens and grottos that support endemic varieties of flora and fauna. These exceptional features and processes contribute to the outstanding scenery and scientific value of the park. (p.5, emphasis added) Utah's first designated wild and scenic rivers flow through the park carving a colorful labyrinth of canyons across layers of time. These rivers, fed by natural undiminished spring flows from the Navajo sandstone aquifers and sculpted by unimpeded torrents of flood waters, have an ecological value that far exceeds their spatial extent in the park. (p.5, emphasis added).
269	71	4/29/2022	FR	Public		John Hiscock	53	Wild and Scenic Rivers	The document also identifies the park's fundamental resources and values (FRVs) which "are those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes determined to warrant primary consideration during planning and management processes because they are essential to achieving the purpose of the park and maintaining its significance. Fundamental resources and values are closely related to a park's legislative purpose and are more specific than significance statements." (p.6) In regard to those FRVs the document explains: "One of the most important responsibilities of NPS managers is to ensure the conservation and public enjoyment of those qualities that are essential (fundamental) to achieving the purpose of the park and maintaining its significance. If fundamental resources and values are allowed to deteriorate, the park purpose and/or significance could be jeopardized." (p.6). The Foundation Document includes the following FRVs: Water Shapes the Landscape. The park's many free-flowing rivers carry powerful flash floods and tremendous sediment loads, which act together as the primary agents of erosion. These rivers continue to carve into the edge of the Colorado Plateau, shaping Zion's dramatic scenery. By virtue of rivers cutting through the water-bearing Navajo sandstone, numerous canyon springs, fed by groundwater, create hanging gardens and seeping alcoves that form moist oases in a desert environment and sustain perennial river flows. Natural Resource Quality and Function. The quality of air, water, vegetation, and wildlife resources in Zion National Park are generally preserved, in some cases by allowing natural processes and natural disturbance regimes (such as fires, floods, and rockfalls) to exist, thereby promoting an environment predominated by natural processes. Wild and Scenic Rivers. Zion's wild and scenic rivers provide for a wide range of river values and are composed of more than 140 miles of free-flowing, largely undeveloped water courses that provide habitat for six native fish species. In recent geologic time, the rivers have sliced though rock layers thousands of feet thick. The carved canyons provide habitat for the threatened Mexican spotted owl and cool canyon microclimates are home to hanging gardens where the endemic Zion snail resides. (pp. 6-7)

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270	71	4/29/2022	FR	Public		John Hiscock	53	Effects Analysis	The EA or EIS must consider the project's potential impact on the maintenance of the significant and fundamental natural processes of unimpeded and unaltered river flow through Zion National Park. The NPS has long recognized the importance of monitoring and research related to the significance, resources, and values of the natural flow regimes of the East Fork of the Virgin River. This is evidenced by its research and monitoring studies such as: Riparian monitoring of wadeable streams, East Fork Virgin River, Zion National Park: Summary report, 2008–2012. Natural Resource Report - Witwicki, D. L., and R. Weissinger - NPS/Northern Colorado Plateau Network/NRR—2015/1021. National Park Service, Fort Collins, Colorado. The purpose of such studies, and this one in particular is stated as: "The goal of Northern Colorado Plateau Network (NCPN) riparian monitoring of wadeable streams is to provide park managers with status and trend information about integrated attributes of hydrology, vegetation, and geomorphology on those streams. This information is intended to provide early warning of resource degradation and determine natural variability of wadeable streams." Valuable information which should be critical to the NRCS NEPA process, but heretofore ignored, is contained in such studies.
271	71	4/29/2022	FR	Public		John Hiscock	53	Land Use	The Bureau of Land Management is also mandated to protect special natural resources and values in the Parunaweap Wilderness Study Area (PWSA), downstream of the Cove Reservoir project and potentially affected by river flow changes related to that project. BLM and the federal government are mandated to manage said WSA to protect wilderness values identified in the Wilderness Act and "administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness and so as to provide for the protection of these areas, the preservation of their wilderness character." 16 USC §1131(a). The Wilderness Act guides federal management of said wilderness and defines wilderness as: A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. Id. at §1131(c) (emphasis added). The NRCS EA has failed to evaluate any impacts on the PWSA, and its resources and values protected under the Wilderness Act.
272	71	4/29/2022	FR	Public		John Hiscock	53	Effects Analysis	In fact, overall, in the section "1.5.1 Resources/Issues Studied in Detail or Eliminated from Further Study" the NRCS EA categorizes many evaluation categories critical to the protection of special areas, such as Zion National Park and the Parunaweap WSA, as non-existent or irrelevant to its NEPA analysis, including: - "Hydrology" – irrelevant to analysis, stating that lower, yet natural flood flows downstream will be lowered in direct contradiction to value of maintaining natural flow regimes; - "Ecological Critical Areas" – listed as irrelevant and, therefore, not analyzed; - "Essential Fish Habitat" – listed as irrelevant and, therefore, not analyzed; - "Natural Resources" - listed as irrelevant and, therefore, not analyzed; - "Scenic Beauty and Parklands" - listed as irrelevant and, therefore, not analyzed; - "National Parks, Monuments, and Historical Areas" - listed as irrelevant and, therefore, not analyzed. Again, as previously noted the NRCS EA is woefully inadequate in evaluating the consequences of the Cove Reservoir project on the qualities, resources, and values of Zion National Park, and the Parunaweap WSA. The assessment of potential impacts on these congressionally designated, and/or protected areas should be comprehensively included in a revised draft EA, or arguably an EIS, given the importance of such considerations.
273	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	General	On behalf of the National Parks Conservation Association (NPCA), thank you for the opportunity to submit the attached scoping comments for the Environmental Impact Statement (EIS) for the proposed Cove-East Fork Virgin River Watershed Project in Kane County, Utah. Since our founding in 1919, NPCA has been the independent, nonpartisan voice working to strengthen and protect America's national parks. Our 1.6 million members and supporters, including thousands in Utah, care deeply about the national parks and their surrounding landscapes including decisions made on the broader landscape that affect park resources and quality visitor experiences. See attached file(s)

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274	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	General	On behalf of the National Parks Conservation Association (NPCA), thank you for the opportunity to submit scoping comments for the Environmental Impact Statement (EIS) for the proposed Cove-East Fork Virgin River Watershed Project in Kane County, Utah. Since our founding in 1919, NPCA has been the independent, nonpartisan voice working to strengthen and protect America's national parks. Our 1.6 million members and supporters, including thousands in Utah, care deeply about the national parks and their surrounding landscapes including decisions made on the broader landscape that affect park resources and quality visitor experiences. NPCA submitted comments on the 2020 Cove Reservoir Plan Environmental Assessment (EA), and in the absence of more detailed and updated information in the Notice of Intent for the Cove-East Fork Virgin River Watershed Plan EIS Project, we have based the following scoping comments on the project's previous description in the 2020 Plan-EA. NPCA remains extremely concerned about potential impacts from proposed construction of the Cove (or alternate) Reservoir, Black Knoll borrow pit and expansion of the Bald Knoll borrow pit upstream from Zion National Park on the park's resources, particularly the Outstandingly Remarkable Values (ORV) associated with the Wild and Scenic River Designation for the East Fork of the Virgin River through the park. NPCA strongly encourages open communication and a close working relationship between the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and the National Park Service (NPS) to ensure park resources are not adversely impacted by the reservoir proposal. We request that the EIS carefully identify and address potential impacts to the park resources listed below as well as other concerns raised by NPS during the planning process
275	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	Effects Analysis	The NPS has strong authority to protect its resources from harmful impacts on nearby lands. The significance of park resources at our national parks and the responsibility of NPS to protect them was clearly articulated in the Organic Act of 1916, "… to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Further, because national parks are not islands of protection, and their scenery and fundamental resources are more often at risk from adverse impacts originating outside national park boundaries, the NPS Management Policies 2006 (§ 4.1.4) outline the responsibility of NPS to engage with other agencies and decision-makers. "... the Service will seek the cooperation of others in minimizing the impacts of influences originating outside parks by controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and using other means of preserving and protecting natural resources." National Park Resources of Concern The National Environmental Policy Act requires the NRCS to analyze and disclose any direct, indirect and cumulative impacts of the proposed Cove Reservoir project on park resources. The EIS must supply sufficient information and key analyses, particularly regarding flow rates, flow regimes and approved water rights, to assess potential impacts to park resources and nationally significant river segments and fish species.
276	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	Wild and Scenic Rivers	Virgin River Wild and Scenic River Designation More than 140 miles of free flowing, largely undeveloped wild and scenic rivers flow through Zion National Park and are at the heart of its national significance, Wilderness Character of the park's designated Wilderness and contribute to its merit for designation as a unit of the national park system. The Zion National Park Foundation Document1 provides basic guidance for planning and management decisions and includes the following: "In 2009, the Omnibus Public Land Management Act (PL 111-11, 123 Stat. 1081) designated 144 miles (35,146 acres) of the Virgin River and its tributaries as a wild and scenic river. The Wild and Scenic Rivers Act (PL 90-542) requires the National Park Service to protect and enhance the water quality, free-flowing condition, and outstandingly remarkable values of the Virgin River and its tributaries. The river is to be managed with the goal of nondegradation and the enhancement of the values for which it was established. Section 4.3.4 of NPS Management Policies 2006 states that no management actions may be taken that could adversely affect the values that qualify a river for inclusion in the national wild and scenic rivers system." (Foundation Document, pg 10) The Foundation document identifies fundamental resources and values determined to warrant primary consideration during planning and management processes because they are essential to achieving the purpose of the park and maintaining its significance. The list of fundamental resources includes: "Wild and Scenic Rivers. Zion's wild and scenic rivers provide for a wide range of river values and are composed of more than 140 miles of free-flowing, largely undeveloped water courses that provide habitat for six native fish species. In recent geologic time, the rivers have sliced though rock layers thousands of feet thick. The carved canyons provide habitat for the threatened Mexican spotted owl and cool canyon microclimates are home to hanging gardens where the endemic Zion snail resides." (Foundation Document, pg 7)

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277	72	4/29/2022	FR	Public	National Parks Conservation Association	Cory McNulty	54	Wild and Scenic Rivers	Action Alternative 1, the proposed action, would construct Cove Reservoir within the East Fork Virgin River Watershed approximately 20 river miles upstream of the park's east boundary. Action Alternative 2 would construct a reservoir at an alternate location within the East Fork Virgin River Watershed. The stretch of the East Fork of the Virgin River that runs through Zion National Park is designated "Wild" under the Wild and Scenic Rivers Act. "Wild" rivers are "Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America." (Foundation Document, pg 59) The foundation for wild and scenic river management is a clearly defined set of outstandingly remarkable values, free-flowing condition, and water quality. The outstandingly remarkable values for the East Fork of the Virgin River through Zion National Park include cultural, geologic, ecological processes, wildlife and fish. (Foundation Document, pg 62). In 2001, this same section of the river was designated by the park as a Research Natural Area, set aside for research purposes and closed to recreation. Zion manages the river corridor with an emphasis on resource protection. (Plan-EA, pg S-6)
278	72	4/29/2022	FR	Public	National Parks Conservation Association	Cory McNulty	54	Sensitive Species	Virgin Spinedace and other Species of Concern The East Fork of the Virgin River is important habitat for the Virgin spinedace (Lepidomeda mollispinis), managed under a Conservation Agreement (CA)2 among US Fish and Wildlife Service, Utah Division of Wildlife Resources, NPS, and several other local, state, and federal organizations. The objectives stated in the CA purpose are to 1) eliminate threats where possible and reduce threats to the greatest extent possible that cannot be eliminated entirely and 2) enhance and/or stabilize instream flows in specific reaches of occupied and unoccupied habitat. The East Fork of the Virgin River also provides habitat for: • Four native fish species: In addition to the Virgin spinedace (Lepidomeda mollispinis), desert sucker (Catostomus clarkia), flannelmouth sucker (Catostomus latipinnis), and speckled dace (Rhinichthys osculus). The desert sucker, flannelmouth sucker and Virgin spinedace are each listed as a Utah Species of Greatest Conservation Need by the Utah Department of Natural Resources. • Mexican Spotted Owl, which inhabit the East Fork of the Virgin River, part of designated critical habitat • Southwestern Willow Flycatcher and Yellow-Billed Cuckoo • State-listed Arizona Toad
279	72	4/29/2022	FR	Public	National Parks Conservation Association	Cory McNulty	54	Water Resources	Zion National Park Water Rights Settlement Agreement (1996) "The Department of the Interior entered into the Zion National Park Water Rights Settlement Agreement in 1996 with the State of Utah and water conservancy districts from Washington and Kane counties. This negotiated agreement resolved uncertainties in the water rights held by the United States under the 1909 proclamation designating Zion as a national monument. The 1996 agreement determined that "the United States has a reserved right to all water underlying, originating within or flowing through Zion National Park, including perennial, intermittent and ephemeral, streams, springs, seeps, lakes, ponds, ground water, and other natural sources of water" that was unappropriated when the park was established. It also asserts that these "waters are to remain in a free flowing condition." While very inclusive, this protection is not absolute because…(4) the agreement allows for some additional appropriation of water upstream of the park. These new appropriations are not to exceed a total of 6,000 acre-feet per year with no more than 2,500 of that coming from diversion of surface waters. The magnitude of this last provision is minimized by the fact that the state engineer manages the Virgin River Basin as fully appropriated, so no new water rights are permitted." (Foundation Document, pg 11)
280	72	4/29/2022	FR	Public	National Parks Conservation Association	Cory McNulty	54	Water Resources	NPCA concerns include but are not limited to: • The EIS must articulate how requirements of the Zion National Park Water Rights Settlement Agreement (1996) will be met and analyze anticipated impacts to the agreement, including the locations, timing and rate of actual diversions associated with the reservoir in each of the proposed action alternatives and how the flow will be sustained below any new surface water diversions. It must also include the location, flow rate and timing of releases and any return flow to the East Fork of the Virgin River. • The EIS must identify acre-feet of downstream water that will be available annually during the summer months for endangered fish species and Southwest Willow Flycatcher, and include a detailed flow schedule to back up any claims or an updated memorandum of understanding or other commitment that ecological flows will be met. • The approved water right(s) used to fill a reservoir of the sizes proposed must be disclosed in the EIS, particularly because the state engineer manages the Virgin River Basin as fully appropriated, so no new water rights are permitted. The over allocation of water in the Virgin River Basin is exacerbated by warming temperatures and shorter winters and must be fully addressed in the EIS. A study is needed to determine baseline flow in the East Fork of the Virgin River, and as water supplies decline as expected, who has the right to use it over the next 100 years, the life of the project.
281	72	4/29/2022	FR	Public	National Parks Conservation Association	Cory McNulty	54	Wild and Scenic Rivers	• The EIS must provide adequate information and analysis to determine how the proposed action alternatives will change the flow rates and timing, and downstream temperature, and how those factors might affect the Virgin spinedace, desert sucker, and speckled dace's habitat as well as the outstandingly remarkable values (ORVs) and "Wild" designation of the East Fork of the Virgin River. NRCS must determine the impact of the proposed project on the ORVs, freeflowing condition and water quality that underpin the "Wild" designation for the East Fork of the Virgin River through Zion National Park.

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282	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	Sensitive Species	• To fulfill the Spinedace Conservation Agreement, the EIS must provide an analysis on how changes in the flow (timing, rate) downstream of the proposed reservoir and its diversion points may impact Virgin spinedace or their habitat and identify mitigation measures, where appropriate. • If stocking non-native salmonids or other game fish species is still proposed under the action alternatives, the EIS must include analyses to address whether the reservoir conservation pool could support a sport fishery, and if that sport fishery would result in introductions of nonnative species that could threaten the Virgin spinedace in Zion National Park or the threatened fish species downstream. The Virgin spinedace CA states, “Stocking of salmonids is to be restricted to areas in association with existing salmonid populations OR made in new areas only where they will not conflict with native species of special concern.” (CA, pg 13)
283	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	Health and Safety	• The EIS must fully analyze the consequences of dam failure on stream flows, including flows through the protected portion of the river and its ORVs in Zion National Park, downstream infrastructure, or park visitors. The geologic seismic hazard classification for the Cove Reservoir dam in the Plan-EA was “high hazard” due to potential loss of life and serious damage to homes, public utilities and highway 89. (Plan-EA, Appendix D pg 6) If the dam fails, an extraordinary surge of water would flow across highway 89, the major road connecting Bryce Canyon and Zion National Parks and the primary access route to the east entrance of Zion National Park. Visitors accessing Zion National Park from Kane County will likely increase if the East Zion Initiative is successful in creating an East Zion visitor contact station and trail network as anticipated, thereby increasing the number of visitors who would be negatively impacted by a dam breach. Nearly all of the water from a dam failure would likely flow down the East Fork of the Virgin River and through the “Wild” section in Zion National Park where there could be catastrophic damage to the river ecosystem and ORVs.
284	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	Recreation	• While we recognize the potential for outdoor recreation and national park tourism to contribute to economic sustainability of small rural communities such as Orderville, Mt. Carmel and Glendale, methods used previously to calculate potential recreation benefits of the Cove Reservoir in Appendix E-46 of the 2020 Plan-EA were flawed. Given the importance of calculating accurate economic benefits to justify the high cost of constructing a reservoir under the action alternatives, the EIS should use accepted social science techniques for estimating outdoor recreation visitation.
285	72	4/29/2022	FR	Public	National Parks Conservation Assosciation	Cory McNulty	54	General	Thank you for the opportunity to provide scoping comments for the Cove-East Fork Virgin River Watershed Project EIS to fully assess the impacts of the proposed action alternatives on the resources of Zion National Park, the Virgin River system and the surrounding landscape. Please include me in future correspondence or public engagement opportunities regarding this project: We look forward to participating in the process as the plan evolves.
286	73	4/29/2022	FR	Public		April Johnson	55	General	Locals don't want this and don't trust Mike Noel. Jackson Flat Reservoir is already gross and low most of the year. We live in a desert - if tourists need water recreation, they can migrate to northern latitudes. This project doesn't make sense and in my opinion, is wasting NRCS's valuable expertise and money. I imagine a fair amount of our tax money is also being wasted on this project. Why does the burden of proof that this project is unwanted, unmerited, and unnecessary require the entire NEPA process? Shouldn't it suffice that only about a dozen people want this? The system is broken. You should've turned down this application long ago. But because I have no power to change anything, I will simply say.....
287	73	4/29/2022	FR	Public		April Johnson	55	Climate Change	This EIS needs to include: 1. Study existing megadrought conditions and the current modeling for the future of water supplies in the region driven by climate change and determine if this project is sustainable.
288	73	4/29/2022	FR	Public		April Johnson	55	Economics	2. Suggest that federal agricultural funding might best be used to help farmers in Kane and Washington counties transition to climate and sustainable smart agriculture. There are a variety of new agricultural technologies including remote sensing technology that can result in using less water and increasing yield. These are practices that are beginning to be used world-wide. A cost-effective study should be completed comparing the cost of arming farmers with new technologies vs. the cost and environmental impact of constructing and maintaining the Cove Reservoir.
289	73	4/29/2022	FR	Public		April Johnson	55	Water Resources	3. Analyze the direct, indirect, and cumulative impacts of eliminating high flows on both the East Fork and the Main Virgin as it relates to the hydrologic connection of both ground and surface water. Changing river flow levels forever could hinder how the aquifer is recharged along with permanently decreasing the flow of surface water downstream of the project area.
290	73	4/29/2022	FR	Public		April Johnson	55	Sensitive Species	4. Study the history of what caused the endangered fish in the Virgin to become imperiled in the first place and evaluate how further reducing perennial flows will further complicate the effort to save these species. Changing the historical flows are likely to have an impact as well on the entire riparian zone along the river. This must be carefully evaluated.
291	73	4/29/2022	FR	Public		April Johnson	55	Water Resources	5. Complete an analysis of ecosystem health of the Virgin River watershed with attention to how using more fertilizer for agriculture affects downstream water quality.
292	73	4/29/2022	FR	Public		April Johnson	55	Water Resources	6. Complete an analysis of the complete Virgin River watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River watershed is technically in the Lower Basin drainage.
293	73	4/29/2022	FR	Public		April Johnson	55	Water Resources	7. Analyze and evaluate the water rights that the irrigation companies are using to build the project. Current records show these water rights are being protested by other water users.
294	73	4/29/2022	FR	Public		April Johnson	55	Economics	8. Calculate the cost/benefit ratios for the 100-year life of the project.
295	74	4/29/202	FR	Public		Michael Lerner	56	Alternatives	I urge the EIS to consider an alternative of no reservoir but only improved irrigation with federal assistance. Rather than building an expensive dam and continue the county’s relatively quite high average per capita water usage, how about the federal government providing some of the cost for installing vastly more efficient drip irrigation systems? The net cost would be far less, and if alfalfa proves too water-intensive, then other, climate-smart crops should be grown in this arid region. The government could provide assistance or incentives to switch to less water-intensive crops there. Water conservation would be the best outcome, and it could be done to every party’s satisfaction. So please make that an option besides the no action alternative or building a reservoir in several possible locations. Thank you.

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296	75	4/29/2022	FR	Public		Richard Spotts	1	Purpose and Need	Please carefully consider, respond to in the DEIS, and include in the NEPA project file my following supplemental scoping comments. The Council on Environmental Quality (CEQ) is responsible for NEPA oversight and effective implementation. CEQ recently adopted their "Phase 1" NEPA regulations which go into legal effect very soon. Because there would be no hardship or substantial delay in doing so, NRCS should prepare the DEIS under these "Phase 1" regulations. Prior to the corrupt, weakening Trump CEQ regulations (which remain under pending litigation), these "new" CEQ regulations are actually reinstating the previous regulations that were in effect for decades. These regulations are well-settled and have had significant judicial interpretations over many years. It would be foolish for NRCS to attempt to use the Trump era CEQ regulations because of the pending litigation and the high potential for public and agency confusion. In applying these "Phase 1" CEQ regulations, it is especially important that NRCS use a balanced purpose and need statement that is broad enough to capture what the applicant wants as well as what NRCS should evaluate as bona fide watershed restoration projects. It will be an enormous travesty if NRCS uses an arbitrarily narrow purpose and need statement so that it can improperly limit the alternatives carried forward for detailed DEIS comparison and analysis.
297	75	4/29/2022	FR	Public		Richard Spotts	1	Alternatives	The DEIS alternatives should include proposed projects that would increase the capture of storm water, slow runoff, reduce gully downcutting, prevent further soil erosion, restore riparian habitats, and increase water infiltration for groundwater recharge. These are legitimate watershed health and restoration projects that would benefit the public interest. I strongly oppose the proposed Cove Reservoir because it would improperly divert Virgin River water for wasteful purposes: growing summer alfalfa and stimulating unsustainable urban sprawl. I support the previous request for an objective investigation into whether this proposed "watershed plan" is a fraudulent Trojan horse for the Cove Reservoir, and whether the purported agricultural benefits are a smokescreen for likely future lucrative water transfers to add to urban sprawl. In the midst of the worst reported drought in 1,200 years, and with the Colorado and Virgin River waters fully appropriated with cutbacks and conflicts already underway, it is crazy for NRCS to be moving forward with such a wasteful, controversial, and potentially illegal venture. Ideally, NRCS should publish a Federal Register notice to withdraw this NOI and terminate this senseless NEPA process. Otherwise, if NRCS proceeds with this DEIS, it should be fair, honest, and comprehensive. Thank you very much for your consideration.
298	76	4/29/2022	FR	Public		Latimer Smith	57	General	Thank you for providing this opportunity for concerned citizens like myself to comment on this scoping process. I'll be brief and add more to what I've written here once the DRAFT EIS becomes available. My name is Latimer Smith and I live in Kane County in the town of Kanab. Over the past few years, I have spent a significant amount of time exploring the East Fork of the Virgin River with my two children. Any time we have a chance during the spring, summer, and fall months we use the river as a place of refuge; a place to swim, a place to catch frogs and snakes, and a place to relax in the shade near running water. It seems all for this would be threatened with the construction of the Cove Reservoir. It has been said by members of the NRCS and other supporters that the reservoir and the "steady" downstream flows it would bring would benefit the fish and other aquatic life that inhabit the river. This notion seems completely nonsensical to me. Free-flowing rivers tend to be much more beneficial to fish and other life. The river is currently irrigated and, in some cases, diverted from its natural course and flow. These factors have caused stress to the river and these realities are evident during the late summer when some flows have dwindled and algae colonies -undoubtedly enhanced by upstream agricultural runoff- abound. The health and future of a wild and beautiful East Fork of the Virgin is important to me, but the larger picture is the Megadrought we are currently in, intensified by global climate change. Peer reviewed analysis of our climate has shown that the decreased overall snow and rainfall, hotter than normal temperatures, and long periods without any precipitation whatsoever, are happening because of climate change. The scientific information we have is telling us that these conditions will continue to worsen, especially as humans continue to put fossil fuel emissions into the atmosphere. In light of the realities we are facing, and that will continue to intensify, it seems completely reckless to me that this proposed reservoir is on the table for consideration. Because of the reasons I have listed above, I do not support the diversion of the East Fork of the Virgin River or the construction of Cove Reservoir. Instead, I would like all of us to tread lighter on the earth and find ways to conserve the water and the natural beauty that we are so fortunate to have. I am a big supporter of Conserve Southwest Utah. They have come up with 8 points that I would like to share here with my comments. I look forward to remaining engaged and submitting more comments in the future.
299	76	4/29/2022	FR	Public		Latimer Smith	57	Climate Change	Conserve Southwest Comments (below) 1. Study existing megadrought conditions and the current modeling for the future of water supplies in the region driven by climate change and determine if this project is sustainable.
300	76	4/29/2022	FR	Public		Latimer Smith	57	Economics	2. Suggest that federal agricultural funding might best be used to help farmers in Kane and Washington counties transition to climate and sustainable smart agriculture. There are a variety of new agricultural technologies including remote sensing technology that can result in using less water and increasing yield. These are practices that are beginning to be used world-wide. A cost-effective study should be completed comparing the cost of arming farmers with new technologies vs. the cost and environmental impact of constructing and maintaining the Cove Reservoir.

CID	Doc ID	Received	Type	Group	Entity	Commenter	Commenter ID	Category	Comment
301	76	4/29/2022	FR	Public		Latimer Smith	57	Water Resources	3. Analyze the direct, indirect, and cumulative impacts of eliminating high flows on both the East Fork and the Main Virgin as it relates to the hydrologic connection of both ground and surface water. Changing river flow levels forever could hinder how the aquifer is recharged along with permanently decreasing the flow of surface water downstream of the project area.
302	76	4/29/2022	FR	Public		Latimer Smith	57	Sensitive Species	4. Study the history of what caused the endangered fish in the Virgin to become imperiled in the first place and evaluate how further reducing perennial flows will further complicate the effort to save these species. Changing the historical flows are likely to have an impact as well on the entire riparian zone along the river. This must be carefully evaluated.
303	76	4/29/2022	FR	Public		Latimer Smith	57	Water Resources	5. Complete an analysis of ecosystem health of the Virgin River watershed with attention to how using more fertilizer for agriculture affects downstream water quality.
304	76	4/29/2022	FR	Public		Latimer Smith	57	Water Resources	6. Complete an analysis of the complete Virgin River watershed and how water supplies and quality may be affected in Arizona and Nevada as the Virgin River watershed is technically in the Lower Basin drainage.
305	76	4/29/2022	FR	Public		Latimer Smith	57	Water Resources	7. Analyze and evaluate the water rights that the irrigation companies are using to build the project. Current records show these water rights are being protested by other water users.
306	76	4/29/2022	FR	Public		Latimer Smith	57	Economics	8. Calculate the cost/benefit ratios for the 100-year life of the project.

Section 106 Consultation

First Cultural Resource Inventory Report

SHPO Consultation

January 9, 2020

Dr. Christopher Merritt, PhD
State Historic Preservation Officer
Utah Division of State History
300 Rio Grande Avenue
Salt Lake City, Utah 84101-1182

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Dr. Merritt:

Included in this submission are a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah,* and accompanying data. The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

A pedestrian cultural resource inventory of the undertaking was completed by Transcon Environmental on October 1 through 8 and October 10 through 13, 2018; supplemental surveys of the project occurred between June 12 through 14. A total of 9 new cultural resource sites (42KA8785, 42KA8900, 42KA8901, 42KA8902, 42KA8903, 42KA8904, 42KA8972, 42KA8973, and 42KA8974), 1 previous cultural resource site (42KA6331), and 15 isolated occurrences (IOs) were identified and recorded within the Project APE. Five archaeological sites and two historic structures were identified as a result of the inventory. Table 1 summarizes the sites identified and the NRCS' National Register of Historic Places (NRHP) eligibility determinations.

Table 1. Summary of sites and structures in the survey area

Site Number/ Land Status	Site Type	NRHP Eligibility	Effects
42KA6331/ BLM	Prehistoric lithic scatter	Eligible—D (previously determined)	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8785/ Private	Prehistoric artifact scatter	Eligible – D	*No Adverse Effect to Historic Properties*. Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
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42KA8901/ Private	Multicomponent: prehistoric lithic scatter, historic artifact scatters	Not Eligible	No Effects
42KA8902/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8903/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8904/ Private	Prehistoric ceramic, lithic, and FCR scatter	Eligible—D	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8972/ BLM	Prehistoric lithic scatter	Not Eligible	No Effects
42KA8973/ BLM	Prehistoric artifact scatter	Not Eligible	No Effects
42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 17, 2020

Emily Fife
Natural Resources Conservation Service USDA
USDA - NRCS
Wallace F. Bennett Federal Building
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

RE: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah

For future correspondence, please reference Case No. 20-0121

Dear Emily,

The Utah State Historic Preservation Office received your request for our comment on the above-referenced undertaking on January 10, 2020.

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

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

Sincerely,



Christopher W. Merritt, Ph.D.
State Historic Preservation Officer

Utah Department of Heritage & Arts

Tribal Consultation

January 9, 2020

Mr. Val Panteah Sr.
Governor
Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Panteah:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

A pedestrian cultural resource inventory of the undertaking was completed by Transcon Environmental on October 1 through 8 and October 10 through 13, 2018; supplemental surveys of the project occurred between June 12 through 14. A total of 9 new cultural resource sites (42KA8785, 42KA8900, 42KA8901, 42KA8902, 42KA8903, 42KA8904, 42KA8972, 42KA8973, and 42KA8974), 1 previous cultural resource site (42KA6331), and 15 isolated occurrences (IOs) were identified and recorded within the Project APE. Five archaeological sites and two historic structures were identified as a result of the inventory. Table 1 summarizes the sites identified and the NRCS' National Register of Historic Places (NRHP) eligibility determinations.

Table 1. Summary of sites and structures in the survey area

Site Number/ Land Status	Site Type	NRHP Eligibility	Effects
42KA6331/ BLM	Prehistoric lithic scatter	Eligible—D (previously determined)	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
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Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination

of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Ms. Ona Segundo
Chairwoman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Ms. Segundo:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Benny Tso
Chairman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Tso:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
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Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Ms. Carlene Yellowhair
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street, Suite 201
P.O. Box 2950
Tuba City, Arizona 86045

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Ms. Yellowhair:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

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Table 1. Summary of sites and structures in the survey area

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42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Greg Anderson
Chairman
Moapa Band of Paiute Indians of the Moapa River Indian
Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Anderson:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Darren Deboda, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada, P.O. Box 340, Moapa, Nevada 89025-0340
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Russell Begaye
President
Navajo Nation Office of the President
100 Parkway
P.O. Box 7440
Window Rock, Arizona 86515

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Begaye:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Richard M. Begaye, THPO and Department Manager, Navajo Nation Historic Preservation Department, P.O. Box 4950, Window Rock, Arizona 86515
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Charley Bullets
Southern Paiute Consortium
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Cultural Preservation Office
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Bullets:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Ms. Elaine Cantsee
Councilwoman
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Ms. Cantsee:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure

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Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Ms. Betsy Chapoose
Director
Cultural Rights Protection Department
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
P.O. Box 190
Fort Duchesne, Utah 84026

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Ms. Chapoose:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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42KA8904/ Private	Prehistoric ceramic, lithic, and FCR scatter	Eligible—D	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8972/ BLM	Prehistoric lithic scatter	Not Eligible	No Effects
42KA8973/ BLM	Prehistoric artifact scatter	Not Eligible	No Effects
42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Dr. Damon R. Clarke
Chairman
Hualapai Tribe
P.O. Box 179
941 Hualapai Way
Peach Springs Arizona 86434

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Dr. Clarke:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

A pedestrian cultural resource inventory of the undertaking was completed by Transcon Environmental on October 1 through 8 and October 10 through 13, 2018; supplemental surveys of the project occurred between June 12 through 14. A total of 9 new cultural resource sites (42KA8785, 42KA8900, 42KA8901, 42KA8902, 42KA8903, 42KA8904, 42KA8972, 42KA8973, and 42KA8974), 1 previous cultural resource site (42KA6331), and 15 isolated occurrences (IOs) were identified and recorded within the Project APE. Five archaeological sites and two historic structures were identified as a result of the inventory. Table 1 summarizes the sites identified and the NRCS' National Register of Historic Places (NRHP) eligibility determinations.

Table 1. Summary of sites and structures in the survey area

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42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Harold Cuthair
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
125 Mikewash Road
Towaoc, Colorado 81334

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Cuthair:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

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Table 1. Summary of sites and structures in the survey area

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Dr. Dongoske:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

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

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Duncan:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Ms. Dawn Hubbs
Tribal Historic Preservation Officer
Hualapai Tribe
P.O. Box 310
941 Hualapai Way
Peach Springs Arizona 86434

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Ms. Hubbs:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

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Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Knight:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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42KA8901/ Private	Multicomponent: prehistoric lithic scatter, historic artifact scatters	Not Eligible	No Effects
42KA8902/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8903/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8904/ Private	Prehistoric ceramic, lithic, and FCR scatter	Eligible—D	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8972/ BLM	Prehistoric lithic scatter	Not Eligible	No Effects
42KA8973/ BLM	Prehistoric artifact scatter	Not Eligible	No Effects
42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination

of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Nichol Shurack, Tribal Archaeologist, Ute Mountain Ute Tribe, P.O. Box 468, Towaoc, CO 81334
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Leigh Kuwanwisiwma
Director
Hopi Culture Preservation Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Kuwanwisiwma:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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A pedestrian cultural resource inventory of the undertaking was completed by Transcon Environmental on October 1 through 8 and October 10 through 13, 2018; supplemental surveys of the project occurred between June 12 through 14. A total of 9 new cultural resource sites (42KA8785, 42KA8900, 42KA8901, 42KA8902, 42KA8903, 42KA8904, 42KA8972, 42KA8973, and 42KA8974), 1 previous cultural resource site (42KA6331), and 15 isolated occurrences (IOs) were identified and recorded within the Project APE. Five archaeological sites and two historic structures were identified as a result of the inventory. Table 1 summarizes the sites identified and the NRCS' National Register of Historic Places (NRHP) eligibility determinations.

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Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Ms. Dorena Martineau
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Ms. Martineau:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
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Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

USDA United States Department of Agriculture
Natural Resources Conservation Service

Sites Visited:	42KA8904 and 42KA8785 (prehistoric artifact scatters)	Project:	Cove EFVR EA
Attendees:	Tara Hoffmann (NRCS Water Resources CRS) Charley Bulletts (Cultural Resources Director, Kaibab Paiute) Lindsey Evenson (Cultural Resources Director, Transcon)		
Date:	January 25, 2019		
Subject:	Site visit request by Charley Bulletts for 42KA8904		

Charley Bulletts asked to have a site visit to 42KA8904 (prehistoric artifact scatter) to see its proximity to the proposed project activities. Tara Hoffmann, Lindsey Evenson and Charley visited the site on January 25, 2019, where Charley briefly examined artifacts and we spoke about project activities that would occur near the site and potential effects from off road vehicle or pedestrian traffic. Charley said that he was not concerned about effects to the site from the reservoir and that things could move forward. Ms. Hoffmann informed Mr. Bulletts that she would be seeing the project through construction and that the site would be avoided (as currently planned).

Charley asked if there were any additional sites that would be beneficial to visit, and Ms. Hoffmann informed him of 42KA8785, due to its proximity to a proposed Tait Pit gravel source. Ms. Hoffmann and Mr. Bulletts visited the site and discussed avoidance options. It was agreed that the entire site would be avoided by the proposed gravel source and noted on designs as an avoidance area. Ms. Hoffmann conveyed this information to Transcon for incorporation into the environmental document.

*** Note: all confidential information discussed between NRCS and the Kaibab Paiute regarding specific site location information has been redacted from this document.

From: Charley Bulletts
To: Hoffmann, Tara - NRCS, Salt Lake City, UT
Subject: Re: Draft Cove Reservoir Report
Date: Wednesday, January 16, 2019 3:31:47 PM

Hello Tara
I thought you was off, could I call you this week at your office.
I have been very busy with some Jackson Flats stuff, but would like to get your feed back about
This report I only skimed through it a few times. Sorry for not getting back to you sooner.
Hope your year is starting off well.

Charley Bulletts
Southern Paiute Consortium, Director
H.C. 65 Box 2
Fredonia, AZ 86022
Work: 928-643-6278
Cell: 435-689-1904
Fax # 888-939-3777

On Wed, Jan 16, 2019 at 2:31 PM Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@ut.usda.gov> wrote:

> Hi Charley,
>
> Hope you had a wonderful holiday! Did you get a chance to take a look at the report?
>
> Thanks,
>
> Tara
>
> ---
>
> **From:** Charley Bulletts <cbulletts@kaibabpaiute-nsn.gov>
> **Sent:** Wednesday, January 2, 2019 10:50 AM
> **To:** Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@ut.usda.gov>
> **Subject:** Re: Draft Cove Reservoir Report
>
> Not yet
>
> I m currently off work this week

But will get back to you next week

Happy New Year

Sent from my iPhone

On Jan 2, 2019, at 9:59 AM, Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@ut.usda.gov> wrote:

> Hey Charley,
>
> Just checking to see if you've had a chance to look over the report?
>
> Happy New Year!
>
> Tara
>
> Tara S. Hoffmann
> USDA Natural Resources Conservation Service
> State Cultural Resources Specialist
> 801.524.4556
>
> ---
>
> **From:** "Charley Bulletts" <cbulletts@kaibabpaiute-nsn.gov>
> **Date:** Wednesday, December 12, 2018 at 1:25:59 PM
> **To:** "Hoffmann, Tara - NRCS, Salt Lake City, UT" <tara.hoffmann@ut.usda.gov>
> **Subject:** Re: [Take care when opening attachments] Draft Cove Reservoir Report
>
> Hey Thanks
>
> Tara I will look at it today
>
> Charley Bulletts
>
> Southern Paiute Consortium, Director
>
> H.C. 65 Box 2
>
> Fredonia, AZ 86022

Work: 928-643-6278

Cell: 435-689-1904

Fax # 888-939-3777

On Wed, Dec 12, 2018 at 11:12 AM Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@ut.usda.gov> wrote:

> Hi Charley,
>
> I've attached the draft cultural resources report that I received from Transcon. Before I submit my comments to them I wanted to give you the chance to take a look at it. They mostly found historic sites but there are a couple of prehistoric sites, one of which will be outside of the actual project area and will not be disturbed.
>
> Thanks!
>
> Tara
>
> Tara S. Hoffmann
> USDA Natural Resources Conservation Service
> State Cultural Resources Specialist
> 801.524.4556
>
> This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have

> received this message in error, please notify the sender and delete the email immediately.

From: Charley Bulletts
To: Hoffmann, Tara - NRCS, Salt Lake City, UT
Subject: Re: Summary of cultural resources findings- Cove Reservoir
Date: Monday, October 29, 2018 10:22:11 AM

Thanks Tara I look forward to the report
I will be in the office this week.
Have a good week

Charley Bulletts
Southern Paiute Consortium, Director
H.C. 65 Box 2
Fredonia, AZ 86022
Work: 928-643-6278
Cell: 435-689-1904
Fax # 888-939-3777

On Mon, Oct 29, 2018 at 8:32 AM Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@ut.usda.gov> wrote:

> Hi Charley,
>
> As a heads up, I wanted to send you Transcon's summary of the cultural resources findings for Cove Reservoir. I also just received a copy of the draft report and will be reviewing that over the next couple of weeks.
>
> As a result of the Class III (intensive pedestrian) cultural resources survey, there were a total of **five new isolated occurrences** (IOs) identified within the project APE: IO-01--IO-05; all five of these IOs are recommended Not Eligible for listing on the National Register of Historic Places (NRHP) under any Criteria.
>
> There were also a total of **five new cultural resource sites** identified within the project APE: 42KA8900--42KA8904. The fifth site, 42KA8904, is a large prehistoric temporary camp with artifact (lithic, ceramic, and FCR) scatters; we have decided to recommend this site Eligible for listing on the NRHP under Criterion D, for possible subsurface cultural deposits and information potential. The remaining four sites are recommended Not Eligible for NRHP listing under any Criteria.
>
> Additionally, there are a total of **two previously identified cultural resource sites** within the project area, within the Bald Knolls Community Pit: 42KA6331 and 42KA6332. Both of these sites are prehistoric lithic scatters, and both are recommended Eligible for NRHP listing under Criterion D. These sites were not revisited or reevaluated for their resources, per request of the BLM Kanab Field Office archaeologist.

NEWLY IDENTIFIED CULTURAL RESOURCE SITES WITHIN THE PROJECT APE				
Site No.	**Field No.**	**Description**	**Jurisdiction**	**Eligibility Recommendation**
42KA8900	BFS-01	Historic artifact scatter	Private	Not Eligible
42KA8901	BFS-02	Multi-component: prehistoric lithic scatter; historic artifact scatters	BLM	Not Eligible
42KA8902	BFS-03	Historic artifact scatter	Private	Not Eligible
42KA8903	BFS-04	Historic artifact scatter	Private	Not Eligible
42KA8904	BFS-05	Prehistoric temporary camp and artifact (lithic, ceramic, and FCR) scatter	Private	Eligible - D

NEWLY IDENTIFIED ISOLATED OCCURRENCES WITHIN THE PROJECT APE				
IO No.	**Temporal Affiliation**	**Description**	**UTMs (NAD '83, Zone 12)**	
			Easting	**Northing**
IO-01	Historic	Two historic coal/wood-burning stoves	356826	4129653
IO-02	Prehistoric	Two prehistoric whiteware ceramic sherds	351662	4126634
IO-03	Historic	One historic Chevy vehicle trunk lid (1966 Florida license plate)	352635	4126505
IO-04	Prehistoric	One prehistoric white ware sherd	351823	4126323
IO-05	Prehistoric	Five prehistoric obsidian shatter pieces (three snowflake obsidian, one mahogany, and one black)	353290	4126227

Let me know if you have any questions on this. I will know more about the sites and their locations once I read the draft report, probably later this week since I am going to be in Richfield doing fieldwork for the next few days.

Cheers,

Tara

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

January 21, 2020

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

Dear Ms. Fife

Subject: ***CRI Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)***

The Paiute Indian Tribe of Utah is in receipt of your letter dated January 9, 2020 and has reviewed the material and do not have any objections. Currently, we are not aware of any cultural resource sites, practices, or locations of importance in the Tribe's traditional, religious or culture. We concur with your determination of eligibility and effort for this undertaking. This letter serves as our comment on the determinations you have made.

As you are aware the tribes support the identification and avoidance of prehistoric archaeological sites and traditional cultural properties.

The Paiute Tribe sincerely appreciates your accomplishments and consideration you and your staff have made to consult with the Tribes.

Sincerely,

Dorena Martineau

Dorena Martineau/Cultural Resource
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721
435-586-1112 ext. 107

January 9, 2020

FEB 0 3 2020

Mr. Leigh Kuwanwisiwma
Director
Hopi Culture Preservation Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Kuwanwisiwma:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

The Area of Potential Effects (APE) for the project encompasses a total of 791.68 acres, which includes the proposed reservoir area, the hyrdroelectric plant locations, four borrow pits, a linear survey of a new water pipeline, powerline, and utility corridor locations, and a spot check/survey of two borrow pit locations. Of the total acreage, 152.18 acres are on BLM Kanab Field-Office-managed land, 70.33 acres are on State of Utah, School and Institutional Trust Lands Administration (SITLA)-managed lands, and 569.17 are on privately-owned lands. The NRCS is acting as the lead Federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM and the U.S. Army Corps of Engineers are cooperating agencies.

Natural Resources Conservation Service 125 South State Street, Room 4010, Salt Lake City, UT 84138
www.ut.nrcs.usda.gov 801-524-4550 Fax 844-715-4928
USDA is an equal opportunity provider, employer, and lender.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Concur
for
Kevin Kompteus
1-28-20

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

Agency Consultation

January 9, 2020

Mr. Brian Storm
Archeologist
Bureau of Land Management
Kanab Field Office
669 S Hwy 89A
Kanab, Utah 84741

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Storm:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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A pedestrian cultural resource inventory of the undertaking was completed by Transcon Environmental on October 1 through 8 and October 10 through 13, 2018; supplemental surveys of the project occurred between June 12 through 14. A total of 9 new cultural resource sites (42KA8785, 42KA8900, 42KA8901, 42KA8902, 42KA8903, 42KA8904, 42KA8972, 42KA8973, and 42KA8974), 1 previous cultural resource site (42KA6331), and 15 isolated occurrences (IOs) were identified and recorded within the Project APE. Five archaeological sites and two historic structures were identified as a result of the inventory. Table 1 summarizes the sites identified and the NRCS' National Register of Historic Places (NRHP) eligibility determinations.

Table 1. Summary of sites and structures in the survey area

Site Number/ Land Status	Site Type	NRHP Eligibility	Effects
42KA6331/ BLM	Prehistoric lithic scatter	Eligible—D (previously determined)	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8785/ Private	Prehistoric artifact scatter	Eligible – D	*No Adverse Effect to Historic Properties*. Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8900/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8901/ Private	Multicomponent: prehistoric lithic scatter, historic artifact scatters	Not Eligible	No Effects
42KA8902/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8903/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8904/ Private	Prehistoric ceramic, lithic, and FCR scatter	Eligible—D	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8972/ BLM	Prehistoric lithic scatter	Not Eligible	No Effects
42KA8973/ BLM	Prehistoric artifact scatter	Not Eligible	No Effects
42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

January 9, 2020

Mr. Hollis Jencks
Project Manager
Bountiful Regulatory Office
U.S. Army Corps of Engineers
533 West 3600 South, Suite 150
Bountiful, UT 84010-7744

Reference: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah (UDSH Project No. U18TN0544)

Dear Mr. Jencks:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project, Kane County, Utah.* The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the project sponsor, to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah. Specific improvements include the construction of a 6,055-acre foot reservoir (Cove Reservoir) that would provide enhanced conservation and a reliable water source for local agricultural users and maintain pressure through the local irrigation system. In addition, the existing Glendale hydroelectric power plant would be relocated and upgraded, which would double the amount of green energy created. Furthermore, the water from Cove Reservoir would be released during the summer months, providing additional water flow and reducing high water temperatures for the endangered Virging River chub and woundfin. To assess the environmental impacts of the project, a Watershed Plan and Environmental Assessment is being prepared by Transcon Environmental, on behalf of the NRCS, in cooperation with the Washington County Water Conservancy District, the Bureau of Land Management (BLM), and the National Park Service.

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42KA8900/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8901/ Private	Multicomponent: prehistoric lithic scatter, historic artifact scatters	Not Eligible	No Effects
42KA8902/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8903/ Private	Historic artifact scatter	Not Eligible	No Effects
42KA8904/ Private	Prehistoric ceramic, lithic, and FCR scatter	Eligible—D	*No Adverse Effect to Historic Properties.* Site will be avoided by at least 50 feet by all project activities. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8972/ BLM	Prehistoric lithic scatter	Not Eligible	No Effects
42KA8973/ BLM	Prehistoric artifact scatter	Not Eligible	No Effects
42KA8974/ Private	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Based on the results of the cultural resources survey and adherence to the avoidance stipulations described above, the NRCS recommends that the project proceed as planned with a determination of ***no adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, Utah
Derek Hamilton, Biologist, NRCS, Salt Lake City, Utah
Kristine Curry, Archaeologist, SITLA, Salt Lake City, Utah
Tara S. Hoffmann, State Cultural Resources Specialist, NRCS, Salt Lake City, Utah

Second Cultural Resource Inventory Report

SHPO Consultation

January 23, 2023

Christopher Merritt, PhD
State Historic Preservation Officer
Utah Division of State History
300 Rio Grande Avenue
Salt Lake City, Utah 84101-1182

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Dr. Merritt:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah*, and associated data. The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted between November 15 to 19, 2021 and on March 20, 2022 by Transcon Environmental. A total of five cultural resource sites (one previously identified and four newly recorded) were identified within the APE (42KA1157, 42KA9490, 42KA9491, 42KA9492, 42KA9493). Two previously recorded site that were mapped within the current APE but relocated outside of the APE (42KA4538 and 42KA4539) were also revisited and updated.

Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

TABLE 4 PROJECT SUMMARY AND CONCLUSIONS						
Site No.	**Temporal Affiliation**	**Site Description**	**Eligibility**	**Effects**	**Project Design Impacts**	**Site Protective or Avoidance Measures**
42KA1157	Prehistoric	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect*	Installation of new buried pipe along the northeast portion of the site.	None; the portion of the site within the Project APE is heavily disturbed by previous road construction/maintenance, plowing, livestock and a sewer line, it has also been previously tested and is non-contributing to the overall eligibility of the site.
42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A	N/A

To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

Thus, the NRCS recommends that the project proceed as planned with a determination of ***adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,

TRISHA CRACROFT
Acting State Conservationist

Enclosure

cc: (w/o encl)
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Norm Evenstad, Assistant State Conservationist Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT
Brian Storm, Archaeologist, BLM, Kanab, UT
Kristine Curry, Archaeologist, SITLA, Salt Lake City, UT
Ian Snyder, Project Manager/Environmental Planner, Transcon Environmental, Ferndale, CA

Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Jill Remington Love
Executive Director
Utah Department of Cultural and Community Engagement

February 6, 2023

Trisha Cracroft
Acting State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

RE: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah

For future correspondence, please reference Case No. 23-0280

Dear Trisha,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on February 03, 2023.

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

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

Sincerely,

Christopher W. Merritt
State Historic Preservation Officer

Tribal Consultation

January 23, 2023

Mr. Richard M. Begay
THPO and Department Manager
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, Arizona 86515

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Begay:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah*, and associated data. The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

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Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

TABLE 4						
PROJECT SUMMARY AND CONCLUSIONS						
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42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

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

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Ms. Chapoose:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah*, and associated data. The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted between November 15 to 19, 2021 and on March 20, 2022 by Transcon Environmental. A total of five cultural resource sites (one previously identified and four newly recorded) were identified within the APE (42KA1157, 42KA9490, 42KA9491, 42KA9492, 42KA9493). Two previously recorded site that were mapped within the current APE but relocated outside of the APE (42KA4538 and 42KA4539) were also revisited and updated.

Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

TABLE 4 PROJECT SUMMARY AND CONCLUSIONS						
Site No.	**Temporal Affiliation**	**Site Description**	**Eligibility**	**Effects**	**Project Design Impacts**	**Site Protective or Avoidance Measures**
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42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A	N/A

To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Mr. Darren Daboda
THPO
Moapa Band of Paiutes
1 Lincoln Street
PO Box 340
Moapa, Nevada 89025

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Daboda:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah*, and associated data. The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

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PROJECT SUMMARY AND CONCLUSIONS

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42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch– West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch– East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A	N/A

January 23, 2023

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Dr. Dongoske:

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January 23, 2023

Stewart B. Koyiyumptewa, THPO
Hopi Tribe of Arizona
Hopi Cultural Preservation Office
P.O Box 123
Kykotsmovi, Arizona 86039

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Koyiyumptewa :

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42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

Thus, the NRCS recommends that the project proceed as planned with a determination of ***adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,



TRISHA CRACROFT
Acting State Conservationist

Enclosure

cc: (w/o encl)
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Norm Evenstad, Assistant State Conservationist Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT
Brian Storm, Archaeologist, BLM, Kanab, UT
Kristine Curry, Archaeologist, SITLA, Salt Lake City, UT
Ian Snyder, Project Manager/Environmental Planner, Transcon Environmental, Ferndale, CA

January 23, 2023

Mr. Terry Knight
Tribal Historic Preservation
Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Knight:

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Sincerely,

Digitally signed by TRISHA CRACROFT
Date: 2023.01.24 15:28:20 -07'00'

TRISHA CRACROFT
Acting State Conservationist

Enclosure

cc: (w/o encl)
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
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January 23, 2023

Shanandoah (Shanan) Anderson
Cultural Manager
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Anderson:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted between November 15 to 19, 2021 and on March 20, 2022 by Transcon Environmental. A total of five cultural resource sites (one previously identified and four newly recorded) were identified within the APE (42KA1157, 42KA9490, 42KA9491, 42KA9492, 42KA9493). Two previously recorded site that were mapped within the current APE but relocated outside of the APE (42KA4538 and 42KA4539) were also revisited and updated.

Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

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PROJECT SUMMARY AND CONCLUSIONS						
Site No.	**Temporal Affiliation**	**Site Description**	**Eligibility**	**Effects**	**Project Design Impacts**	**Site Protective or Avoidance Measures**
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42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A	N/A

To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Mr. Daniel Bullets
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Cultural Preservation Office
HC65, Box 2
Fredonia, Arizona 86022

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Bullets:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

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42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

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

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Duncan:

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42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Mr. Manuel Heart
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
125 Mikewash Road
Towaoc, Colorado 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Heart:

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42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Knight:

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January 23, 2023

Mr. Malcolm Lehi
Council Representative
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

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42KA1157	Prehistoric	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect*	Installation of new buried pipe along the northeast portion of the site.	None; the portion of the site within the Project APE is heavily disturbed by previous road construction/maintenance, plowing, livestock and a sewer line, it has also been previously tested and is non-contributing to the overall eligibility of the site.
42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A	N/A

To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Ms. Dorena Martineau
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Ms. Martineau:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted between November 15 to 19, 2021 and on March 20, 2022 by Transcon Environmental. A total of five cultural resource sites (one previously identified and four newly recorded) were identified within the APE (42KA1157, 42KA9490, 42KA9491, 42KA9492, 42KA9493). Two previously recorded site that were mapped within the current APE but relocated outside of the APE (42KA4538 and 42KA4539) were also revisited and updated.

Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

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42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Nuvangyaoma:

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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Mr. Buu Nygren
President
Navajo Nation Office of the President
P.O. Box 7440
Window Rock, Arizona 86515

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Mr. Nygren:

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January 23, 2023

Mr. Val Panteah Sr.
Governor
Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

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January 23, 2023

Laura Parry
Chairwoman
Moapa Band of Paiute Indians of the Moapa River Indian
Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Ms. Parry:

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January 23, 2023

Mr. Johnny Lehi, Jr.
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street, Suite 201
P.O. Box 2950
Tuba City, Arizona 86045

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear President Lehi:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted between November 15 to 19, 2021 and on March 20, 2022 by Transcon Environmental. A total of five cultural resource sites (one previously identified and four newly recorded) were identified within the APE (42KA1157, 42KA9490, 42KA9491, 42KA9492, 42KA9493). Two previously recorded site that were mapped within the current APE but relocated outside of the APE (42KA4538 and 42KA4539) were also revisited and updated.

Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

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42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*Adverse Effect*	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A	N/A

To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Ms. Ona Segundo
Chairwoman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Ms. Segundo:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

The Addendum Project Area of Potential Effects (APE) totals 9.06 miles (68.83 acres) in length in Kane County, Utah. Throughout the addendum Project area, for a total of 9.06 miles (47,836 feet), a new pipeline will be placed within or parallel to existing irrigation ditches as part of the Cove East Fork Virgin River Plan-EIS Project improvements located immediately southwest of the town of Orderville, Utah. To account for flexibility in design, a survey corridor of 15 meters (approximately 50 feet) was evaluated. This resulted in a total APE of 68.83 acres. Of this, the APE is comprised of 68.71 acres of Private land, 0.11 acres of land administered by the Bureau of Land Management, Kanab Field Office, and 0.01 acres of lands managed by the Utah School and Institutional Trust Lands Administration. The NRCS is acting as the lead federal agency for the purposes of Section 106 consultation, which will also cover SITLA's responsibilities under Utah Code Annotated Section 9-8-404. The BLM is a cooperating agency.

Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted between November 15 to 19, 2021 and on March 20, 2022 by Transcon Environmental. A total of five cultural resource sites (one previously identified and four newly recorded) were identified within the APE (42KA1157, 42KA9490, 42KA9491, 42KA9492, 42KA9493). Two previously recorded site that were mapped within the current APE but relocated outside of the APE (42KA4538 and 42KA4539) were also revisited and updated.

Table 1 summarizes the sites identified, the NRCS' eligibility determinations, project effects, project designs measures, and proposed mitigation measures.

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To summarize, as a result of the proposed project, two historic ditches (42KA9490 and 42KA9491), the Mount Carmel Irrigation West and East Ditches, will be converted from open ditch to buried pipe. Given that both sites are eligible for the NRHP under multiple criteria, the piping will result in adverse effects to both sites. To resolve the adverse effects, an inadvertent discovery plan will be prepared and supplied to construction crews, in additional to the preparation and execution of a Memorandum of Agreement with associated Treatment Plan. The MOA will be prepared in consultation with the Utah SHPO, KCWCD, interested THPOs, tribes, and other organizations.

January 23, 2023

Ms. Nichol Shurack
Tribal Archaeologist
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, CO 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

Dear Ms. Shurack:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a pipeline to their Cove Reservoir Project (U18TN0544), which originally consisted of a reservoir and associated facilities. The original U18TN0544 Class III inventory was conducted in October of 2018. The additional pipeline is being completed as *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840). This addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment to an EIS.

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January 23, 2023

Mr. Benny Tso
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah* (Addendum Project; Utah Antiquities Project Number U21TN0840)

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Thus, the NRCS recommends that the project proceed as planned with a determination of ***adverse effect to historic properties***. The NRCS requests concurrence for the determination of project effects and site eligibility. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Cultural Resources Specialist, at 801-524-4556 at your convenience.

Sincerely,



TRISHA CRACROFT
Acting State Conservationist

Enclosure

cc: (w/o encl)
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Norm Evenstad, Assistant State Conservationist Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT
Brian Storm, Archaeologist, BLM, Kanab, UT
Kristine Curry, Archaeologist, SITLA, Salt Lake City, UT
Ian Snyder, Project Manager/Environmental Planner, Transcon Environmental, Ferndale, CA

Agency Consultation

From:	Jennifer Bannick
To:	Brian Storm; Kristine Curry; Ellis Powelson
Cc:	Hoffmann, Tara - NRCS, Salt Lake City, UT; Eric Hansen; Lindsey Evenson
Subject:	U21TN0840 Cove East Fork Virgin River Plan-EIS Project -- Draft SHPO Package
Date:	Thursday, May 5, 2022 7:18:13 PM
Attachments:	image001.png

Hello Brian, Kristine, and Ellis,

The ***U21TN0840 Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah*** draft SHPO package is ready for agency review.

Unfortunately, these documents are too large to send via email, so they can be downloaded via the following OneDrive link: U21TN0840_SHPO Package_draft.zip

Please let us know if you have any questions or comments regarding these documents.

Thank you!
Jen

Jennifer Bannick
Archaeologist/Program Coordinator

Email: jbannick@transcon.com
Mobile: (801) 350-1353
Office: (801) 649-5141
Web: transcon.com
Mail: 579 W Galena Park Place, Unit 102
Draper, Utah 84020

Transcon environmental | Planners & Scientists

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Cultural and Paleo Clearance with Tier 1 Screening Form

Pursuant to the *Programmatic Agreement between the UDOT and the Utah SHPO Regarding Implementation of U.C.A. 9-8-404 for State Funded Transportation Projects in Utah*, UDOT has taken into account the effects of this undertaking on historic properties and has determined that the finding of effect is **No Historic Properties Affected**.

Pursuant to the *Memorandum of Understanding between the UDOT and the Utah Geological Survey Concerning Agency Responsibilities Pursuant to U.C.A. 79-3-508,* the UDOT has taken into account the effects of this undertaking on paleontological resources. If applicable, consultation letter from UGS is included in the environmental document.

PROJECT: Cove East Fork Virgin River Plan-EIS, Kane County, Utah – Addendum to Cultural Resources Inventory Report, Alpha Engineering's Cove Reservoir Project

DATE: June 1, 2022
PREPARER: Ellis B. Powelson
CONTACT: epowelson@utah.gov (801)362-9108

PROJECT STIPULATIONS

1) Clearance is contingent upon the contractor adhering to the proposed scope of work and remaining within cleared areas. **Notify Region Environmental of any scope changes.**
2) *UDOT Standard Specification 01355 Part 3.7, Environmental Clearances by Contractor*
3) *UDOT Standard Specification 01355 Part 3.8, Discovery of Historical Archaeological, or Paleontological Objects, Features, Sites or Human Remains*. **Notify Region Environmental immediately of any discoveries during construction.**

PROJECT DESCRIPTION

This is an addendum in support of Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544). The original Class III survey was conducted in October of 2018. The addendum and supplemental inventory area are the result of a change in project complexity, changing from an Environmental Assessment (EA) to an Environmental Impact Statement (EIS).

The Addendum project area measures a total of 68.30 acres (9.06 miles) and is located on lands managed by the Bureau of Land Management (BLM) Kanab Field Office (0.11 acre), SITLA (0.01 acre), and on privately-owned lands (68.18 acres). Class III (intensive pedestrian) supplemental survey will be conducted on 11.41 miles within the project APE (9.06 miles) with 0.02 mile on BLM Kanab Field Office-managed lands, 0.01 mile on SITLA-managed land, and 11.39 miles on privately owned lands. The supplemental inventory area is generally located within an existing UDOT highway right-of-way (ROW) on the eastern side of US-89 (State Street), along portions of Center Street and Cottonwood Lane to the east of US-89, and within agricultural fields and unnamed dirt roads that cross sections of Tait Lane, West 2500 South (Lambs Lane), Stevens Lane, and Muddy Creek Road on the western side of US-89 (State Street) within the town of Mount Carmel in Long Valley, Kane County, Utah. The survey will be linear and will be conducted in 15-meter wide transects throughout the project area. No portion of the project will be left unsurveyed due to prior survey efforts.

SCREENING PROCESS

Screened undertakings have the potential to affect historic properties, but have been determined by UDOT to require no further review or consultation under the Agreements. Screening may include any the following tasks and should be appropriate to the complexity, scale, and location of the undertaking. Documentation of the screening will be included in the project files, quarterly report submitted to SHPO, and environmental document.

Antiquities Project Number: U21TN0840

Literature Review

- ☐ Class I literature search (date completed and by whom):
- ☒ Records review (i.e. UDSH, UDOT, BLM, etc.): UDSH Sego database
- ☐ Project plans

☐ As-built project plans
☒ Aerial photographs: UGS Aerial Imagery Collection
☒ Historic Maps: BLM GLO records
☒ Topographic Maps: USGS TopoView
☒ ROW/Ownership/Parcel Data: UDOT ROW, BLM-Kanab, SITLA
☒ Other: Utah SHPO historic contexts, BLM field office predictive models and Class I documents, water rights, Sanborn maps, Utah Division of Water Rights (UDWR) records

Description of search results: A review of records available through the UDSH Sego database revealed that 6 previous surveys and 4 previously identified sites were mapped as overlapping, being immediately adjacent, or being crossed by some portion of the current Project APE. These sites consist of two prehistoric artifact scatters (42KA1157 and 42KA1965), a historic bridge abutment (42KA4538), and a historic ditch (42KA4539). GLO maps indicate a few historic improvements near the Project area including historic roads, ditches, transmission lines, ditches, fences, structures, agricultural fields, and a coal mine. Historic aerial imagery in the vicinity of the Project indicates a few visible historic developments, including established roads/highways, ditches, and cultivated fields. Historic land patent records indicate 22 land patents near the Project area, with dates ranging from 1880 to 1980. Historic grazing allotment records indicated seven active grazing allotments surrounding the Project area; however, none cross into or overlap any portion of the Project APE. Historic water rights records indicate that there are 10 historic water rights within 0.5 mile of the Project APE consisting of underground water sources, and surface water rights with sources from springs, and the East Fork Virgin River.

Field Review

☒ Pedestrian survey (Class III) (survey interval): 15m
☐ Field review other than Class III (reconnaissance, windshield, etc.):
☐ Other:
☐ None

Description of survey results (If no field survey was conducted, explain why not): The survey was conducted in 15-meter-wide transects throughout the entire Project APE. This resulted in a total of approximately 68.83 acres evaluated for cultural resources. No portion of the current Project was left unsurveyed due to prior survey efforts. A total of 48.66 acres were surveyed to Class III standards; some fenced off and inaccessible areas on private property with posted no trespassing signs within the APE (20.17 acres) were surveyed to Class II standards due to safety and trespassing concerns.

As a result of the survey, it was determined that a total of five cultural resource sites are located within the Project APE. Of the five sites identified within the Project APE, one previously recorded site (42KA1157 [also 42KA1965/42KA1958]) is recommended Eligible for listing on the NRHP under Criterion D for information potential; two sites are recommended Eligible for the NRHP under Criteria A and D (42KA9490 and 42KA9491) for their association with significant regional events and for information potential; site 42KA9490 is also recommended to be Eligible for listing on the NRHP under Criterion C as it embodies the distinctive characteristics of a type, period, and method of construction in the region; the remaining sites (42KA9492 and 42KA9493) are recommended Not Eligible for the NRHP under any Criteria. Three IOs (IO-01to IO-03) were also identified and recorded within the Project APE as a result of new survey.

Supporting Documentation

Reports and/or forms generated from any cultural resource inventories shall be submitted quarterly to the Utah Division of State History (UDSH) for filing.

Title of report: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah—Addendum to Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove Reservoir Project (U18TN0544), Kane County, Utah*

Consultation

☐ Utah SHPO (including APE consultation):

☐ Certified Local Government (CLG):
☒ Tribes:
☒ State/Federal Agencies: NRCS, BLM-Kanab, SITLA
☐ Knowledgeable Informants:
☐ Other:
☐ None:

Description of consultation efforts (If no consultation was done, explain why not):
As the lead agency for this project, Native American consultation is the responsibility of the NRCS.

☐ Controversy based on historic preservation issues? If yes, consultation with SHPO and UDOT Central Environmental is required. Additional consultation with FHWA may be required.

Finding of Effect

The undertaking will result in the following finding of effect:

☐ No Historic Properties Affected: no cultural resources present
☐ No Historic Properties Affected: cultural resources present but none eligible
☒ No Historic Properties Affected: historic properties present, but are completely avoided by the undertaking and the potential for substantial indirect effects is very low

Description of impacts: For information on site eligibility and effects, please see Table 1 below:

TABLE 1. PROJECT SUMMARY and CONCLUSIONS

Site No.	Temporal Affiliation	Site Description	Eligibility	Effects	Site Protective or Avoidance Measures
42KA1157	Prehistoric	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect*	None; the portion of the site within the Project APE is heavily disturbed by previous road construction/maintenance, plowing, livestock and a sewer line, it has also been previously tested and is non-contributing to the overall eligibility of the site.
42KA4538	Historic	Historic bridge abutment	Not Eligible	No effect	N/A; also, outside of the current Project APE.
42KA4539	Historic	Historic ditch/ flume	Not Eligible	No effect	N/A; also, outside of the current Project APE.
42KA9490 (FS-01)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–West Ditch*)	Eligible—A, C, D	*No Adverse Effect*	An inadvertent discovery plan should be prepared, and a HPTP should be developed to mitigate adverse effects to the site.
42KA9491 (FS-02)	Historic	Historic ditch (*Mount Carmel Irrigation Ditch–East Ditch*)	Eligible—A, D	*No Adverse Effect*	An inadvertent discovery plan should be prepared, and a HPTP should be developed to mitigate adverse effects to the site.
42KA9492 (FS-03)	Historic	Historic road (*Lamb's Lane*)	Not Eligible	No effect	N/A
42KA9493 (FS-04)	Historic	Historic road (*Tait Lane*)	Not Eligible	No effect	N/A

Additional Information

Third Cultural Resource Inventory Report

SHPO Consultation

May 20, 2024

Dr. Christopher Merritt, PhD
State Historic Preservation Officer
Utah Division of State History
300 Rio Grande Avenue
Salt Lake City, Utah 84101-1182

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Dr. Merritt:

Included in this submission is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah: Esplin Pit Evaluation.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a borrow source to their Cove Reservoir Plan-EIS (U18TN0544, U21TN0840), which consists of a reservoir, irrigation pipeline, and associated facilities. Two previous Class III inventories, encompassing two alternative reservoir locations, pipelines, staging areas, construction access, borrow sources, and all other proposed ground disturbance, were completed under Project Numbers U18TN0544 and U21TN0840. The NRCS consulted with your office regarding those project numbers in letters dated January 9, 2020, and January 23, 2023, respectively. Concurrence on site eligibility and a determination of "adverse effect to historic properties" for the undertaking as a whole, was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). The additional borrow source, located east of Glendale, Utah, adjacent to Kanab Creek on the Glendale Bench has been evaluated under *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation.* The NRCS is serving as the lead Federal agency.

Per 36 CFR 800.16(d), the supplemental Area of Potential Effects (APE) totals 13.72 acres of private land. The APE is the site of a former borrow pit (Esplin Glendale Bench Pit or Esplin Pit) where basalt bedrock has previously been quarried for use as riprap for a previous NRCS Emergency Watershed Protection project (U12SH0189, U13SH0167; Case Nos. 12-0762 and 13-0512). The project proposes to reopen the borrow pit to procure riprap for construction and armoring of the planned Cove Reservoir Dam. Observed basalt exposures in the project area measure 10 to 20 feet thick, and procurement activities to fulfill the dam construction needs (approximately 29,000 cubic yards of riprap) would require quarrying 1.8 acres of basalt to a thickness of 10 feet.

Per 36 CFR 800.4, a desktop review of know cultural resources, followed by a Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted on October 10 and 11, 2023 by Secretary of the Interior -qualified archaeologists with Transcon Environmental (now Eocene Environmental Group). Due to slope steepness, 5.25 acres were inventoried at a Class II (reconnaissance) level. Two cultural resource sites (42KA7537 [Kanab Creek Cave], and 42KA9789), were identified and documented. Site 42KA7537 had previously been determined eligible for the National Register of Historic

Places (NRHP) under Criterion D (Case No. 13-0512). The NRCS has also determined that Site 42KA9789, a prehistoric campsite, is eligible for the NRHP under Criterion D.

Table 1 summarizes the avoidance and monitoring requirements during implementation. If requested during consultation, a tribal monitor can also be present.

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PROJECT SUMMARY AND CONCLUSIONS

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With the implementation of the aforementioned avoidance and minimization measures, the NRCS has determined that use of the proposed borrow source will result in **No Adverse Effect to Historic Properties**, per 36 CFR 800.5(b). The NRCS requests concurrence for the delineation of the APE, determinations of site eligibility and project effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Watershed Cultural Resources Specialist, at 801-524-4556 or tara.hoffmann@usda.gov, at your convenience.

Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
Anders Fillerup, Acting ASTC-Water Resources, NRCS, Vernal, UT
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Norm Evenstad, Water Resources ACES, NRCS, Salt Lake City, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT
Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

June 2, 2024

Travis Mote
Acting State Conservationist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

RE: Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation

For future correspondence, please reference Case No. 24-1261

Dear Travis Mote,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on May 20, 2024.

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

This letter serves as our comment on the determinations you have made within the consultation process specified in §36CFR800.4. If you have questions, please contact me at (801) 535-2502 or by email at rmcgrath@utah.gov.

Sincerely,

Ryan P McGrath

Ryan McGrath
Compliance Archaeologist

Tribal Consultation

May 22, 2024

Mr. Richard M. Begay
THPO and Department Manager
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, Arizona 86515

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Manager Begay:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah: Esplin Pit Evaluation.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a borrow source to their Cove Reservoir Plan-EIS (U18TN0544, U21TN0840), which consists of a reservoir, irrigation pipeline, and associated facilities. Two previous Class III inventories, encompassing two alternative reservoir locations, pipelines, staging areas, construction access, borrow sources, and all other proposed ground disturbance, were completed under Project Numbers U18TN0544 and U21TN0840. The NRCS consulted with your office regarding those project numbers in letters dated January 9, 2020, and January 23, 2023, respectively. Concurrence on site eligibility and a determination of "adverse effect to historic properties" for the undertaking as a whole, was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). The additional borrow source, located east of Glendale, Utah, adjacent to Kanab Creek on the Glendale Bench has been evaluated under *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation.* The NRCS is serving as the lead Federal agency.

Per 36 CFR 800.16(d), the supplemental Area of Potential Effects (APE) totals 13.72 acres of private land. The APE is the site of a former borrow pit (Esplin Glendale Bench Pit or Esplin Pit) where basalt bedrock has previously been quarried for use as riprap for a previous NRCS Emergency Watershed Protection project (U12SH0189, U13SH0167; Case Nos. 12-0762 and 13-0512). The project proposes to reopen the borrow pit to procure riprap for construction and armoring of the planned Cove Reservoir Dam. Observed basalt exposures in the project area measure 10 to 20 feet thick, and procurement activities to fulfill the dam construction needs (approximately 29,000 cubic yards of riprap) would require quarrying 1.8 acres of basalt to a thickness of 10 feet.

Per 36 CFR 800.4, a desktop review of know cultural resources, followed by a Class III (intensive pedestrian) and Class II (reconnaissance) cultural resources inventory were conducted on October 10 and 11, 2023 by Secretary of the Interior -qualified archaeologists with Transcon Environmental (now Eocene Environmental Group). Due to slope steepness, 5.25 acres were inventoried at a Class II (reconnaissance) level. Two cultural resource sites (42KA7537 [Kanab Creek Cave], and 42KA9789), were identified and documented. Site 42KA7537 had previously been determined eligible for the National Register of Historic

Places (NRHP) under Criterion D (Case No. 13-0512). The NRCS has also determined that Site 42KA9789, a prehistoric campsite, is eligible for the NRHP under Criterion D.

Table 1 summarizes the avoidance and monitoring requirements during implementation. If requested during consultation, a tribal monitor can also be present.

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PROJECT SUMMARY AND CONCLUSIONS

Site Number	Site Description	Eligibility	Protective Measures
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Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
Anders Fillerup, Acting ASTC-Water Resources, NRCS, Vernal, UT
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
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Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT
Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Mr. Daniel Bullets
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Cultural Preservation Office
HC65, Box 2
Fredonia, Arizona 86022

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Mr. Bullets:

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Acting State Conservationist

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- Cultural Resources Report

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Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

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

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Ms. Chapoose:

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Sincerely,

TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Darren Daboda
THPO
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
1 Lincoln Street
PO Box 340
Moapa, NV 89025

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Mr. Daboda:

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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Director Dongoske:

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Places (NRHP) under Criterion D (Case No. 13-0512). The NRCS has also determined that Site 42KA9789, a prehistoric campsite, is eligible for the NRHP under Criterion D.

Table 1 summarizes the avoidance and monitoring requirements during implementation. If requested during consultation, a tribal monitor can also be present.

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With the implementation of the aforementioned avoidance and minimization measures, the NRCS has determined that use of the proposed borrow source will result in **No Adverse Effect to Historic Properties**, per 36 CFR 800.5(b). The NRCS requests concurrence for the delineation of the APE, determinations of site eligibility and project effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Watershed Cultural Resources Specialist, at 801-524-4556 or tara.hoffmann@usda.gov, at your convenience.

Sincerely,

TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
Anders Fillerup, Acting ASTC-Water Resources, NRCS, Vernal, UT
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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Ms. Autumn Gillard
Cultural Resource Manager
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Sincerely,

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Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
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Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
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Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Mr. Manuel Heart
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
125 Mikewash Road
Towaoc, Colorado 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Chairman Heart:

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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
131 West Mike Wash Road
Towaoc, Colorado 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Stewart B. Koyiyumptewa
THPO
Hopi Tribe of Arizona
Hopi Cultural Preservation Office
P.O Box 123
Kykotsmovi, Arizona 86039

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Mr. Koyiyumptewa:

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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Governor Arden Kucate
Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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May 22, 2024

Malcolm Lehi
Council Representative
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Representative Lehi:

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Places (NRHP) under Criterion D (Case No. 13-0512). The NRCS has also determined that Site 42KA9789, a prehistoric campsite, is eligible for the NRHP under Criterion D.

Table 1 summarizes the avoidance and monitoring requirements during implementation. If requested during consultation, a tribal monitor can also be present.

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With the implementation of the aforementioned avoidance and minimization measures, the NRCS has determined that use of the proposed borrow source will result in **No Adverse Effect to Historic Properties**, per 36 CFR 800.5(b). The NRCS requests concurrence for the delineation of the APE, determinations of site eligibility and project effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Watershed Cultural Resources Specialist, at 801-524-4556 or tara.hoffmann@usda.gov, at your convenience.

Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Mr. Roland Maldonado
Chairman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Sincerely,

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- Cultural Resources Report

cc: (w/o encl)
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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Jacinthe “J” Messier
Tribal Archaeologist
Ute Mountain Ute Tribe
P.O. Box 468
131 West Mike Wash Road
Towaoc, CO 81334

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Ms. Messier:

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May 22, 2024

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

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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May 22, 2024

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

President Buu Nygren
Navajo Nation Office of the President
P.O. Box 7440
Window Rock, Arizona 86515

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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May 22, 2024

Ms. Deryn Pete
Chairwoman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

Dear Chairwoman Pete:

Enclosed is a cultural resources report titled *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (EIS), Kane County, Utah: Esplin Pit Evaluation.* The Natural Resources Conservation Service (NRCS) and Kane County Water Conservancy District (KCWCD) are proposing the addition of a borrow source to their Cove Reservoir Plan-EIS (U18TN0544, U21TN0840), which consists of a reservoir, irrigation pipeline, and associated facilities. Two previous Class III inventories, encompassing two alternative reservoir locations, pipelines, staging areas, construction access, borrow sources, and all other proposed ground disturbance, were completed under Project Numbers U18TN0544 and U21TN0840. The NRCS consulted with your office regarding those project numbers in letters dated January 9, 2020, and January 23, 2023, respectively. Concurrence on site eligibility and a determination of "adverse effect to historic properties" for the undertaking as a whole, was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). The additional borrow source, located east of Glendale, Utah, adjacent to Kanab Creek on the Glendale Bench has been evaluated under *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation.* The NRCS is serving as the lead Federal agency.

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Places (NRHP) under Criterion D (Case No. 13-0512). The NRCS has also determined that Site 42KA9789, a prehistoric campsite, is eligible for the NRHP under Criterion D.

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With the implementation of the aforementioned avoidance and minimization measures, the NRCS has determined that use of the proposed borrow source will result in **No Adverse Effect to Historic Properties**, per 36 CFR 800.5(b). The NRCS requests concurrence for the delineation of the APE, determinations of site eligibility and project effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, State Watershed Cultural Resources Specialist, at 801-524-4556 or tara.hoffmann@usda.gov, at your convenience.

Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
Anders Fillerup, Acting ASTC-Water Resources, NRCS, Vernal, UT
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
Brandon Todd, ASTC-Field Operations, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
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Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Robert Preston, Jr.
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street, Suite 201
P.O. Box 2950
Tuba City, Arizona 86045

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Sincerely,



TRAVIS MOTE
Acting State Conservationist

Enclosure:
- Cultural Resources Report

cc: (w/o encl)
Anders Fillerup, Acting ASTC-Water Resources, NRCS, Vernal, UT
Tara Hoffmann, State Cultural Resources specialist, NRCS, Salt Lake City, UT
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Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

Vickie Simmons
Chairwoman
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

May 22, 2024

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

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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May 22, 2024

Ms. Ila Yazzie
Vice Chairwoman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: *Cultural Resources Inventory Report, Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement, Kane County, Utah: Esplin Pit Evaluation* (Addendum Project; Utah Antiquities Project Number U23TN0682)

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Jacob Herrera, Project Manager/Environmental Planner, Eocene Environmental Group, Mesa, AZ
Ron Bolander, Environmental Planner, Eocene Environmental Group, Draper, UT

From: Daniel Bulletts
To: Hoffmann, Tara - FPAC-NRCS, UT
Subject: Re: [Take care when opening attachments] rock source on Glendale Bench - two prehistoric sites
Date: Friday, May 24, 2024 2:23:43 PM

Hello,
Thank you for the update and keeping the Kaibab Band of Paiute Indians Cultural Resource department in the loop on this project. It's so good to hear that your organization is making a heartfelt effort into preserving these sites. What you have recommended sounds good to me and I have no further questions or comments about this project site protection.

Thank you again and please keep in touch,

On Wed, May 22, 2024 at 5:19 PM Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov> wrote:

> Daniel,
>
> I wanted to bring to your attention new consultation for the proposed Cove Reservoir Watershed Plan and EIS (Kane County Water Conservancy District is the Sponsor, with NRCS providing partial funding). The overall project, which we previously consulted on, consists of a reservoir, irrigation pipelines, and associated components near Orderville. One of the rip rap sources for the project is located at a previously used borrow source out on the Glendale Bench along Kanab Creek. Charley and an elder visited this rock source back in 2013/14 with me and SHPO to see a prehistoric cave site where the artifact scatter in front of the cave was adversely affected by heavy equipment. We mitigated those effects with an MOA. During the recent cultural survey of the rock source, another eligible artifact scatter site was identified.
>
> To ensure avoidance of these two sites, we will be avoiding each site by 15 meters, installing fencing around the site boundaries (with the 15-m buffer), and having an archaeological monitor present during all ground disturbance within 15-m of the sites. Does this approach sound reasonable to you? Are there any other concerns with getting rock from around these two sites?
>
> I've attached the cultural report, site forms, avoidance area map, and a kmz file of the APE. We mailed a formal consultation letter to you and Chairman Maldonado on May 20, 2024 (attached).
>
> Feel free to give me a call to discuss.

Many thanks,

Tara

Tara S. Hoffmann, MA

State Watershed Cultural Resources Specialist/Tribal Liaison

Natural Resources Conservation Service

Salt Lake City, UT

O: 801-524-4556 C: 385-258-1266

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

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Daniel Bulletts
Southern Paiute Consortium/Cultural Resource Director
Kaibab Band of Paiute Indians
HC 65 Box 02
Fredonia AZ 86022
928-643-6278

Indirect APE Memorandum

SHPO Consultation

June 6, 2025

Tara Hoffmann
Cultural Resources Specialist
Natural Resources Conservation Service

RE: Cove Reservoir APE Memo, Kane County, Utah

For future correspondence, please reference Case No. 25-1097

Dear Ms. Hoffmann,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced project on June 4, 2025. Based on the information provided to our office, we concur with your determinations of eligibility and with the finding that the visual/indirect APE is no adverse effect, and that the effect for the overall undertaking is still an adverse effect.

This information is provided to assist with Section 106 responsibilities as per §36CFR800. If you have questions, please contact me at (801) 245-7239 or by email at clhansen@utah.gov.

Sincerely,



Christopher Hansen
Preservation Planner/Deputy SHPO
Utah State Historic Preservation Office

Tribal Consultation

From: Hoffmann, Tara - FPAC-NRCS, UT
To: Carlene Yellowhair; Johnny Lehi, Jr. J.lehijr@sanjuanpaiute-nsn.gov
Subject: NRCS Utah Cove Reservoir Project, updated APE Sec. 106 consultation
Date: Wednesday, June 4, 2025 3:50:00 PM
Attachments: image001.png
Yellowhair .pdf
Cove Indirect APE_CR-Memo.pdf

President Yellowhair and Vice President Lehi, Jr.,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	btso@lvpaiute.com; cspottedeagle@lvpaiute.com
Subject:	NRCS Utah Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:48:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Tso .pdf Spotted Eagle .pdf

Chairman Tso and Vice Chair Spotted Eagle,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Darren Daboda; Mario Monroe chair.mbop@moapabandofpaiutes.org; Moapa Cultural
Subject:	NRCS Utah Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:47:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Moapa Cultural.pdf Monroe .pdf

Mr. Daboda, Chairman Monroe, and Cultural Manager,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	malcolm.lehi@utemountain.org
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:45:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Begay .pdf Lehi .pdf

Dear Mr. Lehi,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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NRCS Utah | Water Resources

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Stewart Koyiyumptewa (skoyiyumptewa@hopi.nsn.us); Timothy Nuvangyaoma (Tnuvangyaoma@hopi.nsn.us)
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:43:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Koyiyumptewa .pdf Nuvangyaoma .pdf

Mr. Koyiyumptewa and Mr. Nuvangyaoma,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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Water & Cultural Resources Specialist
NRCS Utah | Water Resources

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Clarence Rockwell crockwell@navajo-nsn.gov; Stephanie Holly sholly@navajo-nsn.gov
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:42:00 PM
Attachments:	image001.png Nygren .pdf Holly .pdf Rockwell .pdf

Mr. Rockwell and Ms. Holly,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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Water & Cultural Resources Specialist
NRCS Utah | Water Resources

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	lyellowhorse@utahpaiutes.org; Autumn Gillard
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:41:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Gillard .pdf Yellowhorse .pdf

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Chairperson Yellowhorse and Ms. Gillard,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

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Tara

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

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Kurt Dongoske (kdongoske@gmail.com); Arden Kucate (arden.kucate@ashiwi.org)
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:40:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Dongoske .pdf Kucate .pdf

Governor Kucate and Mr. Dongoske,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
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Water & Cultural Resources Specialist
NRCS Utah | Water Resources

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Daniel Bulletts; rolandm@kaibabpaiute-nsn.gov; kptchair@color-country.net
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:39:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Bradley .pdf Bullets .pdf Maldonado .pdf

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Chairman Maldonado, Vice Chairperson Bradley, and Mr. Bullets,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	president.buunygren@navajo-nsn.gov; Richard Begay (r.begay@navajo-nsn.gov)
Subject:	NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Wednesday, June 4, 2025 3:36:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png Begay .pdf Nygren .pdf

President Nygren and Mr. Begay,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

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

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USDA Natural Resources Conservation Service
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Salt Lake City, Utah 84138
Phone: 801-524-4550

Mr. Stewart B. Koyiyumptewa
THPO, Hopi Cultural Preservation Office
Hopi Tribe of Arizona
P.O. Box 123
Kykotsmovi, Arizona 86039

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Mr. Koyiyumptewa,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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Phone: 801-524-4550

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Brian Storm, BLM, Archaeologist, Kanab, Utah
Kristine Curry, TLA, Archaeologist, Salt Lake City, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Courtney Mackay, NPS, Archeologist, Springdale, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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125 South State Street, Room 6416
Salt Lake City, Utah 84138
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Chairman Timothy Nuvangyaoma
Hopi Tribe of Arizona
P.O. Box 123
Kykotsmovi, Arizona 86039

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairman Nuvangyaoma,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

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Sincerely,

Emily Fife

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State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
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Emily Paris, Eocene, Project Manager, Sparks, Nevada

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Chairman Roland Maldonado
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairman Maldonado,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
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Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
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Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

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

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn (Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
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Vice Chairwoman Carmen Bradley
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 3
Fredonia, Arizona 86023

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Vice Chairwoman Bradley,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
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Finding of Effect (36 CFR 800.5)

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Sincerely,

Emily Fife

EMILY FIFE
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Enclosure

cc: (w/o encl)

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USDA Natural Resources Conservation Service
U.S. DEPARTMENT OF AGRICULTURE

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Mr. Daniel Bullets
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Cultural Preservation Office
HC65, Box 2
Fredonia, Arizona 86022

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Mr. Bullets,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

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Emily Fife

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Enclosure

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Vice Chairman Chris Spotted Eagle
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

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Chairman Benny Tso
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairman Tso,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

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Salt Lake City, Utah 84138
Phone: 801-524-4550

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
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Chairman Mario Monroe
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
P.O. Box 340
Moapa, Nevada 89025

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairman Monroe,

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Cultural Manager
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
P.O. Box 340
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Councilman Malcolm Lehi
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

June 4, 2025

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
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Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
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Mr. Richard M. Begay
THPO and Department Manager
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, Arizona 86515

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Mr. Begay,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
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- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

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Finding of Effect (36 CFR 800.5)

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

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President Buu Nygren
Navajo Nation Office of the President
P.O Box 7440
Window Rock, Arizona 86515

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear President Nygren,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

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TOTAL Area of Potential Effects (APE)

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Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

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Sincerely,

Emily Fife

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State Conservationist

Enclosure

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Mr. Clarence Rockwell
Executive Director
Navajo Utah Commission
P.O. Box 570
Montezuma Creek, Utah 84534

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Mr. Rockwell,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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

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Ms. Stephanie Holly
Administration
Navajo Utah Commission
P.O. Box 570
Montezuma Creek, Utah 84534

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Holly,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
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Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

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The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

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Chairperson Laurel Yellowhorse
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairperson Yellowhorse,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure

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Ms. Autumn Gillard
Cultural Resource Director
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Gillard,

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Governor Arden Kucate
Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

June 4, 2025

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Mr. Kurt Dongoske
Director and THPO
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Mr. Dongoske,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
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President Carlene Yellowhair
San Juan Southern Paiute Tribe of Arizona
P.O. Box 2950
Tuba City, Arizona 86045

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear President Yellowhair,

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure

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Vice President Johnny Lehi
San Juan Southern Paiute Tribe of Arizona
P.O. Box 2950
Tuba City, Arizona 86045

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

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Mr. Dustin Jansen
Division Director
Utah Division of Indian Affairs

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

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<u>Area of Potential Effects (APE) (36 CFR 800.4)</u>

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Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
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Emily Paris, Eocene, Project Manager, Sparks, Nevada

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

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairman Murray,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
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- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

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

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Chapoose,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

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Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

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

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Thompson,

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

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

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Ms. Jacinthe "J" Messier
Tribal Archaeologist
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Messier,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
TOTAL Area of Potential Effects (APE)

Area of Potential Effect	BLM	State	Private	Total
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

State Office Natural Resources Conservation Service
125 South State Street, Room 6416
Salt Lake City, Utah 84138
Phone: 801-524-4550

(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Brian Storm, BLM, Archaeologist, Kanab, Utah
Kristine Curry, TLA, Archaeologist, Salt Lake City, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Courtney Mackay, NPS, Archeologist, Springdale, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

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U.S. DEPARTMENT OF AGRICULTURE

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

Chairman Manuel Heart
Ute Mountain Ute Tribe
125 Mikewash Road
Towaoc, Colorado 81334

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Chairman Heart,

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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Phone: 801-524-4550

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1
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- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
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Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Brian Storm, BLM, Archaeologist, Kanab, Utah
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Region 8, EPA, Denver, Colorado
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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
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Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Richard M. Begay
Cc:	Kieon S. Halona
Subject:	RE: NRCS Cove Reservoir Project, updated APE Sec. 106 consultation
Date:	Thursday, June 5, 2025 8:44:00 AM
Attachments:	image001.png

Richard,

We thank you for your prompt response. Will include this in our consultation record.

Many thanks,
Tara

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

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

From: Richard M. Begay <r.begay@navajo-nsn.gov>
Sent: Thursday, June 5, 2025 8:39 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Kieon S. Halona <kieon.halona@navajo-nsn.gov>
Subject: RE: NRCS Cove Reservoir Project, updated APE Sec. 106 consultation

Tara,
I have no questions or concerns at this time. Please proceed with the project without further consultation with the Navajo Nation.
Richard M. Begay, THPO
Navajo Nation

From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Wednesday, June 4, 2025 3:37 PM
To: Dr. Buu V. Nygren <presidentnygren@navajo-nsn.gov>; Richard M. Begay <r.begay@navajo-nsn.gov>
Subject: NRCS Cove Reservoir Project, updated APE Sec. 106 consultation

President Nygren and Mr. Begay,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect,

and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
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From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	"Darren Daboda THPO"
Subject:	RE: NRCS Utah Cove Reservoir Project, auditory effects
Date:	Monday, August 24, 2026 1:55:00 PM
Attachments:	THPOcommentNRCSKCWCDCoveReservoirProject.2025.docx image001.png image002.png image003.png 2025_SPPA_Executed.pdf image004.png
Importance:	High

Mr. Daboda,

In follow-up to my voicemail earlier today, I'm also sending an email for more information. NRCS is following up to ensure we have considered the Moapa Band of Paiutes comments on the proposed Cove Reservoir Watershed Plan-EIS under Section 106 of the NHPA. One of the comments was in regards acoustic effect concerns at Site 42KA7537, . In response to those concerns, the NRCS has extended the avoidance area around the site to ensure that acoustic noise from machinery is minimal. We have extended the avoidance area to the north and east, around a natural rock outcropping, which would block noise from extending towards the site. See image below. In addition, the rock quarry will only be used during construction and then reclaimed afterwards, so effects would be temporary. For a little background on this site and previous NRCS involvement,

, back in 2012, the entire area in front and to the north was accidentally quarried for rock, but it was stopped . When the rock quarry area was reclaimed, we placed geotextile fabric down along a cutbank and then backfilled along it to ensure any archaeological deposits remaining were kept undisturbed. The acoustics also remained intact. At that time, I worked closely with Charley Bullets and elders from the Kaibab Paiute, all of whom visited the site. Please let us know if this will quell concerns regarding acoustic effects.

The avoidance area shown below would be fenced off on the eastern boundary, connecting to existing fencelines, so it is clear where construction crews cannot go.

I did want to discuss the recommendation for a tribal monitor. We will take this under consideration, and on Private land NRCS will follow our inadvertent discovery plan, as outline in our Prototype Programmatic Agreement with the Utah SHPO (see attached).

Once construction starts, in approximately two years, we will keep the Moapa Band informed of any findings of cultural significance, following NRCS protocols per our PPA, and of any unforeseen adverse effects.

Thank you again, for your active participation in NRCSs' watershed program Section 106 consultation process.

Best,
Tara

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

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

tara.hoffmann@usda.gov | www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Tuesday, July 15, 2025 9:26 AM
To: Darren Daboda THPO <moapathpo@moapabandofpaiutes.org>
Subject: NRCS Utah Cove Reservoir Project, auditory effects
Importance: High

Mr. Daboda,

Following up to see if the Moapa Band of Paiutes have additional comments regarding NRCSs proposal described in the emails below to minimize auditory effects . Feel free to call if you'd like to discuss more- I can be reached at 385-258-1266.

Many thanks,
Tara

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

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

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Wednesday, June 18, 2025 8:43 AM
To: Darren Daboda <moapathpo@moapabandofpaiutes.org>
Subject: RE: NRCS Utah Cove Reservoir Project, updated APE Sec. 106 consultation
Importance: High

Mr. Daboda,

Thank you for comments on the proposed Cove Reservoir Project. NRCS and KCWCD are currently working on the Draft Watershed Plan and Environmental Impact Statement and if funding for construction is obtained, construction would likely occur in 2027 at the earliest.

For acoustic effects related to Site 42KA7537, is there mitigation/minimization you would recommend? There are no trees to leave as a buffer to sound,
I first visited this site with Charley Bullets and an elder from the Kaibab Paiute many years ago.

I am open to any ideas and can also reach out to Daniel

Bullets to see if he has recommendations.

We are planning to physically avoid the larger area , and heavy equipment would only operate in the borrow source to the east (see attached "Cove_Prev_Surveys" map and screenshot below). We could increase that avoidance area to be located where the outcropping protrudes out

I will also reach out to local tribes to see if they have monitors that could be present during construction.

Let me know your thoughts and feel free to call if you would like to discuss more.

Thanks again,
Tara

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

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

From: Darren Daboda THPO <moapathpo@moapabandofpaiutes.org>
Sent: Thursday, June 5, 2025 10:10 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Subject: RE: NRCS Utah Cove Reservoir Project, updated APE Sec. 106 consultation

Good morning,

Enclosed for your information, is a copy of "THPO's comments about NRCS KCWCD Cove Reservoir Project."

Thanks,

DARREN DABODA
Tribal Historic Preservation Office
Moapa Band of Paiutes

1 Lincoln St
P.O. Box 340
Moapa, NV 89025

Telephone : 702 865 2787 ext. 92
Cell: 702 277 4977
Fax: 702 865 2875
Email: moapathpo@moapabandofpaiutes.org

From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Wednesday, June 4, 2025 2:47 PM
To: Darren Daboda THPO <moapathpo@moapabandofpaiutes.org>; Mario Monroe <chair.mbop@moapabandofpaiutes.org>; Moapa Cultural <moapacultural@moapabandofpaiutes.org>
Subject: NRCS Utah Cove Reservoir Project, updated APE Sec. 106 consultation

Mr. Daboda, Chairman Monroe, and Cultural Manager,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and

Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville, Utah. Let me know if you have any questions.

Sincerely,
Tara

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

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From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	shaunc@utetribe.com; Betsy Chapoose (betsyc@utetribe.com); Luana Thompson; schapoose@pitu.gov; lyellowhorse@utahpaiutes.org; Daniel Bulletts; R Maldonado; Darren Daboda THPO; Mario Monroe chair.mbop@moapabandofpaiutes.org; cspottedeagle@lvpaiute.com; btso@lvpaiute.com; r.begay@navajo-nsn.gov; alray.nelson@navajo-nsn.gov; Heart, Manuel; Jacinthe Messier; malcolm.lehi@utemountain.org; Johnny Lehi, Jr. J.lehijr@sanjuanpaiute-nsn.gov; Carlene Yellowhair; Kurt Dongoske; Arden Kucate; Stewart Koyiyumptewa; lakeevama@hopi.nsn.us
Subject:	NRCS Utah Cove EFVR Plan-EIS, updated Indirect APE Sec. 106 Consultation
Date:	Wednesday, September 9, 2026 9:44:00 AM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png CoveAPE_106Emails20250604.pdf

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See attached continuation of formal Section 106 consultation letter with an updated Indirect Area of Potential Effects (APE) memo, identification of historic properties, and finding of no adverse effect, for the proposed Cove-East Fork of the Virgin River Draft Watershed Plan-EIS near Orderville, Utah (Memo attached). We initially consulted with your offices regarding the Indirect APE in emails dated June 4, 2025 (see attached). This updated memo discusses the revised Sunny Day and Rainy Day Breach Inundation Zones in the improbable event of a dam breach. The likelihood of a dam breach occurring is not a reasonably foreseeable effect given the adherence to Utah and NRCS Dam Safety Standards. However, in a good faith effort to consider all potential effects, the NRCS is including the breach inundation zones as part of the Indirect APE, and this analysis has been incorporated into the Draft Plan-EIS.

The updated memo retains our previous finding of No Adverse Effect for the Indirect APE.

Please let us know if you concur with the updated Indirect APE, identification of historic properties and finding of effect within 15 days of receipt. Feel free to reach out with any questions, comments, or concerns.

Best,
Tara

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

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

Agency Consultation

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Jencks, Hollis G CIV USARMY CESPK (USA)
Cc:	jason.a.gipson
Subject:	NRCS Cove Reservoir Project, updated APE consultation
Date:	Wednesday, June 4, 2025 3:25:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf CoveAPE_106Ltr_Corps.pdf image001.png

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Hollis,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville. Let me know if you have any questions.

Thanks,
Tara

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

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

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Hubner, Matt
Cc:	EPA-R8-NEPA
Subject:	NRCS Cove Reservoir Project, updated APE consultation
Date:	Wednesday, June 4, 2025 3:27:00 PM
Attachments:	Cove Indirect APE_CR-Memo.pdf image001.png CoveAPE_106Ltr_EPA.pdf
Importance:	High

Matt,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville. Let me know if you have any questions.

Thanks,
Tara

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

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Natural Resources Conservation Service
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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
To: Mackay, Courtney E
Subject: NRCS Cove Reservoir Project, updated APE consultation
Date: Wednesday, June 4, 2025 3:24:00 PM
Attachments: CoveAPE_106Ltr_NPS.pdf
Cove Indirect APE_CR-Memo.pdf
image001.png

Courtney,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville. Let me know if you have any questions.

Thanks,
Tara

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

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Natural Resources Conservation Service
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e: tara.hoffmann@usda.gov | w: www.nrcs.usda.gov/ut

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	Storm, Brian P
Subject:	NRCS Cove Reservoir Project, updated APE consultation
Date:	Wednesday, June 4, 2025 3:23:00 PM
Attachments:	CoveAPE_106Ltr_BLM.pdf Cove Indirect APE_CR-Memo.pdf image001.png
Importance:	High

Brian,

See attached formal Section 106 consultation letter with an updated Direct (Physical), Indirect, and Visual APE, identification of historic properties, and finding of effect, for the proposed Cove Reservoir Watershed Plan-EIS near Orderville. Let me know if you have any questions.

Thanks,
Tara

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

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Mr. Hollis Jencks
Project Manager
Bountiful Regulatory Office
U.S. Army Corps of Engineers
533 West 3600 South, Suite 150
Bountiful, UT 84010-7744

June 4, 2025

Reference: SPK-2020-00507 Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Mr. Jencks:

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo*, *Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1 TOTAL Area of Potential Effects (APE)				
Area of Potential Effect	**BLM**	**State**	**Private**	**Total**
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

Mr. Matt Hubner
NEPA Branch
U.S. EPA, Region 8, 8EJC-NE
1595 Wynkoop Street
Denver, CO 80202-1129

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Hubner:

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
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To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

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In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

Ms. Courtney Mackay
Cultural Resource Program Manager
Zion National Park
1 Zion Park Blvd.
Springdale, UT 84767

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Mackay:

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs).* The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Brian Storm, BLM, Archaeologist, Kanab, Utah
Kristine Curry, TLA, Archaeologist, Salt Lake City, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Courtney Mackay, NPS, Archeologist, Springdale, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

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

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Dr. Merritt:

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

The NRCS is serving as the lead federal agency pursuant to 36 CFR 800.2. The Bureau of Land Management-Kanab Field Office (BLM), U.S. Army Corps of Engineers, Sacramento District (Corps), Environmental Protection Agency (EPA), National Park Service (NPS), and Utah Trust Land Administration (TLA) have been identified as cooperating agencies. The NRCS shall act on behalf of all agencies in fulfilling our collective responsibilities under Section 106, including delineation of the APE, identification of historic properties, and finding of effect. The NRCS will inform all cooperating agencies of Section 106 consultation. This consultation will also cover TLA's responsibilities under Utah Annotated Code Section 9-8-404.

NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1 TOTAL Area of Potential Effects (APE)				
Area of Potential Effect	**BLM**	**State**	**Private**	**Total**
Indirect APE Acreage (Inundation Areas)	17.05	0.51	990.41	**1,007.97**
Visual APE Acreage (1 Mile Buffer of Cove Reservoir and Facilities)	245.00	1,698.01	3,009.28	**4,952.29**
Direct (Physical) APE Acreage (Cove Reservoir, Pipes, Canals, Esplin Pit, Tait Pit, Lamb's Pit)	0.23	70.33	641.9	**712.46**

- **Direct (Physical) APE**: Includes all potential physical ground disturbance, including construction, staging, access roads, borrow sources, and necessary buffers. It has been refined to a total of 712.46 acres.
- **Visual APE**: A radius of 1 mile around the periphery of the proposed Cove Reservoir was evaluated for potential visual resources that could be impacted by the current construction of the reservoir. GIS viewshed analysis was used to refine the final boundaries of the Visual APE, and areas without potential visibility of the project were removed from the Visual APE.
- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

Within the Indirect APE breach inundation zone, there are three historic properties: Mt. Carmel School and Church (Property ID No. 37252); Dixon, Maynard, House and Studio (Property ID No. 40479); and Steven's Barn

(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

Finding of Effect (36 CFR 800.5)

The implementation of the undertaking will not alter the character-defining characteristics of the aforementioned historic properties that allow them to convey their significance since visual component is not the character-defining feature that makes the sites eligible. Therefore, the NRCS finding of effect for the Visual and Indirect APEs is No Adverse Effect. This results in no change to the finding of effect for the entirety of the undertaking, where the NRCS retains our previous determination of ***Adverse Effect to Historic Properties*** (Case No. 20-0121).

In an electronical transmittal on March 28, 2024, the NRCS notified the Advisory Council on Historic Preservation (Council) of the adverse effect determination by providing documentation specified in 36 CFR 800.11(e). The Council declined to participate in consultation in a letter dated April 20, 2024. Per 36 CFR 800.6, the NRCS is continuing consultation with your office, the Sponsors, agencies, applicable Native American tribes, and other consulting parties, to develop mitigation stipulations that will be executed in a Memorandum of Agreement. As the lead federal agency, the NRCS is informing the BLM, Corps, NPS, TLA, and EPA of ongoing Section 106 consultations. Per 36 CFR 800.4-800.5, the NRCS requests concurrence for the delineation of the APEs, identification of historic properties, and finding of effect. If you have any questions, comments, or concerns, please contact Tara S. Hoffmann, Water and Cultural Resources Specialist, at (385)-258-1266 at your convenience.

Sincerely,

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Brian Storm, BLM, Archaeologist, Kanab, Utah
Kristine Curry, TLA, Archaeologist, Salt Lake City, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Courtney Mackay, NPS, Archeologist, Springdale, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

Ms. Kristine Curry
Archaeologist
Trust Lands Administration
102 South 200 East, #600
Salt Lake City, Utah 84111

June 4, 2025

Reference: Continuation of Consultation for the Kane County Water Conservancy District's Cove Reservoir Project— Direct/Indirect/Visual Areas of Potential Effect

Dear Ms. Curry:

The NRCS is continuing Section 106 consultation for the proposed Kane County Water Conservancy District's Cove East Fork Virgin River Plan-Environmental Impact Statement (aka Cove Reservoir Project), in Kane County, Utah. Included in this submission are a literature review cultural resources memo titled *Kane County Water Conservancy District's Cove Reservoir Project—Cultural Resources Review Memo, Indirect/Visual Areas of Potential Effect (APEs)*. The United States Department of Agriculture's Natural Resources Conservation Service (NRCS), with the and Kane County Water Conservancy District (KCWCD) are proposing to construct the new Cove Reservoir within the existing Glendale, Mt. Carmel, and Orderville irrigation systems. This proposed reservoir would be located immediately southwest of Orderville, Utah, off Cove Road. Additional improvements would include the construction of approximately 1.5 miles of new pipeline, the Glendale hydroelectric power plant, and 0.2 mile of new power line and 0.7 acre of utility corridor along U.S. Highway 89 (US-89) and Cove Road; these improvements would be located west of US-89 and the East Fork of the Virgin River in Glendale, Utah. The Project also proposes the potential use of three previously disturbed borrow pits—Lambs Pit, Tait Pit, and Esplin Pit—for Project-related construction needs. These proposed actions constitute an undertaking under Section 106.

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NRCS initially consulted with your office in letters sent January 9, 2020 (U18TN0844), and again on January 23, 2023 (U21TN0840). Concurrence on site eligibility and a determination of ***adverse effect to historic properties*** for the undertaking was received on January 17, 2020, and February 6, 2023, respectively (Case Nos. 20-0121 and 23-0280). Additional consultation occurred for an expansion of the APE for a borrow source in a letter dated May 20, 2024 (U23TN0682). Concurrence was received on May 20, 2024 (Case No. 24-1261). Following these consultations, the NRCS has revised the Area of Potential Effects (APE) to include the Direct (Physical), Visual, and Indirect APEs.

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

Table 1 summarizes the Direct, Visual, and Indirect APEs.

TABLE 1 TOTAL Area of Potential Effects (APE)				
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- **Indirect APE:** Includes the breach inundation zones (Sunny-Day and Rainy-Day) in the unlikely event of a dam breach.

Identification of Historic Properties (36 CFR 800.4)

To identify historic properties within the APEs, a literature review was completed by Eocene Environmental. Personnel meet or exceed the Secretary of the Interior Standards in Archeology. The literature review identified 26 cultural resources, 14 of which are eligible for the National Register of Historic Place (NRHP), and one unevaluated, but treated as eligible, within the partially overlapping Direct, Indirect, and Visual APEs. Of the 15 historic properties, only one historic property 42KA7537 (prehistoric cave and artifact scatter) meets the site type criteria for inclusion in the visual impact assessment and therefore do not require a formal visual effects assessment. Site 42KA7537 is only located in the Direct APE and will be avoided (see Case No. 24-1261).

Within the overlapping APEs, there are nine historic buildings/structures of which five are eligible for the NRHP, two are undetermined (treated as eligible), one has been demolished, and the final is ineligible/non-contributing. Within the Visual APE there are three eligible buildings/structures (Property ID Nos., 32819, 50442, and 33219). These historic properties are in Orderville, and the proposed Cove Reservoir would be obstructed from view by means of several ridges southwest of Gardner Hollow.

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(Property ID No. 31786). Steven's Barn (Property ID NO. 31786) has likely been demolished. Due to distance, elevation, and the proposed reservoir safety features, these historic properties are unlikely to be adversely affected by the highly improbable failure of the proposed Cove Reservoir dam.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure

cc: (w/o encl)

Anders Fillerup, NRCS, ASTC-Water Resources, Salt Lake City, Utah
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, Utah
Tara Hoffmann, NRCS, Water and Cultural Resources Specialist, Salt Lake City, Utah
Brandon Todd, NRCS, ASTC-Field Operations, Richfield, Utah
Kristi Westwood, NRCS, District Conservationist, Panguitch, Utah
Brian Storm, BLM, Archaeologist, Kanab, Utah
Kristine Curry, TLA, Archaeologist, Salt Lake City, Utah
Jason Gipson, Corps, Chief, Bountiful, Utah
Courtney Mackay, NPS, Archeologist, Springdale, Utah
Region 8, EPA, Denver, Colorado
Emily Paris, Eocene, Project Manager, Sparks, Nevada

From: Hoffmann, Tara - FPAC-NRCS, UT
To: "Hubner, Matt"; Gipson, Jason A CIV USARMY CESPK (USA)
Cc: Zack, Winston S CIV USARMY CESPA (USA); Storm, Brian P
Subject: RE: [External Email]RE: NRCS Cove East Fork Virgin River Draft Plan-EIS, updated Indirect APE Consultation
Date: Thursday, September 10, 2026 8:11:00 AM
Attachments: image002.png
image003.png

Thank you, Matt and Jason for your prompt replies. We will continue on with our planning process and keep you informed of any updates.

Best,
Tara

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

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

From: Hubner, Matt <hubner.matt@epa.gov>
Sent: Thursday, September 10, 2026 7:24 AM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Zack, Winston S CIV USARMY CESPA (USA) <Winston.S.Zack@usace.army.mil>; Storm, Brian P <bstorm@blm.gov>; Gipson, Jason A CIV USARMY CESPK (USA) <Jason.A.Gipson@usace.army.mil>
Subject: [External Email]RE: NRCS Cove East Fork Virgin River Draft Plan-EIS, updated Indirect APE Consultation

[External Email]
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Hi Tara,

Thank you for sending over the updated information and memo regarding the Indirect APE and the recent revisions to the breach inundation zones. After reviewing the materials, I wanted to let you know that we do not have a specific action to take regarding Section 106 at this time, and we don't have particular feedback on the APE. Please keep us informed of any further updates or if additional input is needed down the line.

Thanks again for sharing these details and for your continued coordination.

Best regards,

Matt

Matt Hubner
NEPA Branch
U.S. EPA, Region 8, 8EJC-NE
1595 Wynkoop Street
Denver, CO 80202-1129
Call me on Teams
p: (303) 312-6500 / f: (303) 312-7203

From: Gipson, Jason A CIV USARMY CESPK (USA) <Jason.A.Gipson@usace.army.mil>
Sent: Wednesday, September 9, 2026 3:28 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Hubner, Matt <hubner.matt@epa.gov>; Zack, Winston S CIV USARMY CESPA (USA) <Winston.S.Zack@usace.army.mil>; Storm, Brian P <bstorm@blm.gov>
Subject: RE: NRCS Cove East Fork Virgin River Draft Plan-EIS, updated Indirect APE Consultation

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Tara,

Given the Corps very limited involvement/jurisdiction over the project elements, such as a few pipeline crossings of streams, I will defer to NRCS and have no objections to the updated indirect APE.

Jason Gipson
Chief, Utah Regulatory Section
US Army Corps of Engineers, Sacramento District
523 Heritage Park Blvd, Suite 1
Layton, Utah 84041-5611

Office: 385-303-9452
Mobile: 801-725-1275

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



From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Wednesday, September 9, 2026 10:08 AM
To: Hubner, Matt <hubner.matt@epa.gov>; Zack, Winston S CIV USARMY CESPA (USA) <Winston.S.Zack@usace.army.mil>; Storm, Brian P <bstorm@blm.gov>
Cc: Gipson, Jason A CIV USARMY CESPK (USA) <Jason.A.Gipson@usace.army.mil>
Subject: [Non-DoD Source] NRCS Cove East Fork Virgin River Draft Plan-EIS, updated Indirect APE Consultation

Matt, Winston, and Brian,

The NRCS is continuing Section 106 consultation for the proposed Cove - East Fork of the Virgin River Draft Watershed Plan-EIS near Orderville, Utah (SPK-2020-00507). As part of the proposed project, the Cove Reservoir and dam would be constructed off channel near Orderville. The likelihood of a dam breach occurring is not a reasonably foreseeable effect given the adherence to Utah and NRCS Dam Safety Standards. However, in a good faith effort to consider all potential effects, the NRCS is including both breach inundation zones as part of the Indirect APE, and this analysis has been incorporated into the Draft Plan-EIS.

During the watershed planning process, the Sunny Day and Rainy-Day Breach Inundation Zones have recently been updated, and as such, NRCS has revised the Indirect APE, and identification of historic properties. See attached Memo. We initially consulted with your offices and 11 federally-recognized tribes regarding the original Indirect APE in emails dated June 4, 2025 (see attached). This updated Memo describes the revised Sunny Day and Rainy-Day Breach Inundation Zones in the improbable event of a dam breach, and the identification of historic properties. All other APEs remain unchanged. I have attached shapefiles of the breach inundation zones.

The NRCS retains our previous finding of No Adverse Effect for the Indirect APE given that the likelihood of a breach is not reasonably foreseeable and the historic properties present within the Indirect APE are far enough in distance from the dam that the depth and velocity of water is within the limits of a current 100-year flood event. Of note, we are also in consultation with Zion National Park regarding the updated Indirect APE.

Please let us know if you concur with the updated Indirect APE, identification of historic properties and finding of effect within 15 days of receipt. Feel free to reach out with any questions, comments, or concerns.

Thanks,
Tara

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

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

From: Dempsey, Erin C.
To: Hoffmann, Tara - FPAC-NRCS, UT
Cc: Mackay, Courtney E; Jeff_Bradybaugh@nps.gov
Subject: Re: [EXTERNAL] RE: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer
Date: Tuesday, September 1, 2026 12:32:14 PM
Attachments: image001.png
image002.png

Thank you, Tara! Courtney and her team are working on a response for you. We'll be in touch soon.

Erin

—
Erin Dempsey, PhD
Division Lead, Resource Management and Research
Division Lead, Interpretation and Visitor Services (Acting)
Zion National Park
Office: 435-772-0188
Cell: 347-215-4789

From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Tuesday, September 1, 2026 12:06 PM
To: Dempsey, Erin C. <Erin_Dempsey@nps.gov>
Cc: Mackay, Courtney E <Courtney_Mackay@nps.gov>; Bradybaugh, Jeffrey S <Jeff_Bradybaugh@nps.gov>
Subject: RE: [EXTERNAL] RE: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

Erin,

Answer to your question regarding the data used for the models, it was USGS 10M obtained from UGRC.

Thanks,
Tara

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
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tara.hoffmann@usda.gov | www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT

Sent: Thursday, August 27, 2026 10:26 AM
To: 'Dempsey, Erin C.' <Erin_Dempsey@nps.gov>
Cc: Mackay, Courtney E <Courtney_Mackay@nps.gov>; Jeff_Bradybaugh@nps.gov
Subject: RE: [EXTERNAL] RE: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

Hi Erin,

Attached is a depth and velocity raster file- this should have all the data. Let me know if you have any additional questions.

Thanks!
Tara

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

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

From: Dempsey, Erin C. <Erin_Dempsey@nps.gov>
Sent: Wednesday, August 26, 2026 2:52 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Mackay, Courtney E <Courtney_Mackay@nps.gov>; Jeff_Bradybaugh@nps.gov
Subject: Re: [EXTERNAL] RE: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

Hi Tara,

Thanks for following up on our questions so quickly. We like to take you up on the offer of depth and velocity GIS data. That will help us with one of our questions about discharge calculations throughout the East Fork corridor in Zion. Also, could you tell us what data was used to create the base layers in the model? (3DEP, USGS topos, etc.).

Thanks again,
Erin

—
Erin Dempsey, PhD
Division Lead, Resource Management and Research
Division Lead, Interpretation and Visitor Services (Acting)
Zion National Park

Office: 435-772-0188
Cell: 347-215-4789

From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Wednesday, August 26, 2026 9:17 AM
To: Bradybaugh, Jeffrey S <Jeff_Bradybaugh@nps.gov>
Cc: Dempsey, Erin C. <Erin_Dempsey@nps.gov>; Mackay, Courtney E <Courtney_Mackay@nps.gov>
Subject: [EXTERNAL] RE: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

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

Jeff,

In follow-up to my previous email, both the rainy day and sunny day inundation boundaries are at or below the typical 100-year floodplain boundary, and the likelihood of a dam breach is not a reasonably foresee. I've re-attached the rainy day boundary in case you have issues with the previous attachment.

If you'd like more detail in terms of depth/velocity, the engineers said they can pull together a shapefile with that information by the end of the week. Let me know ASAP and we can gather that data.

Best,
Tara

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

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Natural Resources Conservation Service
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tara.hoffmann@usda.gov | www.nrcs.usda.gov/ut

From: Hoffmann, Tara - FPAC-NRCS, UT
Sent: Tuesday, August 25, 2026 2:28 PM
To: 'Bradybaugh, Jeffrey S' <Jeff_Bradybaugh@nps.gov>
Cc: Dempsey, Erin C. <Erin_Dempsey@nps.gov>; Mackay, Courtney E <Courtney_Mackay@nps.gov>
Subject: RE: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

Hi Jeff,

The public wouldn't have any access to a map of the Parunuweap Archeological District. The memo will be included in Appendix E of the Draft Plan-EIS but without any sensitive locational information. We really only need the GIS data for analysis purposes, and no map would be added to the memo. We'd share the GIS data with Jennifer Bannick at Eocene, she'd add a brief discussion of the district to the memo, and then the GIS data can be deleted.

I've reached out to the engineers to get the water depths within Parunuweap Canyon in the unlikely event of a dam failure. I'm also attaching shapefiles that show the inundation areas on a sunny-day and rainy-day breach. Let me know if you have any issues opening these. Maps of these inundation areas are also located in Appendix E of the updated Preliminary Draft Plan-EIS, though less informative given the scale. I'd recommend starting on page E-51.

Best,
Tara

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

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

From: Bradybaugh, Jeffrey S <Jeff_Bradybaugh@nps.gov>
Sent: Tuesday, August 25, 2026 1:19 PM
To: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Cc: Dempsey, Erin C. <Erin_Dempsey@nps.gov>; Mackay, Courtney E <Courtney_Mackay@nps.gov>
Subject: Re: Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

Hello Tara,

Thank you for sharing the Cove Reservoir Cultural Resources Review Memo with us. We appreciate that the analysis takes into account potential impact to NPS resources.

Could you tell us what level of public access, if at all, the Parunuweap Archeological District map would have? For example, would this memo be included as an appendix to the EIS that is released for public comment? We are open to sharing a GIS shapefile for NRCS analysis purposes, but archeological site data is protected on Federal lands, and we have concerns with it becoming public information.

Also, to concur with NRCS's finding of No Adverse Effect, we need to understand the potential impacts on our resources from a dam failure. Do you have documentation/mapping showing potential water levels in Parunuweap Canyon?

Jeff Bradybaugh (he/him)
Superintendent
Zion National Park
State Highway Route 9
Springdale, UT 84767
phone: 435-772-0140
e-mail: jeff_bradybaugh@nps.gov

"Optimism is true moral courage"
Sir Ernest Shackleton, 1874-1922
shipwrecked Antarctic Explorer

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From: Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>
Sent: Monday, August 24, 2026 12:43 PM
To: Mackay, Courtney E <Courtney_Mackay@nps.gov>
Subject: [EXTERNAL] Cove Reservoir EIS-Parunuweap Canyon Archaeological District GIS layer

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

Hello Courtney,

The NRCS, in partnership with the Kane County Water Conservancy District is has drafted the Cove Reservoir East Fork of the Virgin River Watershed Plan-EIS in Kane and Washington Counties. As part of this Watershed Plan-EIS, a recently updated Cultural Resources desktop review (see attached memo, with comments) of the Rainy/Sunny Day breach analyses of the proposed earthen dam have been completed, and the indirect breach inundation zones pass through Zion National Park. The dam itself would be in Orderville, and the likelihood of a dam breach is extremely low; given the distance from the dam to the park, the increase water levels and water velocity through Parunuweap Canyon would have dissipated drastically.

As a result of the desktop review, Eocene identified 9 historic properties (42WS1158, 1160, 1793, 2795, 2796, 2799, 2809, 3344, 6242 (in progress recording)) within the Sunny and/or Rainy Day breach inundation APEs that are within the park. I have attached the draft cultural report memo. Of these, 1158, 1160, and 1793 are within the Parunuweap Canyon Archaeological District.

After reviewing the memo, I realized it failed to mention the Archaeological District since it isn't in Sego- do you have a GIS shapefile of it that I can share with Eocene?

NRCS, as lead federal agency, has conducted previous consultations, but this is the first instance the indirect APE crosses the park. Given the distance of the dam to the historic properties in the park, the high unlikelihood of a breach due to NRCS and Utah Dam Safety Requirements, we are proposing a *No Adverse Effect determination*. Please let me know if the NPS concurs with this determination for the Indirect Breach Inundation Zone APEs **by August 31, 2026.** Eocene also sent the complete updated Preliminary Draft Watershed Plan-EIS to Jeff Bradybaugh, Robyn Henderek, and Erin Dempsey (minus this cultural resources memo) on 8/18/2026.

Thank you!
Tara

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
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From: Hoffmann, Tara - FPAC-NRCS, UT
To: Hubner, Matt; Winston.S.Zack@usace.army.mil; Storm, Brian P
Cc: jason.a.gipson
Subject: NRCS Cove East Fork Virgin River Draft Plan-EIS, updated Indirect APE Consultation
Date: Wednesday, September 9, 2026 10:07:00 AM
Attachments: image001.png
Cove Indirect APE_CR-Memo.pdf
CoveAPE_106Emails20250604.pdf
357-24 Rainy Day Inundation Boundary.zip
357-24 Sunny Day Inundation Boundary.zip

Matt, Winston, and Brian,

The NRCS is continuing Section 106 consultation for the proposed Cove - East Fork of the Virgin River Draft Watershed Plan-EIS near Orderville, Utah (SPK-2020-00507). As part of the proposed project, the Cove Reservoir and dam would be constructed off channel near Orderville. The likelihood of a dam breach occurring is not a reasonably foreseeable effect given the adherence to Utah and NRCS Dam Safety Standards. However, in a good faith effort to consider all potential effects, the NRCS is including both breach inundation zones as part of the Indirect APE, and this analysis has been incorporated into the Draft Plan-EIS.

During the watershed planning process, the Sunny Day and Rainy-Day Breach Inundation Zones have recently been updated, and as such, NRCS has revised the Indirect APE, and identification of historic properties. See attached Memo. We initially consulted with your offices and 11 federally-recognized tribes regarding the original Indirect APE in emails dated June 4, 2025 (see attached). This updated Memo describes the revised Sunny Day and Rainy-Day Breach Inundation Zones in the improbable event of a dam breach, and the identification of historic properties. All other APEs remain unchanged. I have attached shapefiles of the breach inundation zones.

The NRCS retains our previous finding of No Adverse Effect for the Indirect APE given that the likelihood of a breach is not reasonably foreseeable and the historic properties present within the Indirect APE are far enough in distance from the dam that the depth and velocity of water is within the limits of a current 100-year flood event. Of note, we are also in consultation with Zion National Park regarding the updated Indirect APE.

Please let us know if you concur with the updated Indirect APE, identification of historic properties and finding of effect within 15 days of receipt. Feel free to reach out with any questions, comments, or concerns.

Thanks,
Tara

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

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State St Rm 6416, Salt Lake City, UT, 84138
c: (385) 258-1266
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Tribal Correspondence Table

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
Hopi Tribe	Timothy L. Nuvangyoma *(current Chairman)*	P.O. Box 123 Kykotsmovi, AZ 86039	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Email June 4, 2025	None.
	Leigh Kuwanwisiwma *(former Director)*	P.O. Box 123 Kykotsmovi, AZ 86039	May 23, 2018	No Response	Jan 9, 2020	Response via THPO.	Nov 20, 2020	No Response	-	-	-	-	-	-	-	-	-	-
	Stewart B. Koyiyumptewa *(current Director/THPO)*	P.O. Box 123 Kykotsmovi, Arizona 86039	-	-	-	Concur with determinations of eligibility *(Jan 28, 2020)*-	Nov 20, 2020	Request for copies of CRIRs, draft EAs, and copies of proposed treatment plans. Request to withdraw EA application and prepare EIS instead *(Dec 7, 2020)*; Acknowledgement of receival of copies of the CRIR and SHPO concurrence and request to conduct full EIS *(Jan 4, 2021)*	Jan 14, 2022	Request for hard copies of all CRIRs and proposed treatment plans *(Feb 7, 2022)*	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Email June 4, 2025	None.
Hualapai Tribe*	Damon R. Clarke *(former Chairman)*	P.O. Box 179 941 Hualapai Way Peach Springs, AZ 86434	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	-	-	-	-	-	-	-	-	-	-

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
	Dawn Hubbs *(former Program Manager)*	P.O. Box 310 941 Hualapai Way Peach Springs, AZ 86434	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	-	-	-	-	-	-	-	-	-	-
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation	Ona Segundo *(former Chairwoman)*	HC65, Box 2 Fredonia, AZ 86022	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	-	-	-	-
	Charley Bullets *(former Cultural Resources Director)*	HC65, Box 3 Fredonia, AZ 86022	May 23, 2018	No Response	Jan 9, 2020	No comments *(Jan 16, 2019)*	-	-	-	-	-	-	-	-	-	-	-	-
	Daniel Bullets *(current Cultural Resources Director)*	HC65, Box 2 Fredonia, Arizona 86022	-	-	-	-	Nov 20, 2020	Phone conversation with NRCS *(Dec 7, 2020)*	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	Statement of no questions or comments about the project *(May 24, 2024)*	Email June 4, 2025	None.
	Roland Maldonado *(current Chairman)*	HC65, Box 2 Fredonia, Arizona 86022	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony	Benny Tso *(current Chairman)*	One Paiute Drive Las Vegas, NV 89106	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	-	-	-	-	Jan 23, 2023	No Response	-	-	Email June 4, 2025	None.
	Curtis Anderson *(former Chairman)*	One Paiute Drive Las Vegas, Nevada 89106	-	-	-	-	-	-	Jan 14, 2022	No Response	May 3, 2022	No Response	-	-	-	-	-	-

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
	Deryn Pete *(former Chairwoman)*	One Paiute Drive Las Vegas, Nevada 89106	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	-	-
	Ila Yazzie *(former Vice Chairwoman)*	One Paiute Drive Las Vegas, Nevada 89106	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.
Moapa Band of Paiute Indians of the Moapa River Indian	Greg Anderson *(former Chairman)*	P.O. Box 340 Moapa, NV 89025-0340	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	-	-	-	-	-	-	-	-	-	-
	Darren Daboda *(current THPO)*	P.O. Box 341 Moapa, NV 89025-0340	May 23, 2018	No Response	-	-	Nov 20, 2020	No Response	-	-	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Emails June 4, 5 &18 , 2025; Phone June 5, 2025	June 5, 2025 email regarding potential auditory effects. NRCS left voicemails on June 10 and 20, 2025 and February 12 and August 24, 2026. NRCS left emails on June 18 and July 15, 2025, and August 24, 2026. No responses received.
	Mario Monroe (*current Chairman)*	P.O. Box 341 Moapa, NV 89025-0340															Email June 4, 2025	None.

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
	Laura Parry *(former Chairwoman)*	P.O. Box 340 Moapa, Nevada 89025-0340	-	-	-	-	-	-	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	-	-	-	-	-
	Shanandoah Anderson *(former Cultural Manager)*	P.O. Box 340 Moapa, Nevada 89025-0340	-	-	-	-	-	-	Jan 14, 2022	Statement of no questions or comments concerning the project *(March 31, 2022)*	May 3, 2022	No Response	Jan 23, 2023	No Response	-	-	-	-
	Vickie Simmons *(current Council Secretary)*	P.O. Box 340 Moapa, Nevada 89025-0340	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	-	-
Navajo Nation	Russell Begaye *(former President)*	100 parkway P.O. Box 7440 Window Rock, AZ 86515	May 23, 2018	No Response	Jan 9, 2020	No Response	-	-	-	-	-	-	-	-	-	-	-	-
	Richard M. Begay *(current THPO/ Department Manager)*	P.O. Box 4950 Window Rock, AZ 86515	May 23, 2018	No Response	-	-	Nov 20, 2020	No Response	-	-	-	-	Jan 23, 2023	No Response	May 22, 2024	No Response	June 5, 2025	None.
	Jonathan Nez *(former President)*	P.O. Box 7440 Window Rock, Arizona 86515	-	-	-	-	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	-	-	-	-	-	-

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
	Timothy C. Begay *(Cultural Specialist)*	P.O. Box 4950 Window Rock, AZ 86515	-	-	-	-	-	Determination of no Navajo TCPs within the project area and no concerns with the project *(Dec 4, 2020)*	-	-	-	-	-	-	-	-	-	-
	Buu Nygren *(current President)*	P.O. Box 7440 Window Rock, Arizona 86515	-	-	-	-	-	-	-	-	-	-	Jan 23, 2023	No Response	May 22, 2024	No Response	June 5, 2025	None.
Paiute Indian Tribe of Utah	Tamra Borchardt-Slayton *(former Chairperson)*	440 North Paiute Drive Cedar City, UT 84720	May 23, 2018	No Response	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Laurel Yellowhorse (*current Chairperson)*	440 North Paiute Drive Cedar City, UT 84720	-	-	-	-											Email June 4, 2025	None.
	Dorena Martineau *(former Cultural Resources Manager)*	440 North Paiute Drive Cedar City, UT 84720	May 23, 2018	No Response	Jan 9, 2020	Concur with determination of eligibility and effort for the project *(Jan 21, 2020)*	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	-	-	-	-
	Autumn Gillard *(current Cultural Resources Manager)*	440 North Paiute Drive Cedar City, UT 84720	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
Pueblo of Zuni	Val Panteah Sr. *(former Governor)*	P.O. Box 339 Zuni, NM 87327	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	-	-	-	-
	Kurt Dongaske *(current Director/THPO)*	P.O. Box 1149 Zuni, New Mexico 87327	-	-	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Email June 4, 2025	None.
	Arden Kucate *(current Governor)*	P.O. Box 339 Zuni, New Mexico 87327	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.
San Juan Southern Paiute Tribe of Arizona	Carlene Yellowhair *(current President)*	50 South Main Street, Suite 201 P.O. Box 2950 Tuba City, AZ 86045	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	-	-	-	-	Email June 4, 2025	None.
	Johnny Lehi, Jr. *(current Vice President)*	50 South Main Street, Suite 201 P.O. Box 2950 Tuba City, AZ 86045	-	-	-	-	-	-	-	-	-	-	Jan 23, 2023	No Response	-	-	Email June 4, 2025	None.
	Robbin Preston, Jr. *(former President)*	50 South Main Street, Suite 201 P.O. Box 2950 Tuba City, AZ 86045	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	-	-
Ute Indian Tribe of the Uintah & Ouray	Luke Duncan *(former Chairman)*	P.O Box 190 Fort Duchesne, UT 84026	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	-	-	-	-

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
Reservation	Betsy Chapoose *(current THPO)*	P.O Box 190 Fort Duchesne, UT 84026	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Email June 4, 2025	None.
	Julius Murray *(current Chairman)*	P.O Box 190 Fort Duchesne, UT 84026	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.
	Luana Thompson *(current Natural Resource Director)*	P.O Box 190 Fort Duchesne, UT 84026	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.
Ute Mountain Ute Tribe	Harold Cuthair *(former Chairman)*	P.O. Box JJ 125 Mikewash Road Towac, CO 81334	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	-	-	-	-	-	-	-	-	-	-
	Terry Knight *(former THPO)*	P.O. Box 468 Towac, CO 81334	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	-	-
	Nichol Shurack *(former Assistant THPO)*	P.O. Box 468 Towac, CO 81334	May 23, 2018	No Response	-	-	Nov 20, 2020	No Response	-	-	-	-	Jan 23, 2023	No Response	-	-	-	-
	Manuel Heart *(current Chairman)*	P.O. Box JJ 125 Mikewash Road Towac, Colorado 81334	-	-	-	-	-	-	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Email June 4, 2025	None.

Federally Recognized Tribe	Contact Name *(Job Title)*	Address	Plan EA Scoping Letter Date	Plan EA Response	Plan EA First CRIR	Plan EA Response *(Date)*	Plan-EA NOA	Plan EA Response	Plan-EIS Scoping Letter Date	Plan-EIS Response	Plan-EIS NOI	Plan-EIS Response	Plan-EIS Second CRIR	Plan-EIS Response	Plan-EIS Third CRIR	Plan-EIS Response	Follow Up (Date)	Response
	Jacinthe Messier *(current THPO)*	P.O. Box 468 131 West Mikewash Road Towac, Colorado 81334	-	-	-	-	-	-	-	-	-	-	-	-	May 22, 2024	No Response	Email June 4, 2025	None.
White Mesa, Ute Council	Elaine Cantsee *(former Council Representative)*	P.O. Box 7096 White Mesa, UT 84511	May 23, 2018	No Response	Jan 9, 2020	No Response	Nov 20, 2020	No Response	-	-	-	-	-	-	-	-	-	-
	Malcolm Lehi *(current Council Representative)*	P.O. Box 7096 White Mesa, Utah 84511	-	-	-	-	-	-	Jan 14, 2022	No Response	May 3, 2022	No Response	Jan 23, 2023	No Response	May 22, 2024	No Response	Email June 4, 2025	None.

- Hualapai Tribe notified the NRCS via phone on March 1, 2021, that they no longer want to be consulted on undertakings in southern Utah.

ACHP Correspondence

From:	Hoffmann, Tara - FPAC-NRCS, UT
To:	e106
Cc:	Seibert, Erika - FPAC-NRCS, DC; Carrig, Charles - FPAC-NRCS, AR; Alexis Clark
Subject:	Utah NRCS Notification of Adverse Effects- Cove Reservoir
Date:	Thursday, March 28, 2024 12:08:00 PM
Attachments:	e106_CoveReservoir_Utah.docx CoveReservoir_Consultation.pdf U18TN0544.pdf U21TN0840.pdf U23TN0682.pdf

Good Afternoon,

Per 36 CFR 800.6(a)(1), attached is notification of adverse effects to two historic properties as a result of the proposed Cove-East Fork Virgin River Supplemental Watershed Plan-EIS, Kane County, Utah. Also included is current Section 106 consultation between NRCS, SHPO, cooperating agencies, and applicable tribes, and cultural resources reports.

Thank you,
Tara

Tara S. Hoffmann, MA
State Watershed Cultural Resources Specialist/Tribal Liaison
Natural Resources Conservation Service
Salt Lake City, UT
O: 801-524-4556 C: 385-258-1266

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

Send to: *e106@achp.gov*

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

I. Basic information

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

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

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

   Natural Resources Conservation Service (NRCS) is the lead agency. The Bureau of Land Management (BLM), Kanab Field Office is a cooperating agency.

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

   Cove-East Fork Virgin River Supplemental Watershed Plan-EIS, Kane County, UT

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

   Near Orderville in Kane County, Utah. Located on private lands and public lands administered by the, Bureau of Land Management (BLM), Kanab Field Office, the Utah School and Institutional Trust Lands Administration (SITLA), and Utah Department of Transportation. No tribal land is involved.

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

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

II. Information on the Undertaking*

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

The Natural Resources Conservation Service (NRCS) is providing technical and financial assistance through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954, as amended, to the Kane County Water Conservancy District (KCWCD), as the Project Sponsor, to is to increase and maintain a reliable supply of water for local agricultural use and existing storage needs, increase water conservation, and improve water delivery efficiency in the Upper Virgin Watershed in Kane County, Utah, and for existing and future water demands in Washington County, Utah. As part of the NEPA process, project alternatives are currently being analyzed. Proposed improvements within the two action alternatives include constructing a reservoir, installation of a pipeline to carry water, the Glendale, Utah hydroelectric plant the piping of the Mt. Carmel irrigation ditches to increase efficiency, and seven borrow sources.

To evaluate the potential project alternatives and assess the environmental impacts of the project, a Watershed Plan and Environmental Impact Statement (EIS) is being prepared by Jones and DeMille Engineering, on behalf of the NRCS, in cooperation with KCWCD and the BLM.

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

Per 36 CFR 800.16(d), the APE encompasses a total of 868.98, which includes multiple discontiguous parcels. The APE includes all proposed construction locations, staging, access roads, borrow sources, and necessary buffers around each element. The parcels occur on public lands administered by the BLM (152.29 acres) and SITLA (70.34 acres). The remaining 646.35 acres of the project area occurs on private land.

9. Describe steps taken to identify historic properties:

Per 36 CFR 800.4, three intensive cultural resources inventoried were conducted by Transcon Environmental to identify historic properties that could be affected by the undertaking (U18TH0544, U21TN0840, and U23TN0682). Please refer to the attached reports for detailed information on these inventories. Survey methodology accepted by the Utah State Historic Preservation Officer (SHPO), the BLM and NRCS was followed. The surveys were completed between 2018 and 2023 under the auspices of State of Utah Public Lands Policy Archaeological Survey Permit No. 167, and State of Utah Antiquities Permit (Survey) Nos. U18TN0544, U21TN0840, and U23TN0682. The APE was surveyed by the archaeologists walking parallel transects spaced no more than 15 m (49 ft) apart.

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

See attached cultural resources reports for detailed historic property information. Summary is below.

As part of the cultural resources inventory for U18TN0544, Table 1 summarizes the historic properties identified.

TABLE 1
U18TN0544 Historic Properties

Site Number	Site Description	Eligibility	Effects
42KA6331	Prehistoric lithic scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8785	Prehistoric artifact scatter	Eligible – D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8904	Prehistoric ceramic, lithic, and FCR scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.
42KA8974	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect to Historic Properties* if the site is avoided. Should any future project-related activities occur within 15 meters of the site, a cultural resources monitor must be present.

Table 2 summarizes the historic properties identified during the U21TN0840 inventory.

TABLE 2
U21TN0840 Historic Properties

Site No.	Site Description	Eligibility	Effects	Project Design Impacts	Site Protective or Avoidance Measures
42KA1157	Prehistoric artifact scatter	Eligible—D	*No Adverse Effect*	Installation of new buried pipe along the northeast portion of the site.	None; the portion of the site within the Project APE is heavily disturbed by previous road construction/maintenance, plowing, livestock and a sewer line, it has also been previously tested and is non-contributing to the overall eligibility of the site.
42KA9490 (FS-01)	Historic ditch (*Mount Carmel Irrigation Ditch– West Ditch*)	Eligible—A, C, D	***Adverse Effect***	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.
42KA9491 (FS-02)	Historic ditch (*Mount Carmel Irrigation Ditch– East Ditch*)	Eligible—A, D	***Adverse Effect***	The open ditch will be converted to buried pipe.	An inadvertent discovery plan will be prepared, as well as a MOA with associated Historic Properties Treatment Plan to mitigate the adverse effects to the site.

Continued.

Table 3 summarizes the historic properties identified as a result of the U23TN0682 inventory.

TABLE 3
U23TN0682 Historic Properties

Site Number	Site Description	Eligibility	Protective Measures
42KA7537	Prehistoric cave and artifact scatter (*Kanab Creek Cave*)	Eligible—D	Avoid all ground disturbing activities within 15 meters of the site boundary; a cultural monitor must be present during all ground disturbance within 15 meters of the site boundary, and avoidance flagging must be placed 15 meters from the site boundary prior to any construction activities near the site area.
42KA9789	Prehistoric artifact scatter	Eligible—D	Avoid all ground disturbing activities within 15 meters of the site boundary; a cultural monitor must be present during all ground disturbance within 15 meters of the site boundary, and avoidance flagging must be placed 15 meters from the site boundary prior to any construction activities near the site area.

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

Per Table 2, the Mt. Carmel East and West Irrigation Ditches (Sites 42KA9490 and 9491) will be converted from open ditch to pipe as part of the proposed undertaking. The NRCS, in consultation with the Utah SHPO and consulting tribes, determined that this would result in an Adverse Effect, per 36CFR800.5. All other project components will result in No Adverse Effect to Historic Properties. Refer to attached consultation letters and cultural resources reports for detailed information.

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

Per Table 2, Mt. Carmel East and West Irrigation Ditches (Sites 42KA9490 and 9491) will be converted from open ditch to pipe as part of the proposed undertaking. The piping of the ditches will result in direct damage to those aspects of integrity that contribute to each site's NRHP eligibility. As such, the NRCS, in consultation with the Utah SHPO and consulting tribes, determined that this would result in an Adverse Effect, per 36CFR800.5.

The NRCS is currently developing mitigation stipulations and is in consultation with the Utah SHPO, the project Sponsor, and other consulting parties in drafting mitigation strategies and developing a Memorandum of Agreement (MOA).

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

See attached consultation correspondence between the NRCS, SHPO, BLM, and Tribes, documenting all consultation to date. Due to tribal and public feedback, the project was elevated from a Supplemental Plan-EA to a Plan-EIS in 2022. Consultation for U23TN0682 is forthcoming. The Plan-EIS is still in development.

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to

participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

Concurrent with the National Environmental Policy Act scoping period for the Supplemental Plan-EA, and as part of Section 106 of the NHPA, Executive Order 13007, 13175, and the AIRFA, the NRCS reached out to the Ute Tribe of the Uintah and Ouray Reservation, Paiute Indian Tribe of Utah, Kaibab Band of Paiute Indians, Moapa Band of Paiute Indians of the Moapa River Indian Nation, the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, the Hopi Tribe, Navajo Nation, Pueblo of Zuni, San Juan Southern Paiute Tribe of Arizona, White Mesa, Ute Council, Hualapai Tribe, and the Ute Mountain Ute. The tribal scoping letters were sent in letters dated May 23, 2018. No responses were received.

Tribal consultation was also conducted to announce the Notice of Availability of the Draft Supplemental Plan-EA in letters dated November 20, 2020. The Navajo Nation responded in an email on December 4, 2020 indicating no presence of TCPs and that NRCS may proceed without further consultation. The Hopi Tribe responded in a letter dated December 8, 2020 with concerns regarding preparation of an EA, and a request to conduct a full EIS. The NRCS spoke off-the-record with the Hopi Tribe on December 14, 2020 via telephone regarding the project. The NRCS formally responded to the Hopi Tribe in a letter dated December 15, 2020 indicating that if deemed necessary after additional environmental review, an EIS would be prepared in accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.3. The Hopi Tribe responded to the NRCS in a letter dated January 4, 2021 acknowledging receipt of cultural resources report U18TN0544, and reiterating the necessity of an EIS analysis.

Consultation letters for U18TN0544, with a determination of No Adverse Effect, were sent on January 9, 2020 to the Utah SHPO, the BLM, the US Army Corps of Engineers, and the aforementioned tribes. Concurrence on site eligibility and project effects was received from the Paiute Tribe on January 28, 2020, and from the Hopi Tribe on February 3, 2020. The Utah SHPO concurred on project effects and site eligibility in a letter dated January 17, 2020. The Hopi Tribe concurred with the determination of effect in a letter dated January 4, 2021.

Based on tribal and other public controversy, the NRCS determined that an EIS was necessary in 2022. A Notice of Intent (NOI) for the preparation of the Plan-EIS was sent to the same tribes in a letter dated January 11, 2022. The NOI letter requested any information tribes would like to share with NRCS regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. The Hopi Tribe responded in a letter dated February 7, 2022 with no objection to the Plan-EIS, and requesting hard copies of cultural resources report and draft-EIS for review and comment.

The NRCS consulted with the Utah SHPO and the aforementioned tribes on U21TN0840 in a letter dated January 23, 2023. U21TN0840 resulted in a determination of Adverse Effects to Historic Properties, as a result of the proposed conversion from open ditch to pipe for historic properties 42KA9490 and 9491. The Utah SHPO concurred with the Adverse Effect determination and site eligibility in a letter dated February 6, 2023. No tribal responses were received.

U23TN0682 covered a supplemental survey area for an additional borrow source. Consultation for that report is forthcoming.

To resolve the adverse effects to 42KA9490 and 42KA9491, the NRCS is currently drafting mitigation stipulations and is in active consultation with the Utah SHPO. Draft mitigation stipulations proposed include drone flyovers, aerial photographs, a Story Map, and interpretive brochure. There are no unresolved concerns in relation to the proposed undertaking.

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

This is the general project information website. We are currently not in a public comment period. The draft Plan-EIS is scheduled to be available for public comment in winter 2024.

Cove-East Fork Virgin River Watershed

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

No.

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

☒ Section 106 consultation correspondence

☐ Maps, photographs, drawings, and/or plans

☐ Additional historic property information

☐ Consulting party list with known contact information

☒ Other: Cultural Resources Reports with maps

From:	Office of Federal Agency Programs
To:	Hoffmann, Tara - FPAC-NRCS, UT
Cc:	Maxwell Sickler; bstorm@blm.gov; cmerritt@utah.gov; hollis.g.jencks@usace.army.mil; Stewart Koyiyumptewa
Subject:	[External Email]Cove-East Fork Virgin River Supplemental Watershed Plan, Orderville, Kane County, Utah, ACHP Project Number: 020755
Date:	Friday, April 12, 2024 8:51:53 AM
Attachments:	Cove-East Fork Virgin River Supplemental Watershed Plan.20240412.np.pdf

You don't often get email from ofap@achp.gov. Learn why this is important

[External Email]
If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation

Attached is our letter on the subject undertaking (in Adobe Acrobat PDF format)

If you have any questions concerning our letter, please contact

Max Sickler
202-517-0220
msickler@achp.gov
Case # 020755
***e*106**-online section 106 documentation submittal system
now available to all federal agencies
http://www.achp.gov/work106.html

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MEMORANDUM OF AGREEMENT
AMONG
THE UTAH NATURAL RESOURCES CONSERVATION SERVICE,
UTAH STATE HISTORIC PRESERVATION OFFICER,
THE KANE COUNTY WATER CONSERVANCY DISTRICT,
MOUNT PLEASANT IRRIGATION COMPANY,
AND U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
REGARDING
MITIGATION OF ADVERSE EFFECTS TO
THE MOUNT CARMEL IRRIGATION COMPANY- WEST AND EAST DITCHES
(42KA9490 and 42KA9491)
KANE COUNTY, UTAH

WHEREAS, the Utah Natural Resources Conservation Service (NRCS) is providing technical and financial assistance to the Kane County Water Conservancy District (Sponsor) through the Watershed Protection and Flood Prevention Act (Public Law [PL] 83-566 Stat. 666 as amended [16 U.S.C. Section 1001 et. Seq.]) 1954 to construct a new dam and improve water management infrastructure within the East Fork Virgin River Watershed, located north of Orderville, Utah (hereafter referred to as the "Project"); and

WHEREAS, the NRCS has determined that the Project is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. §305108, and its implementing regulations, 36 C.F.R. 800; and

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

WHEREAS, the NRCS, as the lead Federal agency under Section 106 of the National Historic Preservation Act, as amended (54 U.S.C. § 306108) will consult on the Corps behalf; and

WHEREAS, the Sponsor is supporting the Mount Carmel Irrigation Company in their efforts to manage agricultural water; and

WHEREAS, the NRCS has defined the Project's Direct Area of Potential Effects (APE) as 375.1-acres, consisting of 0.23 acres of lands administered by the Bureau of Land Management (BLM)-Kanab Field Office, 0.67 acres of Utah Trust Lands Administration (TLA) lands, and 374.2 acres of private land composed of multiple polygons, which encompasses all potential ground disturbance including construction areas, access roads, staging areas, borrow sources, and necessary buffers; and

WHEREAS, three intensive cultural resources inventories to identify historic properties within the APE have been completed, as required by 36 C.F.R. 800, by Eocene Environmental Group (Utah Division of State Historic Project Nos U18TN0554, U21TN0840, and U23TN0682); and

WHEREAS, the NRCS and the Utah State Historic Preservation Office (SHPO) agree that the historic Mt. Carmel Irrigation Company- West Ditch (42KA9490), and the Mt. Carmel Irrigation Company- East Ditch (42KA9491), located on private land, are eligible for inclusion in the National Register of Historic Places (NRHP) under Criteria A,C, and D (42KA9490 and Criteria A and D (42KA9491) ; and

WHEREAS, the NRCS has determined that the Project will result in adverse effects to the two historic ditches due to the conversion from open earthen ditch to enclosed pressurized pipe; and

WHEREAS, the NRCS has consulted with the Utah State Historic Preservation Office (SHPO), BLM, TLA, the Corps, Utah Department of Transportation, Kaibab Band of Paiute Indians, Moapa Band of Paiute Indians, Las Vegas Tribe of Paiute Indians, Navajo Nation, Paiute Indian Tribe of Utah, Pueblo of Zuni, San Juan Southern Paiute Tribe, Hopi Tribe, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation, regarding the effects of the Project on historic properties; and

WHEREAS, the BLM, TLA, the Corps, Kaibab Band of Paiute Indians, Moapa Band of Paiute Indians, Las Vegas Tribe of Paiute Indians, Navajo Nation, Paiute Indian Tribe of Utah, Pueblo of Zuni, San Juan Southern Paiute Tribe, Hopi Tribe, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation declined or failed to respond to further participation in the development of this MOA; and

WHEREAS, the SHPO, Corps, the Sponsor, and the Mount Carmel Irrigation Company have agreed to participate in the development of the MOA; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the NRCS notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination, with specified documentation, in a letter dated March 28, 2024, and the ACHP responded in a letter dated April 12, 2024, stating they have chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii; and

WHEREAS, "Signatories" hereafter collectively refers to the required (NRCS and SHPO), invited (Mount Carmel Irrigation Company), and concurring party (Corps); and

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

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

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STIPULATIONS

The NRCS shall ensure that the following measures are carried out:

I. PROFESSIONAL QUALIFICATIONS

A. All tasks will be completed by personnel meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Architectural History as stated in 36 C.F.R. 61.

B. All tasks will be completed according to specifications consistent with the Secretary of Interior's *Standards and Guidelines for Archeological and Historical Documentation* and, where appropriate, guidelines required by the SHPO and NRCS.

II. MITIGATION OF ARCHAEOLOGICAL RESOURCES

A. The NRCS shall ensure the mitigation measures outlined below are completed. Draft and final documentation shall be submitted to the NRCS for review and approval.

1. Historical context of the East and West Mount Carmel Irrigation Ditches in relation to their involvement in the early settlement of the region; and

2. Prior to Project construction, an aerial video recording of the entire length of the canals, where permitted, including aerial photos at select structures; and

3. Updated Utah Archaeology Site Forms, including re-evaluation of the canals' eligibility to the NRHP after completion of Project construction, submitted to SHPO with formal determinations; and

4. ArcGIS Story Map website to be hosted by the SHPO.

B. When all required pre-construction mitigation measures are complete and approved by the NRCS and SHPO, the NRCS shall notify the Sponsor in writing that the Project may be implemented.

III. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the NRCS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

IV. UNANTICIPATED DISCOVERIES

A. In the event of an unanticipated archaeological discovery during construction, the NRCS shall follow procedures outlined in the Prototype Programmatic Agreement with the Utah SHPO. If significant discoveries requiring longer-term work stoppage for consultation and mitigation are encountered, the NRCS will consult per 36 C.F.R.

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800.6 to develop a plan to further mitigate the adverse effect.

B. If human remains are discovered on private land, the remains will be treated in accordance with Utah Code Title 9 Chapter 8a Part 3, Section 309 (UT Code 9-8a-309). All activity shall cease in the area, immediately notify local law enforcement and the landowner. If human remains are discovered on BLM-administered land, they will be treated in accordance with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001 et seq.) and its implementing regulations (43 C.F.R. 10 All construction activities within 100 feet of the remains shall cease immediately and the NRCS shall consult pursuant to 43 C.F.R. 10.5, to develop a written plan of action to manage the discovery. Construction in the area of the remains may need to be halted throughout the review process. Continuation of work following a discovery will be contingent upon approval by the NRCS in consultation with the SHPO, applicable tribes, and other consulting parties that the approved plan has been satisfactorily completed.

V. DISPUTE RESOLUTION

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

1. Forward all documentation relevant to the dispute, including the NRCS's proposed resolution, to the ACHP. The ACHP shall provide the NRCS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the Signatories and provide them with a copy of this written response. The NRCS will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day-time-period, the NRCS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories to the MOA and provide them and the ACHP with a copy of such written response.

3. It will be the responsibility of the NRCS to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.

VI. AMENDMENTS

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

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VII. COORDINATION WITH OTHER ACTIONS

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

VIII. TERMINATION

A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

B. Once the MOA is terminated, and prior to work continuing on the undertaking, NRCS must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The NRCS shall notify the signatories as to the course of action it will pursue.

VIII. USDA STIPULATIONS

A. The signatories to this agreement and their respective agencies will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

B. Any transfer of funds from one party to another shall be done via a separate instrument as appropriate. Specific work projects or activities that involve the transfer of funds, services, or property among the signatories, and their respective agencies will require execution of separate agreements and be contingent upon the availability of appropriated funds. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

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

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SIGNATORY PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE UTAH NATURAL RESOURCES CONSERVATION SERVICE,
UTAH STATE HISTORIC PRESERVATION OFFICER,
THE KANE COUNTY WATER CONSERVANCY DISTRICT,
MOUNT PLEASANT IRRIGATION COMPANY,
AND U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
REGARDING
MITIGATION OF ADVERSE EFFECTS TO
THE MOUNT CARMEL IRRIGATION COMPANY- WEST AND EAST DITCHES
(42KA9490 and 42KA9491)
KANE COUNTY, UTAH

NATURAL RESOURCES CONSERVATION SERVICE

_____ Date:_____
Arelys Ortiz, Acting Utah State Conservationist

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SIGNATORY PAGE

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THE MOUNT CARMEL IRRIGATION COMPANY- WEST AND EAST DITCHES
(42KA9490 and 42KA9491)
KANE COUNTY, UTAH

UTAH STATE HISTORIC PRESERVATION OFFICE

_____ Date:_____
Dr. Chris Merritt, State Historic Preservation Officer

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INVITED SIGNATORY PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE UTAH NATURAL RESOURCES CONSERVATION SERVICE,
UTAH STATE HISTORIC PRESERVATION OFFICER,
THE KANE COUNTY WATER CONSERVANCY DISTRICT,
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REGARDING
MITIGATION OF ADVERSE EFFECTS TO
THE MOUNT CARMEL IRRIGATION COMPANY- WEST AND EAST DITCHES
(42KA9490 and 42KA9491)
KANE COUNTY, UTAH

KANE COUNTY WATER CONSERVANCY DISTRICT

_____ Date:_____
Mike Noel, Executive Director

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CONCURRING PARTY SIGNATORY PAGE

MEMORANDUM OF AGREEMENT
AMONG
THE UTAH NATURAL RESOURCES CONSERVATION SERVICE,
UTAH STATE HISTORIC PRESERVATION OFFICER,
THE KANE COUNTY WATER CONSERVANCY DISTRICT,
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MITIGATION OF ADVERSE EFFECTS TO
THE MOUNT CARMEL IRRIGATION COMPANY- WEST AND EAST DITCHES
(42KA9490 and 42KA9491)
KANE COUNTY, UTAH

MOUNT CARMEL IRRIGATION COMPANY

_____ Date:_____
John Reese, President

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CONCURRING PARTY SIGNATORY PAGE

MEMORANDUM OF AGREEMENT
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THE UTAH NATURAL RESOURCES CONSERVATION SERVICE,
UTAH STATE HISTORIC PRESERVATION OFFICER,
THE KANE COUNTY WATER CONSERVANCY DISTRICT,
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MITIGATION OF ADVERSE EFFECTS TO
THE MOUNT CARMEL IRRIGATION COMPANY- WEST AND EAST DITCHES
(42KA9490 and 42KA9491)
KANE COUNTY, UTAH

U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

_____ Date:_____
Jason Gipson, Chief, Utah Regulatory Section

DRAFT

NEPA Tribal Consultation

Draft Plan-EA Tribal Scoping

May 23, 2018

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

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Luke Duncan:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

In cooperation with KCWCD, USDA-NRCS is in the very early planning stages of preparing an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) to consider and analyze potential impacts from the action. For the purposes of compliance with NEPA and Section 106 of the NHPA, USDA-NRCS is the designated lead agency. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), Executive Order 13007, the American Indian Religious Freedom Act, we write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other tribes with whom we should consult on this project.

We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting or initiate government-to-government consultation regarding this project. Please respond to our request within 30 days of receipt of this letter.

If you have any questions, comments, or concerns please contact Tara S. Hoffmann, Acting State Cultural Resources Specialist at 720-591-8051 or email at tara.hoffmann@co.usda.gov or Shelley A. Szeghi, Area Cultural Resources Specialist, at 801-629-0575 ext. 104 or email at shelley.szeghi@ut.usda.gov.

We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

cc:

Tara S. Hoffmann, Acting State Cultural Resources Specialist, Salt Lake City, UT
Shelley A. Szeghi, NRCS, Area Cultural Resources Specialist, Ogden, UT
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Betsy Chapoose
Director
Cultural Rights Protection Department
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
P.O. Box 190
Fort Duchesne, UT 84026

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Betsy Chapoose:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting or initiate government-to-government consultation regarding this project. Please respond to our request within 30 days of receipt of this letter.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

cc:

Tara S. Hoffmann, Acting State Cultural Resources Specialist, Salt Lake City, UT
Shelley A. Szeghi, NRCS, Area Cultural Resources Specialist, Ogden, UT
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Tamra Borchardt-Slayton
Chairperson
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, UT 84720-2613

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Tamra Borchardt-Slayton:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

cc:

Tara S. Hoffmann, Acting State Cultural Resources Specialist, Salt Lake City, UT
Shelley A. Szeghi, NRCS, Area Cultural Resources Specialist, Ogden, UT
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Dorena Martineau
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, UT 84720

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Dorena Martineau:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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NRCS State Conservationist

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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Ona Segundo
Chairwoman
Tribal Affairs Building
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
HC65, Box 2
Fredonia, AZ 86022

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Ona Segundo:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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NRCS State Conservationist

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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Charley Bullets
Southern Paiute Consortium
Cultural Preservation Office
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
HC65, Box 3
Fredonia, AZ 86022

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Charley Bullets:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

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NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Greg Anderson
Chairman
Reservation, Nevada
Moapa Band of Paiute Indians of the Moapa River Indian
P.O. Box 340
Moapa, NV 89025-0340

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Greg Anderson:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Sincerely,

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NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Darren Deboda
Reservation, Nevada
Moapa Band of Paiute Indians of the Moapa River Indian
P.O. Box 341
Moapa, NV 89025-0340

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Darren Deboda:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Benny Tso
Chairman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, NV 89106

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Benny Tso:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Encl: Project Fact Sheet, including map

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Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Russell Begaye
President
Navajo Nation Office of the President
Navajo Nation
100 Parkway
P.O. Box 7440
Window Rock, AZ 86515

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Russell Begaye:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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NRCS State Conservationist

Encl: Project Fact Sheet, including map

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May 23, 2018

Richard M. Begaye
THPO and Department Manager
Navajo Nation Historic Preservation Department
Navajo Nation
P.O. Box 4950
Window Rock, AZ 86515

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Richard M. Begaye:

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May 23, 2018

Harold Cuthair
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
125 Mikewash Road
Towaoc, CO 81334

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Harold Cuthair:

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NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, CO 81334

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Terry Knight:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Nichol Shurack
Tribal Archaeologist
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, CO 81334

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Nichol Shurack:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Elaine Cantsee
Councilwoman
White Mesa, Ute Council
P.O. Box 7096
White Mesa, UT 84511

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Elaine Cantsee:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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If you have any questions, comments, or concerns please contact Tara S. Hoffmann, Acting State Cultural Resources Specialist at 720-591-8051 or email at tara.hoffmann@co.usda.gov or Shelley A. Szeghi, Area Cultural Resources Specialist, at 801-629-0575 ext. 104 or email at shelley.szeghi@ut.usda.gov.

We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

cc:

Tara S. Hoffmann, Acting State Cultural Resources Specialist, Salt Lake City, UT
Shelley A. Szeghi, NRCS, Area Cultural Resources Specialist, Ogden, UT
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Carlene Yellowhair
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street, Suite 201
P.O. Box 2950
Tuba City, AZ 86045

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Carlene Yellowhair:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Val Panteah Sr.
Governor
Pueblo of Zuni
P.O. Box 339
Zuni, NM 87327

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Val Panteah Sr.:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Timothy L. Nuvangyaoma:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Leigh Kuwanwisiwma
Director
Hopi Culture Preservation Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Leigh Kuwanwisiwma:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

cc:

Tara S. Hoffmann, Acting State Cultural Resources Specialist, Salt Lake City, UT
Shelley A. Szeghi, NRCS, Area Cultural Resources Specialist, Ogden, UT
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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Damon R. Clarke
Chairman
Hualapai Tribe
P.O. Box 179
941 Hualapai Way
Peach Springs, AZ 86434

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Damon R. Clarke:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

TIMOTHY WILSON
NRCS State Conservationist

Encl: Project Fact Sheet, including map

cc:

Tara S. Hoffmann, Acting State Cultural Resources Specialist, Salt Lake City, UT
Shelley A. Szeghi, NRCS, Area Cultural Resources Specialist, Ogden, UT
Norm Evenstad, NRCS, Water Resources Coordinator, Salt Lake City, UT
Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

May 23, 2018

Dawn Hubbs
Tribal Historic Preservation Officer
Hualapai Tribe
P.O. Box 310
941 Hualapai Way
Peach Springs, AZ 86434

RE: Cove Reservoir Watershed Plan-EA Project

Dear Mr. / Ms. Dawn Hubbs:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with the Kane County Water Conservancy District (KCWCD) as the project sponsor, is considering proposed improvements within the East Fork Virgin River Watershed in Kane County, Utah. Improvements under consideration will address water conservation concerns, agricultural and municipal demands, public safety risks, and will enhance aquatic species habitat and increase opportunities for public recreation. See the enclosed Project Fact Sheet for information about project features.

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We look forward to receiving your comments and discussing this project further.

Sincerely,

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NRCS State Conservationist

Encl: Project Fact Sheet, including map

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Nicle Dunlap, Transcon Environmental, Project Manager, Berkeley, CA
Brian Parker, Transcon Environmental, Project Manager, Mesa, AZ

THE HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

June 11, 2018

Timothy Wilson, State Conservationist
Attention: Tara S. Hoffman, Shelley A. Szeghi
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Re: Cove Reservoir Watershed Plan

Dear Mr. Wilson,

Thank you for your correspondence dated May 23, 2018, regarding the National Resources Conservation Service (NRCS) and Kane County Water Conservancy District proposing improvements within the East Fork Virgin River Watershed in Kane County.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the NRCS's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office requests consultation on any proposal in Utah that has the potential to effect prehistoric cultural resources. We are aware of the Jackson Flat Reservoir sponsored by the Kane County Water Conservancy District that adversely affected numerous sites and resulted in the disturbance of many human remains. We understand the project proposes improvements including the construction of a new 6,032 acre-foot reservoir, Cove Reservoir, as well as other improvements within the existing Glendale and Orderville irrigation systems.

We also understand an environmental analysis will be prepared, and therefore we look forward to being provided with copies of the cultural resources report and draft environmental assessment for review and comment. If prehistoric cultural resources are identified that will be adversely affected by the proposed project, we will request continuing consultation including being provided with a copy of any proposed treatment plans for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you for your consideration.

Respectfully,

Stewart B. Koyiyumptewa, Interim Manager
Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office

Draft Plan-EA Notice of Availability - Tribes

November 20, 2020

Mr. Greg Anderson
Chairman
Moapa Band of Paiute Indians of the Moapa Indian Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Anderson:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

As designed, the project will involve the construction of a new, approximately 6,055-acre-foot reservoir east of Orderville, Utah. Project components associated with the reservoir include an earthen dam, principal and auxiliary spillways, reservoir outlet works and emergency drain, an access road around the reservoir, camping and recreation area, and a boat ramp to allow for non-motorized boating. The project would also involve the replacement of approximately 1.7-miles of pipeline in Glendale, Utah and the relocation and upgrade of the existing Glendale Hydroelectric Plant.

An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp

NRCS invites you to submit comments anytime during the open comment period starting November 25, 2020 and ending on December 31, 2020. Please refer to the enclosed flyer for instructions on submitting comments. **Comments must be received by December 31, 2020 to become part of the public record.**

We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Richard M. Begay
THPO and Department Manager
P.O. Box 4950
Window Rock, Arizona 86515

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Begay:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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NRCS State Conservationist

Encl: NOA Flyer

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Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Elaine Cantsee
Councilwoman
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Cantsee:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Betsy Chapoose
Director
Cultural Rights Protection Department
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
P.O. Box 190
Fort Duchesne, Utah 84026

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Chapoose:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Encl: NOA Flyer

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Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Dr. Damon R. Clarke
Chairman
Hualapai Tribe
941 Hualapai Way
Peach Springs, Arizona 86434

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Dr. Clarke:

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EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

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Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Harold Cuthair
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
Towaoc, Colorado 81334

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Cuthair:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

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Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Darren Deboda
Moapa Band of Paiute Indians of the Moapa Indian Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Deboda:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Dr. Dongoske:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

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

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Duncan:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Dawn Hubbs
Tribal Historic Preservation Officer
Hualapai Tribe
941 Hualapai Way
Peach Springs, Arizona 86434

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Hubbs:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Knight:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Stewart B. Koyiyumptewa
Tribal Historic Preservation Officer
Hopi Tribe of Arizona
Hopi Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Koyiyumptewa:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Leigh Kuwanwisiwma
Director
Hopi Culture Preservation Office
The Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Kuwanwisiwma:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Dorena Martineau
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Martineau:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Jonathan Nez
Navajo Nation Office of the President
P.O. Box 7440
Window Rock, Arizona 86515

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Nez:

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Nuvangyaoma:

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Val Panteah Sr.
Governor
Pueblo of Zuni
P.O. Box 330
Zuni, New Mexico 87327

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Panteah:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Ona Segundo
Chairwoman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Segundo:

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We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Nichol Shurack
Tribal Archaeologist
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Shurack:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

As designed, the project will involve the construction of a new, approximately 6,055-acre-foot reservoir east of Orderville, Utah. Project components associated with the reservoir include an earthen dam, principal and auxiliary spillways, reservoir outlet works and emergency drain, an access road around the reservoir, camping and recreation area, and a boat ramp to allow for non-motorized boating. The project would also involve the replacement of approximately 1.7-miles of pipeline in Glendale, Utah and the relocation and upgrade of the existing Glendale Hydroelectric Plant.

An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp

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Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Benny Tso
Chairman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Tso:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

As designed, the project will involve the construction of a new, approximately 6,055-acre-foot reservoir east of Orderville, Utah. Project components associated with the reservoir include an earthen dam, principal and auxiliary spillways, reservoir outlet works and emergency drain, an access road around the reservoir, camping and recreation area, and a boat ramp to allow for non-motorized boating. The project would also involve the replacement of approximately 1.7-miles of pipeline in Glendale, Utah and the relocation and upgrade of the existing Glendale Hydroelectric Plant.

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Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Mr. Clint Wagon
Chairman
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
P.O. Box 538
Fort Washakie, Wyoming 82514

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Mr. Wagon:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

As designed, the project will involve the construction of a new, approximately 6,055-acre-foot reservoir east of Orderville, Utah. Project components associated with the reservoir include an earthen dam, principal and auxiliary spillways, reservoir outlet works and emergency drain, an access road around the reservoir, camping and recreation area, and a boat ramp to allow for non-motorized boating. The project would also involve the replacement of approximately 1.7-miles of pipeline in Glendale, Utah and the relocation and upgrade of the existing Glendale Hydroelectric Plant.

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We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

November 20, 2020

Ms. Carlene Yellowhair
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street
Suite 201
Tuba City, Arizona 86045

Reference: Cove Reservoir Watershed Plan-EA Project, Kane County, Utah

Dear Ms. Yellowhair:

The United States Department of Agriculture Natural Resources Conservation Service (NRCS) in coordination with the Kane County Water Conservancy District (KCWCD) announce the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah. The project would improve agricultural and municipal water supply, provide for more water-based recreational opportunities and provide benefits to habitat for sensitive wildlife species downstream.

As designed, the project will involve the construction of a new, approximately 6,055-acre-foot reservoir east of Orderville, Utah. Project components associated with the reservoir include an earthen dam, principal and auxiliary spillways, reservoir outlet works and emergency drain, an access road around the reservoir, camping and recreation area, and a boat ramp to allow for non-motorized boating. The project would also involve the replacement of approximately 1.7-miles of pipeline in Glendale, Utah and the relocation and upgrade of the existing Glendale Hydroelectric Plant.

An electronic copy of the Draft Plan-EA can be downloaded from the NRCS Cove Reservoir Watershed planning webpage, accessed from the web address below. A hard copy of the Draft Plan-EA can also be made available to you upon request.

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We look forward to hearing from and working with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 801-524-4556 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,



EMILY FIFE
NRCS State Conservationist

Encl: NOA Flyer

cc:

Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

From: Daniel Bulletts
To: Hoffmann, Tara - NRCS, Salt Lake City, UT
Subject: Re: [Take care when opening attachments] reaching out regarding Cove Reservoir EA - Public Meeting Dec 9
Date: Monday, December 7, 2020 10:47:14 AM

Ok I will call you at 2pm.

talk to you then,

On Mon, Dec 7, 2020 at 10:44 AM Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@usda.gov> wrote:

> You are sure busy but so glad to hear you'll be transferring to Cultural full time, and glad you'll be attending the virtual meeting on the 9th. After 2pm today works. I just have a practice Cove virtual meeting from 3-4pm but if that's the only time that works for you, I can take a break from it.
>
> My number is 385-258-1266.
>
> Take care,
>
> Tara
>
> **From:** Daniel Bulletts <dbulletts@kaibabpaiute-nsn.gov>
> **Sent:** Monday, December 7, 2020 10:39 AM
> **To:** Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@usda.gov>
> **Subject:** Re: [Take care when opening attachments] reaching out regarding Cove Reservoir EA - Public Meeting Dec 9
>
> Hello,
>
> So, sorry for the late reply but I have been very busy as of late and forgot to send you a reply last week.I'm not only the acting cultural resource director but I'm the acting Tribal Administrator as well but hopefully that will be only for a few more week because we has an applicant on the hook for the admin job and then I will transfer to Cultural Full time.
>
> I have reviewed most of your documents you sent and I will be attending the virtual meeting on the 9th.
>
> On your phone message you said to call you and I can do that this afternoon around 2pm Az

time if that is ok or anytime after that??

THank you for your kind words regarding my brother. It was and still is a shock to my family but we are doing better as each day passes.

Take care and be safe

On Tue, Dec 1, 2020 at 3:30 PM Hoffmann, Tara - NRCS, Salt Lake City, UT <tara.hoffmann@usda.gov> wrote:

> Hello Daniel,
>
> I wanted to bring you into the loop on the NRCS' Cove Reservoir Project near Orderville since the EA is now out for public comment. We sent out letter notification to Ona, but I would have also sent notification to you if only I had known you had taken over for Charley. I was working very closely with Charley on this project (we made multiple site visits) and am heartbroken about his passing over the summer. I knew him for the past eight years and he was a great friend and colleague.
>
> In regards to Cove Reservoir, attached is the Notice of Availability letter submitted to Ona, with a link to the EA, along with a flyer that has information on the Zoom Public Meeting to be held next Wednesday evening from 6pm to 7pm. For ease of joining the meeting, below is the information as well:
>
> Join Zoom Meeting
>
> https://zoom.us/j/92277219285
>
> Meeting ID: 922 7721 9285
>
> One tap mobile
>
> +12532158782,,92277219285# US (Tacoma)
>
> +13462487799,,92277219285# US (Houston)
>
> If you would like to make any project site visits, please let me know and I would be glad

to come down. And in case you need another copy of the cultural resources report, I have attached a copy of that as well. Please let me know if you have any questions at all or need additional project information.

Cheers,

Tara

Tara S. Hoffmann, MA

State Cultural Resources Specialist

USDA Natural Resources Conservation Service

125 South State Street, Room 4010
Salt Lake City, UT 84138-1100

Office: 801.524.4556

Mobile: 385.258.1266

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--

Daniel Bulletts

Tribal Administrator Assistant

Kaibab Band of Paiute Indians

HC 65 Box 02

Fredonia AZ 86022

928-643-7245

--
Daniel Bulletts
Tribal Administrator Assistant
Kaibab Band of Paiute Indians
HC 65 Box 02
Fredonia AZ 86022
928-643-7245

From: Timothy Begay
To: Hoffmann, Tara - NRCS, Salt Lake City, UT
Subject: COVE RESERVOIR WATERSHHED PLAN
Date: Friday, December 4, 2020 2:18:31 PM

Dear Ms. Hoffmann:

The Navajo Nation Heritage and Historic Preservation Department's (NNHPD) Traditional Culture Program is (TCP) in receipt of your letter regarding the United States Department of Agriculture Natural Resources Conservation Service announce a draft Watershed Plane and Environmental Assessment for the Cover Reservoir with in the East Fork Virgin River Watershed in Kane County, Utah .

After reviewing your letter and cross referencing our Traditional Cultural Properties (TCP's) database, NNHHPD-TCP has determined that there are No Navajo TCP's within the project area and you may proceed without further consultation for this project.

If you have any additional questions, concerns or would like to discuss these issues further, please don't hesitate to contact our office at (928) 871-7198 or (928) 871-7152. Thank you for your cooperation and understanding.

Sincerely,

Timothy C. Begay, Navajo Cultural Specialist
Navajo Nation Heritage and Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515
tbegay@navajo-nsn.gov

THE HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

December 8, 2020

Emily Fife, State Conservationist
Attention: Tara S. Hoffman, Cultural Resources Specialist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Re: Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed

Dear Ms. Fife,

Thank you for your correspondence dated November 20, 2020, regarding the National Resources Conservation Service (NRCS) and Kane County Water Conservancy District announcing the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the NRCS's continuing solicitation of our input and your efforts to address our concerns.

In the enclosed letter dated June 11, 2018, the Hopi Cultural Preservation Office reiterated we request consultation on any proposal in Utah that has the potential to effect prehistoric cultural resources. We stated we are aware of the Jackson Flat Reservoir sponsored by the Kane County Water Conservancy District that adversely affected numerous sites and resulted in the disturbance of many human remains. We also stated we understand the project proposes improvements including the construction of a new 6,032 acre-foot reservoir, Cove Reservoir, as well as other improvements within the existing Glendale and Orderville irrigation systems.

We further stated we also understand an environmental analysis will be prepared, and therefore we looked forward to being provided with copies of the cultural resources report and draft environmental assessment for review and comment. We finally stated that if prehistoric cultural resources are identified that will be adversely affected by the proposed project, we request continuing consultation including being provided with a copy of any proposed treatment plans for review and comment.

We value American public lands that include our ancestral lands. Hopi People see our ancestral lands as part of being Hopi, and we expect them passed intact to the next generation. Therefore, we hereby reiterate our request to be provided with hard copies for review and comment of the cultural resources survey report of the area of potential effect and Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County.

Your decision to accept this application at this time appears to be based in the current administration. The current administration will not be current in 2021 and we anticipate the new administration will have new orders reversing current administration orders. The acceptance of this proposal at this time also ignores the current pandemic and heath crisis facing the Hopi Tribe and the World. Furthermore, December is a traditional and ceremonial quiet time for Hopisenom.

Therefore, at this time, we request you withdraw and defer the draft environmental assessment and conduct a full environmental impact statement under the new administration in 2021. If you have any questions or need additional information, please contact the Hopi Cultural Preservation Office. Thank you for your consideration.

Respectfully,

Stewart B. Koyiyumptewa, Program Manager/THPO
Hopi Cultural Preservation Office

Enclosure: June 11, 2018 letter

xc: Kaibab Band of Paiutes
Steve Bloch, Southern Utah Wilderness Alliance
Salt Lake City Tribune
Utah State Historic Preservation Office

December 15, 2020

Mr. Stewart B. Koyiyumptewa
Tribal Historic Preservation Officer
Hopi Tribe of Arizona
Hopi Cultural Preservation Office
P.O Box 123
Kykotsmovi, Arizona 86039

Re: Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed

Dear Mr. Koyiyumptewa,

Thank you for your letter dated December 8, 2020 regarding the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed (Cove Reservoir Watershed Project). As requested, enclosed is an additional hard copy of the cultural resources inventory report and the Draft Watershed Plan and Environmental Assessment. An initial copy of the cultural resources report was provided to your office on January 9, 2020 as part of the initial National Historic Preservation Act (NHPA) Section 106 consultation process, and concurrence was received with a determination of no adverse effect to historic properties on February 3, 2020. The consultation letter with concurrence is enclosed for reference. Utah State Historic Preservation Office (SHPO) concurrence was also received on January 17, 2020 and is enclosed with this letter.

The Natural Resources Conservation Service (NRCS) places great value on cultural resources and the need for their preservation for future generations. We recognize the deep connection of the Hopi Tribe to prehistoric archaeological sites, as well as all other Tribes that may claim affiliation to them, and NRCS Utah takes that to heart with all our projects. Because of this, it is the NRCS' default policy to avoid cultural resources sites whenever possible, and in the case of the Cove Reservoir Watershed Project, all eligible cultural resources sites will be avoided by a minimum of 50 feet. In addition, construction personnel will receive training in recognizing cultural/historic objects by an NRCS-approved archaeologist prior to project implementation. In the event that cultural resources or human remains are discovered during construction, procedures will be followed as defined in the NRCS' Prototype Programmatic Agreement with the Utah SHPO.

The NRCS' approval to provide funding to this project proposal evaluated its alignment with the PL-566 Watershed Protection and Flood Prevention Program and agency priority's. We fully grasp the magnitude of the current pandemic, its impact on our families, and especially the health crisis facing the Hopi Tribe, Indian Country, and the World. We also understand that December is a traditional and ceremonial quiet time for the Hopisenom and as such providing comment on this project is much appreciated.

The NRCS has continued planning activities at this time, and as such, has continued the environmental review of the Cove Reservoir Watershed Project. If after compiling and reviewing comments received during the public comment period, it is deemed necessary to prepare an Environmental Impact Statement, we shall do such in accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.3.

Again, thank you for your response, and we look forward to working with you further on the Cove Reservoir Watershed Project. If you have any additional questions or comments, or would like to discuss the project further, please contact State Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or tara.hoffmann@usda.gov.

Sincerely,



EMILY FIFE
State Conservationist

Enclosures

cc:
Terry Morgart, Hopi Tribe, Legal Researcher, Kykotsmovi, AZ
Timothy L. Nuvangyaoma, Hopi Tribe, Chairman, Kykotsmovi, AZ
Tara S. Hoffmann, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist- Water Resources, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Alan Atkins, NRCS, Assistant State Conservationist for Field Operations, Richfield, UT
Kristi Westwood, NRCS, District Conservationist, Panguitch, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

THE HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

January 4, 2021

Emily Fife, State Conservationist
Attention: Tara S. Hoffman, Cultural Resources Specialist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Re: Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed

Dear Ms. Fife,

Thank you for your correspondence dated December 15, 2020, in response to our December 8, 2020 letter, regarding the National Resources Conservation Service (NRCS) and Kane County Water Conservancy District announcing the availability of the Draft Watershed Plan and Environmental Assessment (Plan-EA) for the proposed Cove Reservoir Watershed Project within the East Fork Virgin River Watershed in Kane County, Utah.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites. We consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the NRCS's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office previously stated we understand the project proposes improvements, including the construction of a new 6,032 acre-foot reservoir, Cove Reservoir, and other improvements within the existing Glendale Orderville irrigation systems. We also stated we understand an environmental analysis will be prepared. Therefore we looked forward to being provided with copies of the cultural resources report and draft environmental assessment for review and comment.

We now acknowledge having received a copy of the cultural resources survey of the area of potential effect and concurring with the determination of no adverse effect. We also understand the State Historic Preservation Office has concurred with the determination. However, when we attempted to review the draft environmental assessment online in response to your November 20, 2020 correspondence, we discovered a Salt Lake City Tribune article entitled "Kane County looking to dam the Virgin River in latest major project."

P.O. Box 123 - Kykotsmovi, AZ 86039 - Phone: 938-734-3000

Concerns expressed in our December 8, 2020 letter in part reflect our experience in light of the incomplete and ongoing Jackson Flat project, and the Tribune article that states:

> After spending tens of millions on water development projects, Kane County water officials are looking to spend millions more, mostly from federal sources, in their latest plan to dam the Virgin River upstream of Zion National Park for the benefit of alfalfa growers.

We have not been consulted on the 4.3 million cubic yards of fill and riprap that would come from borrow pits on federal land or a new 50-acre pit at Black Knoll on the Glendale Bench.

We also listened in to the December 9, 2020, Public Meeting where it was acknowledged this proposal is "much larger" in funding than other NRCS projects under its program and benefits a small number of users.

At this time, in light of the pandemic, the Hopi Tribe's inability to adequately review and consult on this proposal, we appreciate your consideration to conduct a full environmental impact statement under the new administration in 2021. Thank you for your consideration.

Respectfully,

Stewart B. Koyiyumptewa, Program Manager/THPO
Hopi Cultural Preservation Office

xc: Kaibab Band of Paiutes
Steve Bloch, Southern Utah Wilderness Alliance
Salt Lake City Tribune
Utah State Historic Preservation Office

From: Corbeil, Marcel - FPAC-NRCS, Richfield, UT
To: Hoffmann, Tara - NRCS, Salt Lake City, UT
Subject: Hualapai Tribe consultation update
Date: Monday, March 1, 2021 10:49:13 AM

I spoke to Mr. Peter Bungart today, he called and left a message late afternoon on Friday, and updated our Tribal Consultation Contact 2021 document to remove the Hualapai Tribe from all consultations for southern Utah. He stated that the Hualapai Tribe identifies with lands south of the Colorado River but considers all of the southern Utah Counties outside of their area of interest. If we have large multi-state projects that span lands south of the Colorado River or projects in the Glen Canyon Dam surrounding Page AZ, we can reach out to see if they are interested in consultations.

I crossed out references to the Hualapai Tribe where they are mentioned in the Counties list and put the text below beneath their contact info.

~~**Hualapai Tribe**~~
~~Dr. Damon R. Clarke (updated 5/2018)~~
~~Chairman~~
~~Hualapai Tribe~~
~~P.O. Box 179~~
~~941 Hualapai Way~~
~~Peach Springs Arizona 86434~~
~~(928) 769-2216~~
-
~~Ms. Dawn Hubbs (updated 5/2018)~~
~~Tribal Historic Preservation Officer~~
~~Hualapai Tribe~~
~~P.O. Box 310~~
~~941 Hualapai Way~~
~~Peach Springs Arizona 86434~~
~~(928) 769-2223~~

Marcel Corbeil update (phone call with Mr. Peter Bungart on 3-1-2021):
peter.bungart@hualpai.nsn.gov is the THPO (928-769-2223)

- Ms. Dawn Hubbs is one of his predecessors but has not been in the position since 2018.
- He was the Tribal archaeologist and became THPO in 2018.
- Dr. Damon Clarke is the Chairman until the 2022 election where he will term-out and be replaced
- He appreciates the effort to reach out but considers it a waste of time and paper for us to reach out to them for project is Utah, specifically mentioning the projects in Garfield and Grand Counties.
- Typically, the Hualapai Tribe identified with all area south of the Colorado River, but all of the counties in Utah are outside their area of interest.
- The Tribe will have interest if we have project surrounding Glen Canyon Dam around Page, AZ, but otherwise can be left out of consultations for counties in Southern Utah.

Marcel Corbeil
Cultural Resource Specialist

USDA, NRCS Utah-South Area
340 North 600 East
Richfield, Utah 84701
Office: 435-893-3367
Mobile: 801-360-5801

Draft Plan-EIS Tribal Scoping

January 14, 2022

Mr. Daniel Bullets
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Cultural Preservation Office
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Bullets:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

This proposed action is prepared under the authority of the Watershed Prevention and Flood Protection Act (Public Law 83–566). This action is needed because agriculture users in the Upper Virgin Watershed routinely experience water shortages during late summer months when East Fork Virgin River flows are depleted. Existing irrigation facilities have limited capabilities to divert water from the river, and there is currently no capacity for storage during non-use and high-flow periods. As a result, adequate water is not available to local users; therefore, the purpose of the action is to provide enhanced conservation and beneficial use of water by increasing water availability through collection and storage during non-use periods to provide adequate flows during the irrigation season.

In cooperation with the KCWCD and WCWCD, USDA-NRCS is in the very early planning stages of preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to consider and analyze potential impacts from the action. For the purposes of compliance with NEPA and Section 106 of the National Historic Preservation Act (NHPA), USDA-NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, the American Indian Religious Freedom Act, we write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area

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If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: Project Fact Sheet/Scoping Notice

cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, NRCS, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist-Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Curtis Anderson
Chairman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Anderson:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

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

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Ms. Chapoose:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Dongoske:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

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

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Duncan:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Manuel Heart
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
125 Mikewash Road
Towaoc, Colorado 81334

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Heart:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Knight:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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cc:
Ms. Nichol Shurack, Tribal Archaeologist, Ute Mountain Ute Tribe, P.O. Box 468, Towaoc, CO 81334
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, NRCS, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist-Water Resources, NRCS, Salt Lake City, UT
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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Stewart B. Koyiyumptewa
THPO
Hopi Tribe of Arizona
Hopi Cultural Preservation Office
P.O Box 123
Kykotsmovi, Arizona 86039

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Koyiyumptewa:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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January 14, 2022

Mr. Malcolm Lehi
Council Representative
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Lehi:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Ms. Dorena Martineau
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Ms. Martineau:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Jonathan Nez
President
Navajo Nation Office of the President
P.O. Box 7440
Window Rock, Arizona 86515

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Nez:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

This proposed action is prepared under the authority of the Watershed Prevention and Flood Protection Act (Public Law 83–566). This action is needed because agriculture users in the Upper Virgin Watershed routinely experience water shortages during late summer months when East Fork Virgin River flows are depleted. Existing irrigation facilities have limited capabilities to divert water from the river, and there is currently no capacity for storage during non-use and high-flow periods. As a result, adequate water is not available to local users; therefore, the purpose of the action is to provide enhanced conservation and beneficial use of water by increasing water availability through collection and storage during non-use periods to provide adequate flows during the irrigation season.

In cooperation with the KCWCD and WCWCD, USDA-NRCS is in the very early planning stages of preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to consider and analyze potential impacts from the action. For the purposes of compliance with NEPA and Section 106 of the National Historic Preservation Act (NHPA), USDA-NRCS is the designated lead agency. Pursuant to Section 106 of the NHPA, Executive Order 13007, the American Indian Religious Freedom Act, we write to you at this time regarding the project and we welcome any information you would like to share with us regarding historic properties or places of traditional religious and cultural importance near the proposed project area

that we should consider as part of our analysis. We would also appreciate your assistance in identifying any other tribes with whom we should consult on this project.

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If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: Project Fact Sheet/Scoping Notice

cc:
Mr. Richard M. Begay, THPO and Department Manager, Navajo Nation Historic Preservation Department, P.O. Box 4950, Window Rock, Arizona 86515
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, NRCS, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist-Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Nuvangyaoma:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Emily Fife

EMILY FIFE
State Conservationist

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Norm Evenstad, NRCS, Assistant State Conservationist-Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Val Panteah Sr.
Governor
Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Panteah:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

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Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, NRCS, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist-Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Ms. Laura Parry
Chairwoman
Moapa Band of Paiute Indians of the Moapa River Indian
Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Ms. Parry:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure: Project Fact Sheet/Scoping Notice

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Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, NRCS, Salt Lake City, UT
Norm Evenstad, NRCS, Assistant State Conservationist-Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Mr. Shanandoah (Shanan) Anderson
Cultural Manager
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Mr. Anderson:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Emily Fife

EMILY FIFE
State Conservationist

Enclosure: Project Fact Sheet/Scoping Notice

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Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, NRCS, Salt Lake City, UT
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Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Ms. Ona Segundo
Chairwoman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Ms. Segundo:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: Project Fact Sheet/Scoping Notice

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Derek Hamilton, NRCS, Water Resources Coordinator, NRCS, Salt Lake City, UT
Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

January 14, 2022

Ms. Carlene Yellowhair
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street, Suite 201
P.O. Box 2950
Tuba City, Arizona 86045

Reference: Cove-East Fork Virgin River Watershed Plan EIS Project

Dear Ms. Yellowhair:

The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS), in coordination with Kane County Water Conservancy District (KCWCD), as the project sponsor and Washington County Water Conservancy District (WCWCD) as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include the construction of a new, approximately 6,055-acre-foot capacity reservoir (Cove Reservoir), as well as other improvements within the existing Mt. Carmel, Glendale and Orderville Irrigation Systems, as needed or identified. Improvements under consideration will address water conservation, agricultural and municipal demands, and public safety risks, while enhancing aquatic species habitat and increasing opportunities for public recreation. Alternative reservoir locations are being examined as well.

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Leslie Warta, NRCS, Environmental Compliance Specialist, NRCS, Salt Lake City, UT
Brian Parker, Environmental Coordinator, Transcon Environmental, Cedar City, UT

Project Information

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), with assistance of the Kane County Water Conservancy District as the project sponsor and Washington County Water Conservancy District as the co-sponsor, is considering proposed improvements within the East Fork Virgin River Watershed. The proposed improvements include a new water storage facility (Cove Reservoir), or an alternate reservoir site, as well as other improvements associated with the Mt. Carmel, Glendale, and Orderville irrigation systems.

Supplemental technical studies are scheduled to take place during fall 2021, with a Draft Watershed Plan – Environmental Impact Statement (Plan-EIS) circulated to the public and agencies for review in mid-2022. The Plan-EIS will further evaluate the proposed project along with any viable project alternatives in accordance with the rules and guidelines of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ).

The Plan-EIS is being funded under the NRCS Watershed Flood Prevention and Protection Program (PL83-566), which provides both technical and financial assistance to help communities protect, improve, and develop water and land resource in watersheds up to 250,000 acres.

Project Background

Initially known as the “Cove Reservoir Watershed” project, alternatives and associated impacts were analyzed in a Watershed Plan-Environmental Assessment (Plan-EA); however, after careful project review and consideration of comments received on the Draft Plan-EA presented in winter 2020/2021, the NRCS has initiated the preparation of a Plan-EIS.

Improvements under consideration include water conservation, water storage, agricultural and municipal demands, public safety risks, and increased opportunities for public recreation in the East Fork Virgin River watershed.

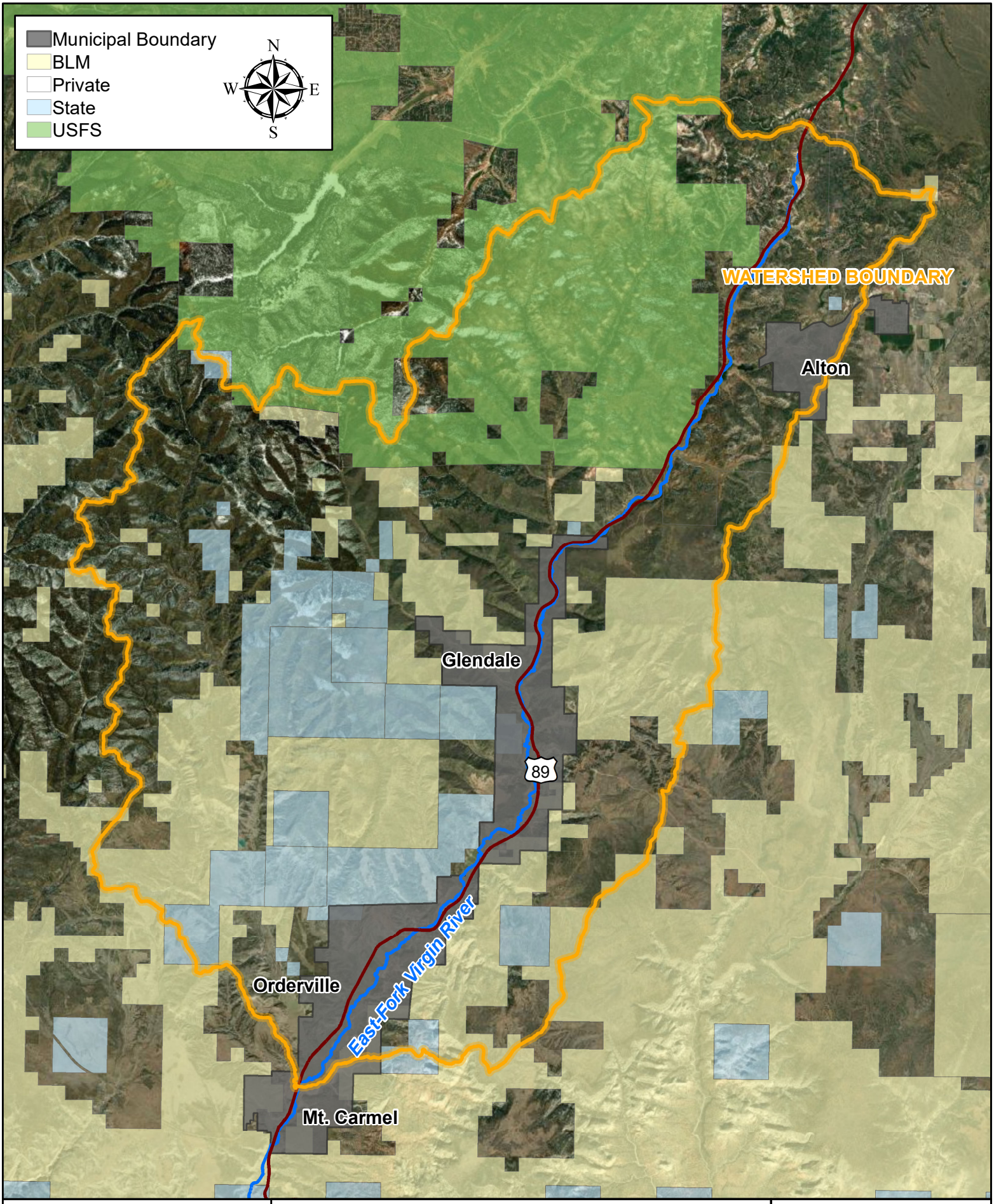
Project Location Map



Project Website

Additional information can be found at the NRCS project website:

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ut/programs/planning/wpfp/?cid=nrcseprd1403022



Transcon environmental | Planners & Scientists

USDA United States Department of Agriculture
Natural Resources Conservation Service

Cove - East Fork Virgin River Watershed Project

Watershed Boundary Exhibit (97,427 acres)

A-687

0 11,000
Feet

THE HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Craig Andrews
VICE-CHAIRMAN

February 7, 2022

Emily Fife, State Conservationist
Attention: Tara S. Hoffman, Cultural Resources Specialist
Natural Resources Conservation Service
125 South State Street, Room 4010
Salt Lake City, Utah 84138

Re: Warner Draw Watershed Plan-EA
Kanab Creek Watershed Plan-EA
Cove-East Fork Virgin River Watershed=EA

Dear Conservationist Fife,

Thank you for your correspondences dated January 14, 2022, regarding the National Resources Conservation Service (NRCS), proposing the Warner Draw, Kanab Creek, and Cove East Fork Virgin River Watershed Plans-Environmental Assessments. The Hopi Cultural Preservation Office appreciates the NRCS's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. We request consultation on any proposal in Utah that has the potential to effect prehistoric cultural resources.

We understand environmental analyses will be prepared, and therefore we look forward to being provided with hard copies of the cultural resources reports and draft environmental assessments for review and comment. If prehistoric cultural resources are identified that will be adversely affected by the proposed projects, we request continuing consultation including being provided with a copy of any proposed treatment plans for review and comment. Thank you for your consideration.

Respectfully,

Stewart B. Koyiyumptewa, Program Manager/ THPO
Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office

From: Shanan Anderson
To: Hoffmann, Tara - NRCS, Salt Lake City, UT
Subject: [External Email]Cove-East Fork Virgin River Watershed Plan EIS Project
Date: Thursday, March 31, 2022 10:42:06 AM
Attachments: image002.png

[External Email]
If this message comes from an **unexpected sender** or references a **vague/unexpected topic;**
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hi Tara

The Moapa Band of Paiutes do not have any questions or comments concerning project: ***Cove-East Fork Virgin River Watershed Plan EIS Project.***

Thank you for contacting the Moapa band of Paiutes.

Shanandoah Anderson
Cultural Manager
Moapa Band of Paiutes
Office: 702-865-2787 ext. 91
Cell: 702-371-7802

Draft Plan-EIS Notice of Intent - Tribes

May 3, 2022

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

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Ms. Chapoose:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

A copy of the NOI is enclosed with this letter, and may also be read in its entirety by visiting https://www.federalregister.gov/ and searching for NRCS-2022-0002. You can find additional project information at the NRCS project website:

https://bit.ly/3AX7Pg4

The NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **June 3, 2022**.

Comments may be provided in the following ways:

Online—Go to http://www.regulations.gov and search for docket ID "NRCS-2022-0002". Follow the online instructions for submitting comments.

Mail—Please address to:

Brian Parker, Biologist, Southwest Assistant Regional Manager, 1745 South Alma School Rd. Suite 220, Mesa, Arizona 85044. Please specify the docket ID "NRCS-2022-0002".

Thank you for your interest and input in the planning process for this project. Questions, comments, or concerns may be directed to Tara Hoffmann, NRCS State Cultural Resources Specialist at tara.hoffmann@usda.gov or 801-524-4556.

We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a

meeting. If you have any questions, comments or concerns, please contact State Cultural Resources Specialist Tara S. Hoffmann at 385-258-1266 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: NOI Flyer

cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, ASTC-Partnerships (Water Resources), Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Ms. Carlene Yellowhair
President
San Juan Southern Paiute Tribe of Arizona
50 South Main Street, Suite 201
P.O. Box 2950
Tuba City, Arizona 86045

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Ms. Yellowhair:

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: NOI Flyer

cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, ASTC-Partnerships (Water Resources), Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Curtis Anderson
Chairman
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
One Paiute Drive
Las Vegas, Nevada 89106

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Anderson:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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https://bit.ly/3AX7Pg4

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Ms. Dorena Martineau
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84721

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Ms. Martineau:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Daniel Bullets
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Cultural Preservation Office
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Bullets:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Darren Daboda
THPO
Moapa Band of Paiutes
1 Lincoln Street
PO Box 340
Moapa, NV 89025

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Daboda:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Jonathan Nez
President
Navajo Nation Office of the President
P.O. Box 7440
Window Rock, Arizona 86515

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Nez:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Dr. Kurt Dongoske
Director and Tribal Historic Preservation Officer
Pueblo of Zuni
P.O. Box 1149
Zuni, New Mexico 87327

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Dr. Dongoske:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Ms. Laura Parry
Chairwoman
Moapa Band of Paiute Indians of the Moapa River Indian
Reservation, Nevada
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Ms. Parry:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

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

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Duncan:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Malcolm Lehi
Council Representative
White Mesa, Ute Council
P.O. Box 7096
White Mesa, Utah 84511

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Lehi:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Manuel Heart
Chairman
Ute Mountain Ute Tribe
P.O. Box JJ
125 Mikewash Road
Towaoc, Colorado 81334

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Heart:

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May 3, 2022

Ms. Ona Segundo
Chairwoman
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Tribal Affairs Building
HC65, Box 2
Fredonia, Arizona 86022

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Ms. Segundo:

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Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Shanandoah (Shanan) Anderson
Cultural Manager
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
P.O. Box 340
Moapa, Nevada 89025-0340

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Anderson:

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May 3, 2022

Mr. Stewart B. Koyiyumptewa
THPO
Hopi Tribe of Arizona
Hopi Cultural Preservation Office
P.O Box 123
Kykotsmovi, Arizona 86039

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Koyiyumptewa:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

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cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, ASTC-Partnerships (Water Resources), Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Terry Knight
Tribal Historic Preservation Officer
Ute Mountain Ute Tribe
P.O. Box 468
Towaoc, Colorado 81334

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Knight:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

A copy of the NOI is enclosed with this letter, and may also be read in its entirety by visiting https://www.federalregister.gov/ and searching for NRCS-2022-0002. You can find additional project information at the NRCS project website:

https://bit.ly/3AX7Pg4

The NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **June 3, 2022**.

Comments may be provided in the following ways:

Online—Go to http://www.regulations.gov and search for docket ID "NRCS-2022-0002". Follow the online instructions for submitting comments.

Mail—Please address to:

Brian Parker, Biologist, Southwest Assistant Regional Manager, 1745 South Alma School Rd. Suite 220, Mesa, Arizona 85044. Please specify the docket ID "NRCS-2022-0002".

Thank you for your interest and input in the planning process for this project. Questions, comments, or concerns may be directed to Tara Hoffmann, NRCS State Cultural Resources Specialist at tara.hoffmann@usda.gov or 801-524-4556.

We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources

Specialist Tara S. Hoffmann at 385-258-1266 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: NOI Flyer

cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, ASTC-Partnerships (Water Resources), Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ
Ms. Nichol Shurack, Tribal Archaeologist, Ute Mountain Ute Tribe, P.O. Box 468, Towaoc, CO 81334

May 3, 2022

Mr. Timothy L. Nuvangyaoma
Chairman
Hopi Tribe Chairman's Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Nuvangyaoma:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

A copy of the NOI is enclosed with this letter, and may also be read in its entirety by visiting https://www.federalregister.gov/ and searching for NRCS-2022-0002. You can find additional project information at the NRCS project website:

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Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: NOI Flyer

cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, ASTC-Partnerships (Water Resources), Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

May 3, 2022

Mr. Val Panteah Sr.
Governor
Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

Reference: Cove-East Fork Virgin River Watershed Plan, Kane County, Utah

Dear Mr. Panteah:

The Natural Resources Conservation Service (NRCS) would like to inform you that the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan has been published in the *Federal Register* on Tuesday, March 29, 2022.

A copy of the NOI is enclosed with this letter, and may also be read in its entirety by visiting https://www.federalregister.gov/ and searching for NRCS-2022-0002. You can find additional project information at the NRCS project website:

https://bit.ly/3AX7Pg4

The NRCS invites you to comment on the scope of the EIS. Scoping comments will be accepted through **June 3, 2022**.

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Online—Go to http://www.regulations.gov and search for docket ID "NRCS-2022-0002". Follow the online instructions for submitting comments.

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Brian Parker, Biologist, Southwest Assistant Regional Manager, 1745 South Alma School Rd. Suite 220, Mesa, Arizona 85044. Please specify the docket ID "NRCS-2022-0002".

Thank you for your interest and input in the planning process for this project. Questions, comments, or concerns may be directed to Tara Hoffmann, NRCS State Cultural Resources Specialist at tara.hoffmann@usda.gov or 801-524-4556.

We look forward to hearing from and continuing to work with you on this important project. We welcome your call if you have questions on the proposed project or if you wish to arrange a meeting. If you have any questions, comments or concerns, please contact State Cultural Resources

Specialist Tara S. Hoffmann at 385-258-1266 or tara.hoffmann@usda.gov, at your earliest convenience.

Sincerely,

Emily Fife

EMILY FIFE
State Conservationist

Enclosure: NOI Flyer

cc:
Tara S. Hoffmann, NRCS, State Cultural Resources Specialist, Salt Lake City, UT
Norm Evenstad, NRCS, ASTC-Partnerships (Water Resources), Salt Lake City, UT
Derek Hamilton, NRCS, Water Resources Coordinator, Salt Lake City, UT
Brian Parker, Transcon, Southwest Assistance Regional Manager, Mesa, AZ

Agency Coordination and Consultation

Cooperating Agency Status Letters and Replies – Plan-EA

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2018

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

RE: Formal request to be a Cooperating Agency in the development of several watershed Environmental Assessments (EA) in Utah.

Dear Mr. Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Army Corps of Engineers (ACOE) become a cooperating agency in the planning and development of several Watershed EA efforts in Utah. The names and locations of these proposed projects are listed in Attachment-1.

This request is made since your agency is identified as having special expertise or jurisdiction by law related to this project. The EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program (Public Law 83-566) for these projects. As your agency may also have NEPA compliance responsibilities concerning these projects, preparation of the EAs should also assist in fulfilling environmental review requirements for your agency or other federal agencies and meet NEPA's intent of reducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate. The NRCS shall accept designation as the lead Federal agency to act on behalf of the ACOE for purposes of compliance with the Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act.

Please send a letter confirming your decision by **March 15, 2018 to:** Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

Thank you for your timely response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smat1@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

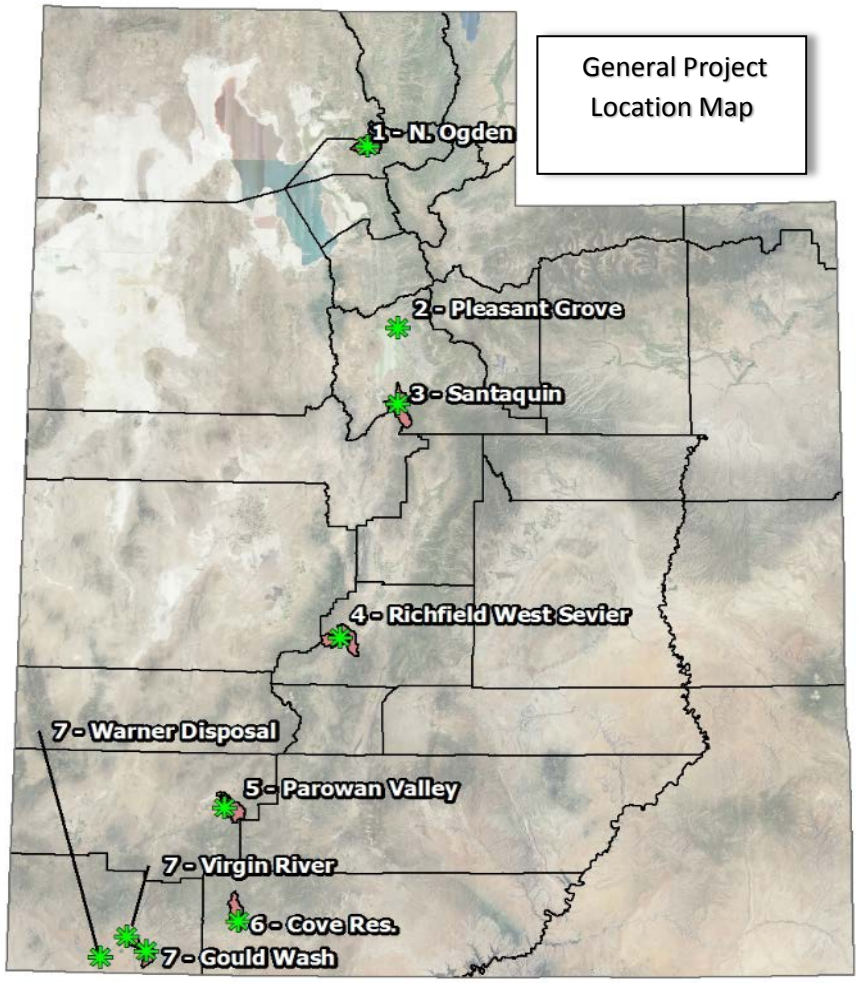
Sincerely,

TIMOTHY WILSON
State Conservationist

cc:
Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (N01th), NRCS, Ogden, UT
Bronson Smml, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

An Equal Opportunity Provider and Employer

UTAH-NRCS - PL566 WATERSHED PLAN-ENVIRONMENTAL ASSESSMENT WORK



PL566 Project Name	Location/Various	Summary description of proposed work
1-North Ogden Weber-Box Elder Conservation District	41.301537° -111.975893°	Relocate & expand 2550 North Detention Basin, use basin for water storage, flood control, recreation. Water provided from North Ogden canal at about 2 cfs.
2-Pleasant Grove Pleasant Grove City	40.363114° -111.774560°	Pipe 3,100 feet of the open, unlined Mill Ditch located in Pleasant Grove City with 30-inch diameter HDPE pipe.
3-Santaquin Santaquin City	39.969369° -111.770505°	Evaluate the proposed installation of approximately 5 flood control structures along the East bench of Santaquin to protect homes, infrastructure and possibly provide aquifer recharge capability.
4-Richfield W. Sevier Sevier County	38.871435° -112.004222°	New Watershed Plan- Evaluate additional flood control measures needed throughout the Richfield-West Sevier County area (Flat Canyon). Recreation, trails, canal piping, habitat development.
5-Parowan Valley Iron County	37.868987° -112.783872°	New Watershed Plan - Evaluate additional flood control measures, debris basin/s, recreation opportunities, irrigation water management, and habitat restoration/enhancement.
6-Cove Reservoir Kane County	37.280257° -112.690638°	Construction of approximately 6,000 acre-foot capacity dam/reservoir for irrigation and recreation in Cove Canyon outside of Orderville, Utah.
7-Warner Draw Group Washington County Gould Wash DB Virgin River Habitat Warner Disposal Pipe	Gould- 37.116769° -113.230050° Virgin- 37.190211° -113.348204° Warner- 37.070515° -113.498451°	Construction of a debris basin in Gould Wash above Hurricane, Utah - located on BLM land. Piping of Hurricane canal for more efficient off/on farm irrigation water management and analysis of water savings to enhance Virgin River habitat. Evaluate enhancement of Virgin River endangered fish species and SW willow flycatcher habitat. Partner incl. The Nature Conservancy.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

June 7, 2018

Regulatory Division (SPK-2018-00439)

Attn: Mr. Smith
USDA-NRCS
197 E Tabernacle St.
St. George, Utah 84770,

Dear Mr. Smith:

This letter concerns our designation of lead Federal agency for the proposed Cove Reservoir Watershed Project. The approximately 130-acre project site is located approximately 1.25 Miles southwest of the town of Orderville, Latitude 37.2709°, Longitude -112.6621°, Kane County, Utah (enclosure 1).

Following early coordination with your agency on June 7, 2018, we hereby designate the Natural Resources Conservation Service (NRCS) as the lead Federal agency to act on our behalf for purposes of compliance with the Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA) for Department of the Army authorization required for the Cove Reservoir Watershed Project.

Prior to initiating consultation with the appropriate agency, please coordinate your draft determinations for ESA and NHPA, as well as the information used in making that determination, with our office. Additionally, please include a statement in your consultation letters indicating that we have designated NRCS as the lead Federal agency for the proposed action, along with a copy of this letter.

Please refer to identification number SPK-2018-00439 in any correspondence concerning this project. If you have any questions, please contact Craig Brown at Saint George Regulatory Office, 196 East Tabernacle Street, Suite 30, Saint George, Utah 84770-3474, by email at *Craig.J.Brown@usace.army.mil*, or telephone at (435) 986-3979.

Sincerely,



Craig Brown
Senior Project Manager,
Nevada-Utah Section
Regulatory Division

Enclosure

cc:

Brian Parker (consultant with Transcon Environmental):
bparker@transcon.com

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2018

Mr. Larry Crist
Utah Field Office-Supervisor
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119

RE: Formal Request to be a Cooperating Agency in the development of several Environmental Assessments (EA) in Utah.

Dear Mr. Crist:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Fish and Wildlife Service (USFWS) become a cooperating agency in the planning and development of several EA efforts in Utah. The names and locations of these proposed project areas are shown and summarized in Attachment 1.

This request is made since your agency is identified as having special expe1tise or jurisdiction by law related to these projects. The EAs are being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. As your agency may also have NEPA compliance responsibilities concerning these projects, preparation of the EAs should also assist in fulfilling environmental review requirements for your agency or other federal agencies and meet NEPA's intent ofreducing duplication and delay between agencies.

Upon acceptance of this invitation, roles can be defined in an informal agreement or a formal MOU can be established. If your agency is unable to participate as a cooperating agency please return a written explanation why your agency cannot participate. The NRCS shall accept designation as the lead Federal agency to act on behalf of the USFWS for purposes of compliance with the Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act.

Please send a letter confirming your decision by March 15, 2018 to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100.

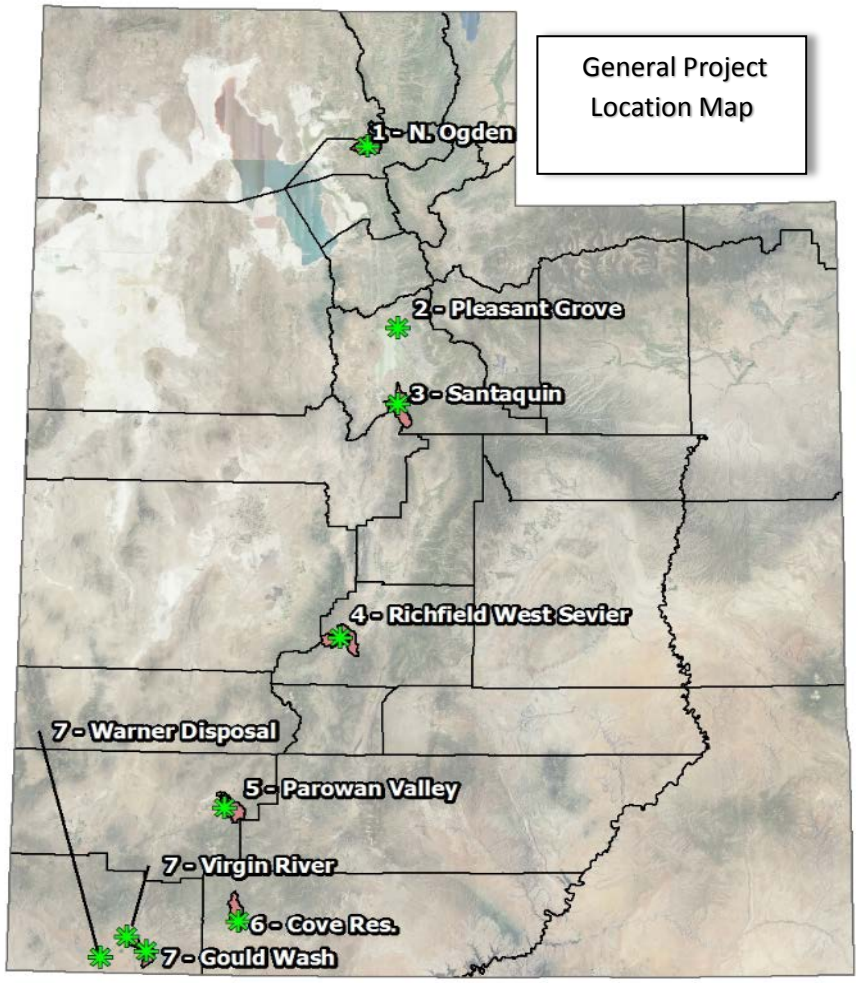
Thank you for your timely response and cooperation with these effo1ts. If you have any questions or comments, please contact Bronson Sma1t, State Conservation Engineer, at bronson.sma1t@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:
Mike Larsen, Acting Assistant State Conservationist-Field Operations (South), NRCS, Richfield, UT
Don Ashby, Assistance State Conservationist-Field Operations (North), NRCS, Ogden, UT
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

UTAH-NRCS - PL566 WATERSHED PLAN-ENVIRONMENTAL ASSESSMENT WORK



PL566 Project Name	Location/Various	Summary description of proposed work
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2-Pleasant Grove Pleasant Grove City	40.363114° -111.774560°	Pipe 3,100 feet of the open, unlined Mill Ditch located in Pleasant Grove City with 30-inch diameter HDPE pipe.
3-Santaquin Santaquin City	39.969369° -111.770505°	Evaluate the proposed installation of approximately 5 flood control structures along the East bench of Santaquin to protect homes, infrastructure and possibly provide aquifer recharge capability.
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5-Parowan Valley Iron County	37.868987° -112.783872°	New Watershed Plan - Evaluate additional flood control measures, debris basin/s, recreation opportunities, irrigation water management, and habitat restoration/enhancement.
6-Cove Reservoir Kane County	37.280257° -112.690638°	Construction of approximately 6,000 acre-foot capacity dam/reservoir for irrigation and recreation in Cove Canyon outside of Orderville, Utah.
7-Warner Draw Group Washington County Gould Wash DB Virgin River Habitat Warner Disposal Pipe	Gould- 37.116769° -113.230050° Virgin- 37.190211° -113.348204° Warner- 37.070515° -113.498451°	Construction of a debris basin in Gould Wash above Hurricane, Utah - located on BLM land. Piping of Hurricane canal for more efficient off/on farm irrigation water management and analysis of water savings to enhance Virgin River habitat. Evaluate enhancement of Virgin River endangered fish species and SW willow flycatcher habitat. Partner incl. The Nature Conservancy.

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 4, 2019

Ron Thompson
General Manager
Washington County Water Conservancy District
533 E. Waterworks Drive
St. George, Utah 84770

RE: Formal request to be a Cooperating Agency in the development of the Cove Reservoir Watershed Plan-Environmental Assessment (Plan-EA), Washington County, Utah for proposed reservoir storage for agricultural water management and a variety of recreation measures.

Dear Mr. Thompson,

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that U.S. Bureau of Reclamation (BOR) become a cooperating agency in the planning and development of the Cove Reservoir Watershed EA. The location of the proposed project area is outlined in the attached Figures.

This request is made since your agency is identified as having special expertise, interest or jurisdiction related to this project. The EA is being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, draft roles are defined in the attached MOU. If your agency is unable to participate as a cooperating agency please return a written letter (or email) indicating that your agency cannot participate.

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

Thank you for your response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:
Alan Atkins, Assistant State Con.-Field Operations (South), NRCS, Richfield, UT
Lynn Kitchen, District Conservationist, NRCS, Beaver, Utah
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

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

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 So. State Street
Room 4010
Salt Lake City, UT
84138-1100

Voice: 801-524-4550
Fax: 801-524-4403

Memorandum of Understanding
Between
U.S. Department of Agriculture's Natural Resources Conservation Service
as the Lead Federal Agency
and
Washington County Water Conservancy District
as Cooperating Agency for Preparation of a
Watershed Plan-Environmental Assessment
for the Cove Reservoir Public Law-566 Watershed Project

I. Introduction

The Natural Resources Conservation Service (NRCS) is the Lead Federal Agency for the development of the Supplemental Watershed Plan-Environmental Assessment (PLAN-EA) as defined in 40 CFR Section 1501.5 for the Cove Reservoir site in Kane County, on private lands near Orderville, Utah. The Washington County Water Conservancy District (WCWCD), herein referred to as the Cooperating Agency, is cooperating in the development of the PLAN-EA as defined in 40 CFR Section 1501.6.

This Memorandum of Understanding (MOU) outlines the roles and responsibilities of the NRCS and Cooperating Agency, herein referred to as Parties, with respect to preparation of the PLAN-EA. This MOU describes responsibilities and procedures agreed to by the Parties.

II. Purpose

The purposes of this MOU are:

1. To designate WCWCD as a Cooperating Agency in the PLAN-EA process.
2. To provide a framework for cooperation and coordination between the Parties that will ensure successful completion of the PLAN-EA in a timely, efficient and thorough manner.
3. To recognize that the NRCS is the Lead Federal Agency with responsibility for the completion of the PLAN-EA and the Finding of No Significant Impact (FONSI).
4. To describe the respective responsibilities, jurisdictional authority, and expertise of the Cooperating Agency in the planning process.

III. Authorities

The authorities and regulations of the NRCS to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
2. Council on Environmental Quality regulations (40 CFR 1500-1508 et seq.)
3. NRCS Regulations Implementing the NEPA (7 CFR Part 650)
4. Watershed Protection and Flood Prevention Act (PL 83-566, 16 U.S.C. 1000 et seq.)

The authorities and regulations of Cooperating Agency to enter into this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
2. Council on Environmental Quality regulations (40 CFR 1501 et seq.)
3. Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1701, et seq.)

This MOU does not alter any other written agreements, authorities, or responsibilities between the Parties and the project sponsors or other government agencies, or parties.

IV. Roles and Responsibilities

1. General Responsibilities

a. The Parties agree to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements.

b. Each Party agrees to fund its own expenses associated with the PLAN-EA process, except that the NRCS may contract with the Cooperating Agency for technical studies within its jurisdiction or special expertise.

2. NRCS Responsibilities

a. The NRCS, as Lead Federal Agency, has primary responsibility for compliance with the requirements of the National Environmental Policy Act (NEPA) and preparation of the draft PLAN-EA, final PLAN-EA and FONSI.

b. NRCS will provide the Cooperating Agency with those PLAN-EA resource characterization studies and technical reports, as determined necessary by the respective cooperator, for review and comment.

c. NRCS will consult with the Cooperating Agency regarding the alternatives considered and associated mitigation measures to be evaluated in the PLAN-EA.

d. NRCS will identify the Cooperating Agency on the draft PLAN-EA and final PLAN-EA cover pages and will describe in the introduction sections, as provided by the Cooperating Agency, the specific roles and authorities of the Cooperating Agency with respect to the proposed Cove Reservoir Watershed Project.

3. Cooperating Agency Responsibilities

a. The Cooperating Agency will provide early input to NRCS regarding issues to address in the resource characterization studies, technical reports, and PLAN-EA. The Cooperating Agency will also provide comments or analyses to NRCS in those areas where the Cooperating Agency has regulatory authority, technical expertise, and a need for the PLAN-EA to support decisions by the Cooperating Agency. The Cooperating Agency is recognized to have the following jurisdiction by law and/or special expertise:

i. Landowner; Water Rights; Water Conservation; Water Resource Management

b. The Cooperating Agency may review, and provide to NRCS, comments on the issued draft PLAN-EA and final PLAN-EA.

c. The Cooperating Agency and the NRCS will together coordinate under this MOU to maximize the use of resources and minimize duplication of effort during the preparation of the PLAN-EA.

d. Upon issuance of the final PLAN-EA and any resulting FONSI by NRCS, the Cooperating Agency may be able to then adopt the PLAN-EA and issue a separate decision notice under the Cooperating Agency's NEPA implementing regulations.

4. Other Responsibilities

a. Nothing in this MOU shall require any of the Parties to assume any obligation or expend any sum in excess of authorization and appropriations available.

b. Each Party retains all immunities and defenses provided by law with respect to any action based on or occurring because of this MOU.

c. Where the Parties disagree on substantive elements of the PLAN-EA, and these disagreements cannot be resolved, the NRCS will include a summary of the Cooperating Agency's views in the draft PLAN-EA and final PLAN-EA. The NRCS will also describe substantial inconsistencies between its proposed action(s) and the objectives of state, local, or tribal land use plans and policies.

d. Transcon Environmental serves as the Kane County Water Conservancy District's (sponsor) contractor for the PLAN-EA preparation. The project planning is funded through NRCS's Public Law-566 Watershed Protection and Flood Prevention Program. The Cooperating Agency may provide information and comments directly to the contractor as well as collaborate with contractor's technical staff and subcontractors on matters within the Cooperating Agency's jurisdiction or special expertise. The Cooperating Agency acknowledges that the NRCS retains the exclusive responsibility to authorize modifications to the contract with Transcon Environmental and that the Cooperating Agency is not authorized to provide technical or policy direction regarding the performance of this contract.

V. Agency Representatives

1. Each Party will designate a representative and alternate representative, as described in Attachment A, to ensure coordination between the Parties during the preparation of the PLAN-EA. Each Party may change its representative at will by providing written notice to the other Party.

VI. Administration of the MOU

1. This MOU becomes effective upon signature by the authorized officials of the NRCS and the Cooperating Agency.

2. This MOU may be modified by the Parties hereto by mutual agreement only. Any modification will be in writing.

3. This MOU does not alter the authority and responsibilities of the Cooperating Agency under their respective NEPA regulations.

4. This MOU is terminated when either the NRCS FO SI for the project is signed or when written notice is given by a respective agency.

Washington County Water Conservancy District

Ron Thompson
Name

General Manager
Title


Signature

2-8-19
Date

USDA-Natural Resources Conservation Service - Utah

Christopher Taylor
Name

Acting State Conservationist
Title


Signature

2/5/2019
Date

Attachment A
Agency Representatives

NRCS (Lead Federal Agency)

Primary Representative

Norm Evenstad 801-524-4569	Water Resources Coordinator
Name	Title

Backup Representative

Lance Smith 435-704-4861	Civil Engineer
Name	Title

Kane County Water Conservancy District (Sponsor) & Contractor Reps.

Primary Representative/s

Brian Parker -Transcon Environmental	NEPA Oversight, Management
Ron Bolander - Transcon Environmental	NEPA Preparation
Dirk Clayson – KCWCD	Local Irrigation, Planning
Name	Title

Washington County Water Conservancy District (Cooperating Agency)

Primary Representative

Ron W. Thompson	General Manager
Name	Title

Backup Representative

Zach Renstrom	Deputy General Manager
Name	Title

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 11, 2019

Whit Bunting
Kanab Field Office Manager
U.S. Bureau of Land Management
669 S. Hwy 89A
Kanab, UT 84741

RE: Formal request to be a Cooperating Agency in the development of the Cove Reservoir Watershed Plan-Environmental Assessment (Plan-EA), Washington County, Utah for proposed reservoir storage for agricultural water management and a variety of recreation measures. Potential to include analysis for public borrow pit that is proposed as part of this project.

Dear Mr. Bunting,

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Land Management (BLM) become a cooperating agency in the planning and development of the Cove Reservoir Watershed Plan-EA. The location of the proposed project area is outlined in the attached Figures.

This request is made since your agency is identified as having special expertise, interest or jurisdiction related to this project. The EA is being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, draft roles are defined in the attached MOU. If your agency is unable to participate as a cooperating agency please return a written letter (or email) indicating that your agency cannot participate.

Please send notification confirming your decision to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100. An MOU is attached for signature if you wish to be a Cooperating Agency.

Thank you for your response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:
Alan Atkins, Assistant State Con.-Field Operations (South), NRCS, Richfield, UT
Kristi Hatch, District Conservationist, NRCS, Panguitch, Utah
Bronson Smart, State Conservation Engineer-Rehab Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

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

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

125 So State Street
Room 4010
Salt Lake City UT
84138-1100

Voice 801-524-4550
Fax 801-524-4403

Memorandum of Understanding
Between
U.S. Department of Agriculture's Natural Resources Conservation Service
as the Lead Federal Agency
and
U.S. Bureau of Land Management
as Cooperating Agency for Preparation of a
Watershed Plan-Environmental Assessment
for the Cove Reservoir Public Law-566 Watershed Project

I. Introduction

The Natural Resources Conservation Service (NRCS) is the Lead Federal Agency for the development of the Supplemental Watershed Plan-Environmental Assessment (PLAN-EA) as defined in 40 CFR Section 1501.5 for the Cove Reservoir site in Kane County, on private lands near Orderville, Utah. The Bureau of Land Management (BLM), herein referred to as the Cooperating Agency, is cooperating in the development of the PLAN-EA as defined in 40 CFR Section 1501.6.

This Memorandum of Understanding (MOU) outlines the roles and responsibilities of the NRCS and Cooperating Agency, herein referred to as Parties, with respect to preparation of the PLAN-EA. This MOU describes responsibilities and procedures agreed to by the Parties.

II. Purpose

The purposes of this MOU are:

1. To designate BLM as a Cooperating Agency in the PLAN-EA process.
2. To provide a framework for cooperation and coordination between the Parties that will ensure successful completion of the PLAN-EA in a timely, efficient and thorough manner.
3. To recognize that the NRCS is the Lead Federal Agency with responsibility for the completion of the PLAN-EA and the Finding of No Significant Impact (FONSI).
4. To describe the respective responsibilities, jurisdictional authority, and expertise of the Cooperating Agency in the planning process.

III. Authorities

The authorities and regulations of the NRCS to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
2. Council on Environmental Quality regulations (40 CFR 1500-1508 et seq.)
3. NRCS Regulations Implementing the NEPA (7 CFR Part 650)
4. Watershed Protection and Flood Prevention Act (PL 83-566, 16 U.S.C. 1000 et seq.)

The authorities and regulations of Cooperating Agency to enter into this MOU include, but are not limited to:

1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
2. Council on Environmental Quality regulations (40 CFR 1501 et seq.)
3. Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1701, et seq.)

This MOU does not alter any other written agreements, authorities, or responsibilities between the Parties and the project sponsors or other government agencies, or parties.

IV. Roles and Responsibilities

1. General Responsibilities

a. The Parties agree to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements.

b. Each Party agrees to fund its own expenses associated with the PLAN-EA process, except that the NRCS may contract with the Cooperating Agency for technical studies within its jurisdiction or special expertise.

2. NRCS Responsibilities

a. The NRCS, as Lead Federal Agency, has primary responsibility for compliance with the requirements of the National Environmental Policy Act (NEPA) and preparation of the draft PLAN-EA, final PLAN-EA and FONSI.

b. NRCS will provide the Cooperating Agency with those PLAN-EA resource characterization studies and technical reports, as determined necessary by the respective cooperator, for review and comment.

c. NRCS will consult with the Cooperating Agency regarding the alternatives considered and associated mitigation measures to be evaluated in the PLAN-EA. Note: Only BLM land involved is potentially for a public borrow pit.

d. NRCS will identify the Cooperating Agency on the draft PLAN-EA and final PLAN-EA cover pages and will describe in the introduction sections, as provided by the Cooperating Agency, the specific roles and authorities of the Cooperating Agency with respect to the proposed Cove Reservoir Watershed Project.

3. Cooperating Agency Responsibilities

a. The Cooperating Agency will provide early input to NRCS regarding issues to address in the resource characterization studies, technical reports, and PLAN-EA. The Cooperating Agency will also provide comments or analyses to NRCS in those areas where the Cooperating Agency has regulatory authority, technical expertise, and a need for the PLAN-EA to support decisions by the Cooperating Agency. The Cooperating Agency is recognized to have the following jurisdiction by law and/or special expertise:

i. Land Manager; Mineral Rights; Land Use, Cultural Resource Inventory, Recreation.

b. The Cooperating Agency may review, and provide to NRCS, comments on the issued draft PLAN-EA and final PLAN-EA.

c. The Cooperating Agency and the NRCS will together coordinate under this MOU to maximize the use of resources and minimize duplication of effort during the preparation of the PLAN-EA.

d. Upon issuance of the final PLAN-EA and any resulting FONSI by NRCS, the Cooperating Agency may be able to then adopt the PLAN-EA and issue a separate decision notice under the Cooperating Agency's NEPA implementing regulations.

4. Other Responsibilities

a. Nothing in this MOU shall require any of the Parties to assume any obligation or expend any sum in excess of authorization and appropriations available.

b. Each Party retains all immunities and defenses provided by law with respect to any action based on or occurring because of this MOU.

c. Where the Parties disagree on substantive elements of the PLAN-EA, and these disagreements cannot be resolved, the NRCS will include a summary of the Cooperating Agency's views in the draft PLAN-EA and final PLAN-EA. The NRCS will also describe substantial inconsistencies between its proposed action(s) and the objectives of state, local, or tribal land use plans and policies.

d. Transcon Environmental serves as the Kane County Water Conservancy District's (sponsor) contractor for the PLAN-EA preparation. The project planning is funded through NRCS's Public Law-566 Watershed Protection and Flood Prevention Program. The Cooperating Agency may provide information and comments directly to the contractor as well as collaborate with contractor's technical staff and subcontractors on matters within the Cooperating Agency's jurisdiction or special expertise. The Cooperating Agency acknowledges that the NRCS retains the exclusive responsibility to authorize modifications to the contract with Transcon Environmental and that the Cooperating Agency is not authorized to provide technical or policy direction regarding the performance of this contract.

V. Agency Representatives

1. Each Party will designate a representative and alternate representative, as described in Attachment A, to ensure coordination between the Parties during the preparation of the PLAN-EA. Each Party may change its representative at will by providing written notice to the other Party.

VI. Administration of the MOU

1. This MOU becomes effective upon signature by the authorized officials of the NRCS and the Cooperating Agency.

2. This MOU may be modified by the Parties hereto by mutual agreement only. Any modification will be in writing.

3. This MOU does not alter the authority and responsibilities of the Cooperating Agency under their respective NEPA regulations.

4. This MOU is terminated when either the NRCS FONSI for the project is signed or when written notice is given by a respective agency.

Bureau of Land Management

Whit Bunting
Name

Field Office Manger
Title

Signature

2/27/2019
Date

USDA-Natural Resources Conservation Service - Utah

Timothy Wilson
Name

State Conservationist
Title

Signature

2/28/19
Date

Attachment A
Agency Representatives

NRCS (Lead Federal Agency)

Primary Representative

Norm Evenstad (801) 524-4569	Water Resources Coordinator
Name	Title

Backup Representative

Lance Smith (435) 704-4861	Civil Engineer
Name	Title

Kane County Water Conservancy District (Sponsor) & Contractor Reps.

Primary Representative's

Brian Parker -Transcon Environmental	NEPA Oversight, Management
Ron Bolander - Transcon Environmental	NEPA Preparation
Dirk Clayson - KCWCD	Local Irrigation, Planning
Name	Title

Bureau of Land Management – Kanab Field Office (Cooperating Agency)

Primary Representative

James Holland	Geologist
Name	Title

Backup Representative

Name	Title

USDA

United States Department of Agriculture

Natural Resources
Conservation Service

Utah State Office

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

Ph: 801-524-4550
Fax: 844-715-4928
www.ut.nrcs.usda.gov

Date: February 12, 2019

Kate Hammond
Intermountain Regional Director (acting)
National Park Service
12795 Alameda Parkway
Denver, CO 80225

RE: Formal request to be a Cooperating Agency in the development of the Cove Reservoir Watershed Plan-Environmental Assessment (Plan-EA), Washington County, Utah for proposed reservoir storage for agricultural water management and a variety of recreation measures.

Dear Ms. Hammond,

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.6, Natural Resources Conservation Service (NRCS) is formally requesting that the National Park Service (NPS) become a cooperating agency in the planning and development of the Cove Reservoir Watershed Plan-EA. The location of the proposed project area is outlined in the attached Figure.

This request is made since your agency is identified as having special expertise, interest or jurisdiction related to this project. The EA is being prepared to fulfill the NRCS NEPA compliance responsibilities pertaining to our Federal financial assistance through the Watershed Protection and Flood Prevention Program as authorized through Public Law 83-566. Upon acceptance of this invitation, draft roles are defined in the attached MOU. If your agency is unable to participate as a cooperating agency please return a written letter (or email) indicating that your agency cannot participate.

Please send notification confirming your decision to: Timothy Wilson, State Conservationist, USDA-NRCS, Wallace F Bennett Federal Building, 125 South State Street, Room 4010, Salt Lake City, Utah 84138-1100. An MOU is attached for signature if you wish to be a Cooperating Agency.

Thank you for your response and cooperation with these efforts. If you have any questions or comments, please contact Bronson Smart, State Conservation Engineer, at bronson.smart@ut.usda.gov or (801) 524-4559; or Norm Evenstad, Water Resources Coordinator, at norm.evenstad@ut.usda.gov or (801) 524-4569.

Sincerely,

TIMOTHY WILSON
State Conservationist

cc:
Alan Atkins, Assistant State Con.-Field Operations (South), NRCS, Richfield, UT
Kristi Hatch, District Conservationist, NRCS, Panguitch, Utah
Bronson Smart, State Conservation Engineer-Program Manager, NRCS, Salt Lake City, UT
Norm Evenstad, Water Resources Coordinator, NRCS, Salt Lake City, UT

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Natural Resources
Conservation Service

Utah State Office

125 So. State Street
Room 4010
Salt Lake City, UT
84138-1100

Voice: 801-524-4550
Fax: 801-524-4403

Memorandum of Understanding
Between
U.S. Department of Agriculture's Natural Resources Conservation Service
as the Lead Federal Agency
and
National Park Service - Zion National Park
as Cooperating Agency for Preparation of a
Watershed Plan-Environmental Assessment
for the Cove Reservoir Public Law-566 Watershed Project

I. Introduction

The Natural Resources Conservation Service (NRCS) is the Lead Federal Agency for the development of the Supplemental Watershed Plan-Environmental Assessment (PLAN-EA) as defined in 40 CFR Section 1501.5 for the Cove Reservoir site in Kane County, on private lands near Orderville, Utah. The National Park Service-Zion National Park (NPS), herein referred to as the Cooperating Agency, is cooperating in the development of the PLAN-EA as defined in 40 CFR Section 1501.6.

This Memorandum of Understanding (MOU) outlines the roles and responsibilities of the NRCS and Cooperating Agency, herein referred to as Parties, with respect to preparation of the PLAN-EA. This MOU describes responsibilities and procedures agreed to by the Parties.

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3. NRCS Regulations Implementing the NEPA (7 CFR Part 650)
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c. NRCS will consult with the Cooperating Agency regarding the alternatives considered and associated mitigation measures to be evaluated in the PLAN-EA.

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i. Land Manager; Wild & Scenic Values, Mineral Rights; Land Use, Recreation.

b. The Cooperating Agency may review, and provide to NRCS, comments on the issued draft PLAN-EA and final PLAN-EA.

c. The Cooperating Agency and the NRCS will together coordinate under this MOU to maximize the use of resources and minimize duplication of effort during the preparation of the PLAN-EA.

d. Upon issuance of the final PLAN-EA and any resulting FONSI by NRCS, the Cooperating Agency may be able to then adopt the PLAN-EA and issue a separate decision notice under the Cooperating Agency's NEPA implementing regulations.

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d. Transcon Environmental serves as the Kane County Water Conservancy District's (sponsor) contractor for the PLAN-EA preparation. The project planning is funded through NRCS's Public Law-566 Watershed Protection and Flood Prevention Program. The Cooperating Agency may provide information and comments directly to the contractor as well as collaborate with contractor's technical staff and subcontractors on matters within the Cooperating Agency's jurisdiction or special expertise. The Cooperating Agency acknowledges that the NRCS retains the exclusive responsibility to authorize modifications to the contract with Transcon Environmental and that the Cooperating Agency is not authorized to provide technical or policy direction regarding the performance of this contract.

V. Agency Representatives

1. Each Party will designate a representative and alternate representative, as described in Attachment A, to ensure coordination between the Parties during the preparation of the PLAN-EA. Each Party may change its representative at will by providing written notice to the other Party.

VI. Administration of the MOU

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2. This MOU may be modified by the Parties hereto by mutual agreement only. Any modification will be in writing.

3. This MOU does not alter the authority and responsibilities of the Cooperating Agency under their respective NEPA regulations.

4. This MOU is terminated when either the NRCS FONSI for the project is signed or when written notice is given by a respective agency.

National Park Service-Zion National Park

Kate Hammond
Name

Intermountain Regional Director (acting)
Title

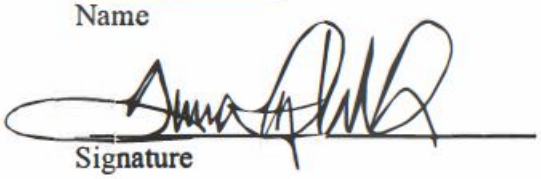
Signature

Date

USDA-Natural Resources Conservation Service - Utah

Timothy Wilson
Name

State Conservationist
Title



Signature

2/12/19
Date

Attachment A
Agency Representatives

NRCS (Lead Federal Agency)

Primary Representative

Norm Evenstad (801) 524-4569	Water Resources Coordinator
Name	Title

Backup Representative

Lance Smith (435) 704-4861	Civil Engineer
Name	Title

Kane County Water Conservancy District (Sponsor) & Contractor Reps.

Primary Representative/s

Brian Parker -Transcon Environmental	NEPA Oversight, Management
Ron Bolander - Transcon Environmental	NEPA Preparation
Dirk Clayson – KCWCD	Local Irrigation, Planning
Name	Title

National Park Service - Zion National Park (Cooperating Agency)

Primary Representative

Jeff Bradybaugh	Zion National Park Superintendent
Name	Title

Backup Representative

Kate Hammond	Intermountain Regional Director (acting)
Name	Title

Cooperating Agency Status Letters and Replies – Plan-EIS

October 15, 2021

Mr. Whit Bunting
Field Manager, Kanab Field Office
Bureau of Land Management
669 East Highway 89A
Kanab, Utah 84741

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Bunting:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Bureau of Land Management become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 15, 2021

Environmental Protection Agency
ATTN: NEPA Program Director
1595 Wynkoop Street
Denver, CO 80202

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear NEPA Program Director:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Environmental Protection Agency become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

October 29, 2021

Ref: 8ORA-N

Emily Fife, State Conservationist
USDA-NRCS
Wallace F Bennett Federal Building
125 South State Street, Room 4010
Salt Lake City, Utah 84138-1100

Dear Ms. Fife:

The U.S. Environmental Protection Agency (EPA) received the Natural Resources Conservation Service's (NRCS) invitation to become a cooperating agency on the *Cove-East Fork Virgin River Watershed Plan* (EIS). We appreciate NRCS's interest in working with EPA and accept your invitation.

As a cooperating agency, and to the extent that time and resources allow, EPA intends to:

1) Participate in the EIS process, including attending inter-agency coordination meetings and reviewing draft documents in accordance with the lead agency's schedule for providing cooperating agency comments. Due to limited travel funding and pandemic precautions, participation may occur via teleconference;

2) Assist NRCS in identifying significant environmental issues, particularly those that relate to EPA's special expertise and jurisdiction;

3) Provide comments to NRCS on preliminary versions of the Draft and Final EIS in accordance with the lead agency's schedule for providing cooperating agency comments;

4) If requested by NRCS, assist with responses to public comments that concern EPA's areas of expertise and jurisdictional responsibilities as EPA resources allow; and

5) Work with NRCS to develop an EIS consistent with EPA program or agency requirements.

Please note that EPA's status as a cooperating agency does not affect our independent responsibilities under Section 309 of the Clean Air Act to review and does not obligate, commit, or transfer funds. The EPA's cooperating agency status may be acknowledged in the document, but the EPA seal or symbol should not be used unless NRCS receives prior written approval from EPA, and then only if a disclaimer is attached stating that the use of the Agency seal or symbol on this document does not imply any agency's endorsement of the proposed action.

The EPA looks forward to working with NRCS as a cooperating agency in the efficient and effective development of the subject EIS. If you have any questions, please contact Matt Hubner, who will serve as EPA's point of contact at (303) 312-6500 or hubner.matt@epa.gov.

Sincerely,



Philip S. Strobel
Chief, NEPA Branch
Office of the Regional Administrator

Cc: Mr. Derek Hamilton, NRCS

October 15, 2021

Mr. Jeff Bradybaugh
Superintendent, Zion National Park
National Park Service
1 Zion Park Blvd.
Springdale, UT 84767

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Bradybaugh:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the National Park Service become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

United States Department of the Interior
NATIONAL PARK SERVICE
REGIONS 6, 7, & 8
12795 West Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287

IN REPLY REFER TO:
1.A.1 (ZION)

April 18, 2022

Ms. Emily Fife, USDA NRCS State Conservationist
Wallace F Bennett Federal Building
125 South State Street Room #4010
Salt Lake City, UT 84138

Subject: NPS comments on the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project Scoping Period and Cooperating Agency Acceptance

Dear Ms. Fife,

The National Park Service (NPS) appreciates the opportunity to provide comments during the scoping period of the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project and accepts the request to become a formal cooperating agency with the United States Department of Agriculture, Natural Resource Conservation Service (NRCS). The NPS within Zion National Park (ZION) manages a portion of the East Fork of the Virgin River within the park and holds special expertise regarding Wild and Scenic River, Endangered Species Act, Migratory Bird Treaty Act and Wilderness management. At your earliest convenience, please send ZION a draft of the proposed Memorandum of Understanding for NPS review. In addition to the comments and information requests outlined below, we strongly encourage NRCS to provide information related to impacts this project may have on regional dark night skies and mitigations planned to reduce those impacts.

1. 1996 Zion National Park Water Rights Settlement Agreement

Notably, in 1996 the NPS, State of Utah, Washington County Water Conservancy District, and Kane County Water Conservancy District entered into a historic agreement to establish federal reserved water rights memorialized in the Zion National Park Water Rights Settlement

Agreement (SA). In the SA, the NPS agreed to subordinate its senior water rights to limited future water development in the East Fork of the Virgin River. This includes a cap on cumulative storage capacity in one or more reservoirs not to exceed 6,750 acre-feet and a limitation of individual new reservoirs with total storage capacities greater than 20 acre-feet not to exceed 10 (SA Article II.D.1.a&b). With this limitation on new reservoir development addressed in the SA, restrictions on flow were also established for any new diversion structures constructed for new, large reservoirs (SA Article II.D.3), as well as the timing of diversion for any diversions associated with the new reservoirs with a storage capacity greater than 20 acre-feet (SA Article II.D.6). In addition, limits were set on the bypass flows below any new reservoirs (SA Article II.D.4) and reservoir discharge (SA Article II.D.5). We respectfully request the following information to determine if this proposed project is in compliance with the terms of the SA:

1.A. The location of any diversions associated with this proposed reservoir and the flow planned to be maintained below any new surface water diversions associated with the proposed reservoir.

1.B. The planned timing and diversion rate on all diversions associated with the proposed reservoir.

1.C. The proposed location, timing, and volumetric flow rate of releases and any return flow associated with the proposed reservoir.

The NPS anticipated development of this proposed reservoir whose terms were outlined in the SA. In addition, the NPS is required to evaluate the proposed development for compliance with other federal laws as described below. Therefore, the NPS requests additional information in order to complete the required analyses.

2. Wild and Scenic River Act

As a water resources project requiring federal assistance located upstream of a designated Wild and Scenic River, the East Fork of the Virgin River, this project is required to be evaluated using Section 7 of the Wild and Scenic Rivers Act, to determine if it will invade the river area or unreasonably diminish the river's scenic, recreational, fish, or wildlife values. This evaluation will be completed by the NPS as the river administering agency. The NPS will use information available in the project's National Environmental Policy Act (NEPA) documents to complete the Section 7 Determination. The NPS requests specific information and analysis to be completed in the Watershed Plan and Environmental Impact Statement to inform its Section 7 Determination.

The East Fork of the Virgin River designated Wild and Scenic River provides habitat for four native fish species: desert sucker *(Catostomus clarkia)*, flannelmouth sucker (*Catostomus latipinnis*), virgin spinedace (*Lepidomeda mollispinis*) and speckled dace (*Rhinichthys osculus*). The desert sucker, flannelmouth sucker and Virgin spinedace are each listed as a Utah Species of

Greatest Conservation Need by the Utah Department of Natural Resources. Flow depletion and dewatering caused by stream diversions for agricultural, municipal, and industrial uses are among the primary threats to the desert sucker, flannelmouth sucker, and Virgin spinedace. Prolonged periods of drought and increasing stream temperatures are compounding threat factors that are further exacerbated by flow depletion from stream diversions. Other threat factors listed for fish species native to the East Fork Virgin River include pesticides and other pollutants introduced by return flows from municipal and agricultural drains and runoff, invasive wildlife species, invasive plant species, and the introduction of aquatic invasive parasites and diseases. We respectfully request the following information to help inform the Section 7 Determination:

2.A. The effects this water development project may have on Virgin spinedace, desert sucker, and flannelmouth sucker population and habitat maintenance in the East Fork of the Virgin River must be assessed in the EIS. The 2002 Conservation Agreement and Strategy for Virgin spinedace placed management of the recovery and conservation of Virgin spinedace with the Virgin River Resource Management and Recovery Program (VRRMRP), a multi-agency cooperative program. Please work with the VRRMRP to assess potential impacts and develop mitigations to reduce negative impacts on Virgin spinedace population and habitat in the East Fork of the Virgin River which may include the establishment of population maintenance flows or minimum flow requirements.

2.B. Analysis of how this proposed project will impact natural flow regimes (including the magnitude, frequency, and timing of flood flows) and flow-related habitat variables (including water temperature, turbidity, and sediment transport) under a variety of scenarios including low, normal, and high-water years through the East Fork of the Virgin River Wild and Scenic River.

2.C. Mitigation(s) to prevent non-native fish and aquatic invasive species from escaping into the East Fork of the Virgin River from the proposed reservoir associated with this project.

2.D. Analysis of how municipal and agricultural runoff as well as chemical and pesticide loads will be altered as a result of this proposed project. If increased runoff is expected, please provide information regarding mitigation measures to reduce runoff into the East Fork of the Virgin River.

2.E. Analysis, including any mitigation measures, on the anticipated effects climate change may have on this proposed project, including a reduction in snowpack in the East Fork of the Virgin River Watershed and spring runoff as well as increased air temperatures.

3. Endangered Species Act and Other Sensitive Species

Mexican Spotted Owl (MSO) and MSO Critical Habitat:

The East Fork of the Virgin River and its tributaries are inhabited by MSO and the entirety of ZION is designated critical habitat for MSO. Two breeding territories have been confirmed near the East Fork of the Virgin River. Inventory surveys have not been conducted in the majority of potential breeding habitat that exist along the East Fork, and it is likely more territories exist. Water development, including water diversion and reservoirs can degrade, reduce, and/or fragment MSO habitat and/or disrupt migration corridors, inhibit gene flow, alter prey habitat and/or alter grazing patterns by wild ungulates. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.B) will be needed to evaluate impacts to this protected species and habitat and consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Southwestern Willow Flycatcher (SWFL) and Yellow-Billed Cuckoo (YBCU):

The riparian habitat along the East Fork of the Virgin River provides migratory stop-over habitat and marginal breeding habitat for SWFL and YBCU. Both species have been detected along the Virgin River in ZION or Springdale, UT during migration. Water development can modify, degrade, or reduce SWFL and YBCU habitat especially if water in riparian ecosystems and associated subsurface water tables are reduced. Reduced flows during spring runoff may degrade/alter the quantity of prey (insects) available to migrating SWFL and YBCU. An increase in upstream establishment of non-native vegetation, such as tamarisk and Russian olive, will increase the rate of establishment of these species downstream which can negatively alter SWFL and YBCU habitat. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.B) will be needed to evaluate impacts to these protected species and consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

3.A. Provide information on how non-native vegetation will be controlled near the proposed reservoir.

Sensitive and State-listed Species/Other Native Wildlife:

The East Fork of the Virgin River provides habitat for numerous native wildlife species, including State-listed species such as the Arizona toad. Water development projects have the potential to negatively affect wildlife if riparian habitat, fish communities, or aquatic invertebrate populations are negatively altered. Ecologically, if one functional group of wildlife is negatively impacted those effects will cascade to other wildlife species (e.g., if aquatic invertebrates are negatively affected numerous species of bats, birds, amphibians, and reptiles will also be affected). Data on the timing of the discharges from the reservoir and how these discharges will alter the water temperature, natural hydrological cycles and events and flow rates including the

magnitude, frequency, and timing of flood flows (as requested in 2.B) will be needed to evaluate impacts on these species.

4. Migratory Bird Treaty Act

The riparian habitat along the East Fork provides breeding, stop-over, and/or winter habitat for many species of migratory birds. Water development projects can negatively impact the quality and quantity of various habitat components (food, shelter, etc) which can reduce their breeding success or survival. An increase in upstream establishment of non-native vegetation, such as tamarisk and Russian olive, will increase the rate of establishment of these species downstream which can negatively affect migratory birds. Data on timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork (as requested in 2.B) will be needed to evaluate impacts on these species. Data (as requested in 3.A) on how non-native vegetation will be controlled near the proposed reservoir will also be important to identify.

5. Wilderness Act and Research Natural Areas

The East Fork of the Virgin River flows within congressionally designated Wilderness at ZION and is a primary feature that defines the Wilderness Character of the park. Three characteristics of Wilderness have the potential to be adversely impacted by the proposed water development project: Natural, Untrammeled, and Other Features of Value. NPS management focuses on maintaining this ecological system as substantially free from the effects of modern civilization (Natural) and unhindered and free from initial actions of modern human control or manipulation (Untrammeled). This area also holds unique features of ecological, geological, scientific, educational, scenic, and historical values (Other Features of Value). The presence of human civilization has long resided within Parunuweap Canyon which was only made possible by the river.

This area is also managed by ZION as a Research Natural Area (RNA). In accordance with the NPS Natural Resource Management Reference Manual (DO-77), RNAs are areas designated to be permanently protected and maintained in natural conditions. The ZION General Management Plan specifically calls out Parunuweap Canyon to be managed as an, “undisturbed watershed and riparian corridor.” The East Fork of the Virgin River is a critical component of the Parunuweap RNA which contains a unique ecosystem, ecological features, rare and sensitive species of plants, animals, and their habitats, and provides a high-quality example of a natural ecosystem. ZION manages the East Fork as an RNA to protect the area as a prime example of natural resources and processes, including significant genetic resources that have value for long-term observational studies or as control areas for manipulative research taking place outside of NPS lands.

Again, this aspect of the river emphasizes the need to establish a firm understanding of natural streamflow rates and how these might be altered with any water development infrastructure upstream within the drainage. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.C) will be needed to evaluate impacts to wilderness and the RNA. Identifying and communicating strategies for managing flows, to include anticipated discharge schedules and pulse volumes, will be of critical importance in order for the NPS to remain involved in for the life of the project. Any impacts or changes to winter, scouring flows may alter the riparian corridor and how flow rates would be managed to address low water years when pulses cannot be released will be essential for the NPS to understand.

5.A. Please provide an analysis of impacts this project may have on Wilderness characteristics within the East Fork of the Virgin River in Zion National Park.

We appreciate the opportunity to identify information needs, important needed analyses and to provide comments during the scoping period of the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project. Further, we request the information and analyses discussed above be initiated in consultation with all cooperating agencies. Please work directly with ZION staff to advance the responsibilities and expectations that will be assigned in the memorandum of understanding for cooperating agencies. If you have any questions, please contact Jeff Bradybaugh, ZION Superintendent, as the primary point of contact by phone at 435-772-0140 or by email at Jeff_Bradybaugh@nps.gov.

Sincerely,

Michael Reynolds
NPS Regional Director
Regions 6, 7, 8

cc:
Jeff Bradybaugh, NPS, Zion National Park, Superintendent
Norm Evenstad, USDA NRSC Water Resources Coordinator
Brian Parker, Transcon Environmental
Christopher Keleher, VRRMRP Director

October 15, 2021

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

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Gipson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Army Corps of Engineers become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

November 15, 2021

Regulatory Division (SPK-2020-00507)

Natural Resources Conservation Service
Attn: Ms. Emily Fife
125 South State Street
Salt Lake City, Utah 84138-1100
Emily.fife@usda.gov

Dear Ms. Fife:

We are responding to your October 15, 2021 request for the U.S. Army Corps of Engineers to participate as a cooperating agency under the National Environmental Policy Act for the preparation of an Environmental Impact Statement (EIS) for the Cove-East Fork Virgin River Watershed Plan. The proposed watershed plan is located within the East Fork Virgin River watershed in Washington County, Utah.

Our jurisdiction over the proposed action is under the authority of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. In accordance with Title 40 of the Code of Federal Regulations Part 1501.6, we agree to participate as a cooperating agency in the preparation of the EIS. Our involvement in the EIS process will be limited to those areas within our statutory authority. We will work with your office to develop a cooperating agency agreement that outlines our role and responsibilities as well as the coordination procedures for preparation of the EIS.

In addition, we recommend that you conduct early coordination with us to identify the action area and permit area for compliance with Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA) pursuant to 50 CFR Part 402.07 and 36 CFR 800.2(a)(2). Provided early coordination results in our concurrence that the action area and permit area adequately cover those areas under our regulatory authority, we can formally designate your agency to act on our behalf for compliance with ESA and NHPA.

Please refer to identification number SPK-2020-00507 in any correspondence concerning this project. If you have any questions, please contact Hollis Jencks at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at Hollis.G.Jencks@usace.army.mil, or telephone at (801) 295-8380 ext. 8318. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Jason Gipson
Chief, NV/UT Section

cc:
Derek Hamilton, NRCS, derek.hamilton@usda.gov

October 15, 2021

Ms. Veronica Magnuson
District Ranger, Cedar City Ranger District
U.S. Forest Service
1789 N. Wedgewood Lane
Cedar City, UT 84721

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Ms. Magnuson:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Forest Service become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 15, 2021

Ms. Yvette Converse
Supervisor, Utah Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, UT 84119

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Ms. Converse:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the U.S. Fish and Wildlife Service become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

October 15, 2021

Mr. Dave Ure
Director
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, UT 84102

RE: Formal request to be a Cooperating Agency in the development of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS) for proposed improvements in Kane County, Utah.

Dear Mr. Ure:

In accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR Part 1501.8, the Natural Resources Conservation Service (NRCS) is formally requesting that the Utah School and Institutional Trust Lands Administration become a cooperating agency in the planning and development of the Cove-East Fork Virgin River Watershed Plan-EIS. Please visit the project website at https://bit.ly/cove-eastforkvirginriver-EIS for information on the Plan-EIS.

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

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

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

Sincerely,

Norm Evenstad

NORM EVENSTAD
Asst. State Conservationist - Water Resources

cc:
Alan Atkins, Area Conservationist, NRCS, Richfield, UT
Kristi Westwood, District Conservationist, NRCS, Panguitch, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

Ian Snyder

From: Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>
Sent: Friday, October 29, 2021 1:03 PM
To: Ian Snyder; Brian Parker; Ronald Bolander
Subject: FW: Cove-East Fork Virgin River Watershed Plan-EIS

Follow Up Flag: Follow up
Flag Status: Completed

From: David Ure <dure@utah.gov>
Sent: Monday, October 25, 2021 12:20 PM
To: Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov>
Subject: Re: Cove-East Fork Virgin River Watershed Plan-EIS

Yes, we would like to be a partner in this study. The person that will be over this for Sitla will be Ron Torgerson. rontorgerson@utah.gov thanks for the invite. dave
S

On Thu, Oct 21, 2021 at 11:29 AM Hamilton, Derek - NRCS, Salt Lake City, UT <derek.hamilton@usda.gov> wrote:

> Hello Dave:
>
> Please find attached correspondence from NRCS requesting that SITLA become a cooperating agency in development of the Cove-East Fork Virgin River Watershed Plan-EIS.
>
> Hard copy will be sent upon request.
>
> Thx..Derek
>
> ~~~~~~
>
> Derek Hamilton
>
> Water Resources Coordinator

U.S. Department of Agriculture

Natural Resources Conservation Service

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

Office: 801.524.4560 **Mobile:** 385.321.4987

E-mail: derek.hamilton@usda.gov | www.ut.nrcs.usda.gov

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"They didn't know they couldn't do it so they went out and did it anyway."

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State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Office of the Governor
Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Executive Director

October 20, 2021

Submitted via email: bparker@transcon.com

Brian Parker
Transcon Environment
1745 South Alma School, Suite 220
Phoenix, AZ 85210

Subject: **Cove-East Fork Virgin River Watershed Project EIS**
Cooperating Agency Status Request
RDCC Project No. 81123

Dear Mr. Parker:

The State of Utah (State) through the Public Lands Policy Coordinating Office (PLPCO) requests Cooperating Agency status to participate in developing the Cove-East Fork Virgin River Watershed Project Environmental Impact Statement.

Please call to discuss any questions or concerns.

Sincerely,

Redge B. Johnson
Executive Director

State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Office of the Governor
Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Executive Director

February 2, 2022

Sent via electronic mail: bparker@transcon.com

Brian Parker
Transcon
1745 South Alma School Road, Suite 220
Mesa, AZ 85210

Subject: **Cove Reservoir Project EIS – Request for Cooperating Agency Status**

Dear Mr. Parker:

The state of Utah, through the Governor's Public Lands Policy Coordinating Office, requests Cooperating Agency status to participate in the NEPA process in developing the environmental impact statement for the Cove Reservoir Project.

We look forward to working with NRCS and Transcon. Please send the draft MOU to Jake Garfield at jmgarfield@utah.gov and Sindy Smith at sindysmith@utah.gov or call to discuss any questions or concerns.

Sincerely,

Redge B. Johnson
Executive Director

From: Corey Cram
To: derek.hamilton@usda.gov; Brian Parker; Mike Noel; Brent Gardner; Dale Harris (frontdesk@infowest.com)
Subject: Cove Reservoir - Cooperating Agency
Date: Thursday, January 27, 2022 10:10:49 AM
Attachments: image001.png

Derek,

The Washington County Water Conservancy District requests formal cooperating agency status on the project. Thank you .

Corey

Corey Cram
Associate General Manager
Washington County Water Conservancy District
P: 435.673.3617 | C: 435.668.1819 | wcwcd.org

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USDA United States Department of Agriculture
Farm Production and Conservation
Natural Resources Conservation Service
Utah State Office
125 South State Street
Room 4010
Salt Lake City, Utah 84138-1100

Memorandum of Understanding
Between
U.S. Department of Agriculture's Natural Resources Conservation Service
as the Lead Federal Agency
and
Bureau of Land Management, U.S. Army Corps of Engineers, National Park Service, School and Institutional Trust Lands Administration, State of Utah Public Lands Policy and Coordinating Office, and Environmental Protection Agency
as Cooperating Agencies in the Preparation of an Environmental Impact Statement
for the Cove-East Fork Virgin River Watershed Project

I. Introduction

The Natural Resources Conservation Service (NRCS) is the Lead Federal Agency for the development of a Watershed Plan-Environmental Impact Statement (PLAN-EIS) as defined in 40 C.F.R. §1501.7 for Cove-East Fork Virgin River Watershed Project. The Kane County Water Conservancy District (KCWCD) proposes to develop a water storage reservoir, facilities appurtenant to the reservoir, a hydroelectric power plant, access roads, and irrigation improvements on private lands near the towns of Orderville and Mt. Carmel, Utah. The purpose and need for this project is to improve agricultural water management by allowing for reliable water storage and irrigation water delivery within rural Kane and Washington counties. The NRCS is providing technical and financial assistance for the project under the PL-566 program. The Bureau of Land Management (BLM), U.S. Army Corps of Engineers (USACE), The National Park Service-Zion National Park (NPS), School and Institutional Trust Lands Administration (SITLA), Public Lands Policy and Coordinating Office (PLPCO), and Environmental Protection Agency (EPA) are Cooperating Agencies as defined in 40 C.F.R §1501.8 in the development of the PLAN-EIS.

This Memorandum of Understanding (MOU) outlines the roles and responsibilities of the NRCS, BLM, USACE, NPS, SITLA, PLPCO, and EPA, herein referred to as Parties, with respect to preparation of the PLAN-EIS. This MOU describes responsibilities and procedures agreed to by the Parties.

II. Purpose

The purposes of this MOU are as follows:

1. To designate BLM, USACE, NPS, SITLA, PLPCO, and EPA as Cooperating Agencies in the PLAN-EIS process.
2. To provide a framework for cooperation and coordination among the Parties that will ensure successful completion of the PLAN-EIS in a timely, efficient, and thorough manner.
3. To recognize that the NRCS is the Lead Federal Agency with responsibility for the completion of the PLAN-EIS and preparation of a single Record of Decision (ROD) the NRCS and BLM who require a NEPA decision for the project.
4. To describe the respective responsibilities, jurisdictional authority, and expertise of the BLM, USACE, NPS, SITLA, PLPCO, and EPA in the planning process.

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III. Authorities

The authorities and regulations of the NRCS to enter into and engage in the activities described within this MOU include, but are not limited to:

1. National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §§ 4321 et seq.)
2. Council on Environmental Quality regulations (40 C.F.R. parts 1500 to 1508)
3. National Historic Preservation Act of 1966
4. NRCS Regulations Implementing the NEPA (7 C.F.R. Part 650)
5. Watershed Protection and Flood Prevention Act (PL 83-566, 16 U.S.C. §§ 1000 et seq.)

The authorities and regulations of the BLM to enter into this MOU include, but are not limited to:

1. NEPA of 1969 (42 U.S.C. §§ 4321 et seq.)
2. Council on Environmental Quality regulations (40 C.F.R. §§ 1500 et seq.), (40 C.F.R. § 1501.8)
3. Endangered Species Act of 1973 (16 U.S.C §§ 1531, et seq.)
4. National Historic Preservation Act of 1966
5. Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1761)

The authorities and regulations of the USACE to enter into and engage in the activities described within this MOU include, but are not limited to:

1. NEPA of 1969 (42 U.S.C. §§ 4321 et seq.).
2. Council on Environmental Quality regulations (40 C.F.R. §§ 1500 et seq.), (40 C.F.R. § 1501.8)
3. National Historic Preservation Act of 1966
4. Section 404 of the Clean Water Act (CWA) (33 U.S.C §§ 1344 et seq.)
5. Section 10 of the Rivers and Harbors Act of 1899 (33 C.F.R. § 320.2)

The authorities and regulations of the NPS to enter into this MOU include, but are not limited to:

1. NEPA of 1969 (42 U.S.C. §§ 4321 et seq.)
2. Council on Environmental Quality regulations (40 C.F.R. §§ 1500 et seq.), (40 C.F.R. § 1501.8)
3. Wild and Scenic Rivers Act of 1968 (16 U.S.C §§ 1271 et seq.)
4. Migratory Bird Treaty Act of 1918 (16 U.S.C §§ 703 et seq.)
5. Endangered Species Act of 1973 (16 U.S.C §§ 1531, et seq.)
6. Wilderness Act of 1964 (16 U.S.C §§ 1131 et seq.)
7. National Park Service Organic Act (54 U.S.C. §§ 100101 et seq.)

The authorities and regulations of SITLA to enter into this MOU include, but are not limited to:

1. NEPA of 1969 (42 U.S.C. §§ 4321 et seq.)

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2. Council on Environmental Quality regulations (40 C.F.R. §§ 1500 et seq.), (40 C.F.R. § 1501.8)

The authorities and regulations of PLPCO to enter into this MOU include, but are not limited to:

1. NEPA of 1969 (42 U.S.C. §§ 4321 et seq.)
2. Council on Environmental Quality regulations (40 C.F.R. §§ 1500 et seq.), (40 C.F.R. § 1501.8)

The authorities and regulations of the EPA to enter into this MOU include, but are not limited to:

1. NEPA of 1969 (42 U.S.C. §§ 4321 et seq.)
2. Council on Environmental Quality regulations (40 C.F.R. §§ 1500 et seq.), (40 C.F.R. § 1501.8)
3. National Historic Preservation Act of 1966
4. Section 309 of the Clean Air Act of 1970 (42 U.S.C. § 7609)
5. Section 404 of the CWA (33 U.S.C §1344)

This MOU does not alter any other written agreements, authorities, or responsibilities between the Parties and the project sponsors or other government agencies, or parties.

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IV. Roles and Responsibilities

1. General Responsibilities

   a. The Parties resolve to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements.

   b. The Parties resolve to fund their own expenses associated with the PLAN-EIS process.

2. NRCS Responsibilities

   a. The NRCS, as the Lead Federal Agency, has primary responsibility for compliance with the requirements of the NEPA and completion of the draft PLAN-EIS, final PLAN-EIS, and preparation of a single ROD.

   b. The NRCS resolves to work cooperatively with BLM, NPS, SITLA, PLPCO, USACE, and EPA to identify the necessary processes to allow the Parties to complete an appropriate analysis to formulate their respective decisions with regards to jurisdictional responsibilities.

   c. The NRCS resolves to work with BLM, NPS, SITLA, PLPCO, USACE, and EPA to identify concerns, issues, and opportunities to be addressed as part of the PLAN-EIS.

   d. The NRCS resolves to provide BLM, USACE, NPS, SITLA, PLPCO, and EPA with those PLAN-EIS resource characterization studies and technical reports, as determined necessary by the respective Party, for review and comment.

   e. The NRCS resolves to consult with the BLM, NPS, SITLA, PLPCO, USACE, and EPA regarding the alternatives considered and associated mitigation measures to be evaluated in the PLAN-EIS.

   f. The NRCS resolves to identify BLM, NPS, SITLA, PLPCO, USACE, and EPA on the draft PLAN-EIS and final PLAN-EIS cover pages, and will describe in the introduction sections, as provided by BLM, NPS, SITLA, PLPCO, USACE, and EPA, the specific roles and authorities of BLM, NPS, SITLA, PLPCO, USACE, and EPA with respect to this planning project.

   g. Where the Parties disagree on substantive elements of the PLAN-EIS, and these disagreements cannot be resolved, the NRCS resolves to include the BLM's, NPS's, SITLA's, PLPCO's, USACE's, and EPA's views in the draft PLAN-EIS and final PLAN-EIS. The NRCS also resolves to describe substantial inconsistencies between its proposed action(s) and the objectives of state, local, or tribal land use plans and policies.

3. BLM, NPS, SITLA, PLPCO, USACE, and EPA Responsibilities

   a. BLM, NPS, SITLA, PLPCO, USACE, and EPA resolve to provide early input to the NRCS regarding issues to address in the resource characterization studies, technical reports, and PLAN-EIS. BLM, NPS, SITLA, PLPCO, USACE, and EPA also resolve to provide comments or analyses to the NRCS in those areas where BLM, NPS, SITLA, PLPCO, USACE, and EPA have regulatory authority or technical expertise.

      BLM is recognized to have the following jurisdiction by law and/or special expertise:

      > Land Management, Water Resource Management, Recreation Management, Rights-of-Way (ROW), Public Land Survey System, Habitat Management, Heritage Resource Management.

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NPS is recognized to have the following jurisdiction by law and/or special expertise:

> The NPS preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The NPS manages a section of the designated Wild and Scenic River, the East Fork of the Virgin River, located downstream of this water resources project. The NPS manages habitat protected under the Endangered Species Act and the Migratory Bird Treaty Act. The NPS manages the congressionally designated Zion Wilderness and protects wilderness values under the Wilderness Act.

SITLA is recognized to have the following jurisdiction by law and/or special expertise:

> Trust lands are administered by SITLA, the School and Institutional Trust Lands Administration. Created in 1994 by the Utah Legislature, SITLA manages Utah's 3.4 million acres of trust land, generating revenue through energy and mineral leases, rent, and royalties; real estate development and sales; and surface estate sales, leases, and easements. SITLA deposits all proceeds into permanent endowments for each beneficiary

PLPCO is recognized to have the following jurisdiction by law and/or special expertise:

> The Resource Development Coordinating Committee, overseen by and part of the PLPCO, in fulfilling the responsibilities of reviewing and coordinating technical and policy actions that may affect the physical resources of the state and facilitates the exchange of information on those actions among state agencies and other levels of government.

USACE is recognized to have the following jurisdiction by law and/or special expertise:

> USACE has jurisdiction of navigable waters of the United States and waters of the United States under the Rivers and Harbors Act of 1899 Section 10 and the CWA Section 404. USACE has special expertise in dredging, excavation, and construction of revetments, groins, breakwaters, beach enhancement, jetties, levees, dams, dikes, and weirs.

EPA is recognized to have the following jurisdiction by law and/or special expertise:

> EPA has jurisdiction under the CWA, including co-administering the CWA Section 404 Program with the USACE, the Clean Air Act, and other environmental statutes administered by the EPA. EPA has special expertise in environmental statutes and regulations, including but not limited to NEPA, and in surface water, ground water, stream and wetland systems, water quality, climate change, and environmental justice.

b. EPA maintains its independent obligations under Section 309 of the Clean Air Act (42 U.S.C. § 7609), to review and comment in writing on the environmental impacts of this federal agency action and, in the event the EPA determines that the action is unsatisfactory from the standpoint of public health or welfare or environmental quality, to publish its determination and refer the matter to the Council on Environmental Quality.

c. USACE maintains its independent obligation under Section 404(b)(1) of the CWA (33 U.S.C. § 1344(b)(1)) and 40 C.F.R. Part 230, to evaluate compliance with the CWA 404(b)(1) Guidelines' requirements for consideration of alternatives and to identify the least environmentally damaging practicable alternative for projects under this plan that require a CWA Section 404 dredge and fill permit.

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As staff and funding allow, BLM, NPS, SITLA, PLPCO, USACE, and EPA will review, and provide to the NRCS, comments on the issued draft PLAN-EIS and final PLAN-EIS prior to public circulation.

d. The Parties resolve to coordinate with each other pursuant to this MOU in order to maximize the use of resources and minimize duplication of effort during the preparation of the PLAN-EIS.

4. Other Terms

a. Parties retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

V. Agency Representatives

1. Parties resolve to designate a representative and alternate representative, as described in section VIII, to ensure coordination between the Parties during the preparation of the PLAN-EIS. Each Party may change its representative at will by providing written notice to the other Parties.

VI. Administration of the MOU

1. This MOU becomes effective upon signature by the authorized officials of the Parties and remains in effect until either a ROD is executed or five (5) years, whichever comes first.
2. This MOU may be extended or modified by the Parties hereto by mutual agreement only, as discussed in Section XII, Modifications. Any modification will be in writing.
3. This MOU does not alter the authority and responsibilities of the Parties under their respective NEPA regulations.
4. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the Unites States, its agencies, its officers, or any person.
5. Any Party may terminate its participation in this MOU upon written notice to the other Parties as specified in Section VII, Notices. The MOU will remain in effect for any and all remaining Parties.

VII. Notices

Termination or modification of this MOU is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

1. To the NRCS Program Contact, at the address specified in the MOU or through a written change notification made pursuant to section VIII.
2. To the BLM Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.
3. To the USACE Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.
4. To the EPA Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.
5. To the NPS Program Contact, at the address shown in the MOU or such other address designated within the MOU or through a written change notification made pursuant to section VIII.
6. To the SITLA Program Contact, at the address specified in the MOU or through a written change notification made pursuant to section VIII.

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7. To the PLPCO Program Contact, at the address specified in the MOU or through a written change notification made pursuant to section VIII.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

VIII. Agency Representatives

Individuals listed below are authorized to act in their respective areas for matters related to this MOU. Changes to the Principal Contacts for each of the Parties to this MOU may be made at any time by written notification to all Parties as to the name and contact information for the updated contact person by the respective Party requesting the change.

NRCS Representatives (Lead Federal Agency):

NRCS Primary Contact	NRCS Backup Contact
Name: Norm Evenstad Title: Assistant State Conservationist–Water Resources Address: Wallace F. Bennett Federal Building 125 South State Street Room 4010 Salt Lake City, Utah 84138 Telephone: 801-524-4569 Email: norm.evenstad@usda.gov	Name: Derek Hamilton Title: Water Resource Coordinator Address: Wallace F. Bennett Federal Building 125 South State Street Room 4010 Salt Lake City, Utah 84138 Telephone: 801-524-4560 Email: derek.hamilton@usda.gov

BLM Representatives (Cooperating Agency):

BLM Primary Contact	BLM Backup Contact
Name: Whit Bunting Title: Field Office Manager Address: Bureau of Land Management Kanab Field Office 669 South Highway 89A Kanab, Utah 84741 Telephone: 435-644-1200 Email: utknmail@blm.gov	Name: James Holland Title: Hydrologist/Geologist Address: Bureau of Land Management Kanab Field Office 669 South Highway 89A Kanab, Utah 84741 Telephone: 435-644-1200 Email: jholland@blm.gov

NPS Representatives (Cooperating Agency):

NPS Primary Contact	NPS Backup Contact
Name: Jeff Bradybaugh Title: Superintendent Address: 1 Zion Park Boulevard., State Route 9 Springdale, Utah 84767 Telephone: 435-772-0140 Email: jeff_bradybaugh@nps.gov	Name: Robyn Henderek Title: Physical Scientist Address: 1 Zion Park Boulevard., State Route 9 Springdale, Utah 84767 Telephone: 435-772-0158 Email: robyn_henderek@nps.gov

SITLA Representatives (Cooperating Agency):

SITLA Primary Contact	SITLA Signer
Name: Ron Torgerson Title: Southeast Surface Resource Specialist	Name: Chris Fausett Title: Assistant Director

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Address: 675 East 500 South, #500 Telephone: 435-893-2980 Email: rgtorgerson@utah.gov	Address: 675 East 500 South, #500 Telephone: 801-538-5139 Email: chrisfausett@utah.gov

PLPCO Representatives (Cooperating Agency):

PLPCO Primary Contact	PLPCO Primary Contact
Name: Sindy Smith Title: RDDC Coordinator Address: 3760 S. Highland Drive, Third Floor Salt Lake City, Utah 84106 Telephone: 385-522-0007 Email: sindysmith@utah.gov	Name: Dillon Hoyt Title: Natural Resources Planner Address: 3760 S. Highland Drive, Third Floor Salt Lake City, Utah 84114 Telephone: 385-479-0423 Email: dillonhoyt@utah.gov

USACE Representatives (Cooperating Agency):

USACE Primary Contact	USACE Backup Contact
Name: Hollis Jencks Title: Project Manager Address: USACE 533 West 2600 South, Suite 150 Bountiful, Utah 84010-7744 Telephone: 801-295-8380 ext. 8318 Email: hollis.g.jencks@usace.army.mil	Name: Jason Gipson Title: Branch Chief Address: USACE 533 West 2600 South, Suite 150 Bountiful, Utah 84010-7744 Telephone: 801-295-8380 Email: jason.a.gipson@usace.army.mil

EPA Representatives (Cooperating Agency):

EPA Primary Contact	EPA Backup Contact
Name: Matt Hubner Title: NEPA Reviewer Address: U.S. EPA Region 8 (ORA-N) 1595 Wynkoop Street Denver, Colorado, 80202-1129 Telephone: 303-312-6312 Email: hubner.matt@epa.gov	Name: Shannon Snyder Title: NEPA Reviewer Address: U.S. EPA Region 8 (ORA-N) 1595 Wynkoop Street Denver, Colorado, 80202-1129 Telephone: 303-312-6335 Email: snyder.shannon@epa.gov

IX. Participation in Similar Activities

This MOU in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, and individuals.

X. Nonbinding Agreement

This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity against the Parties, their officers or employees, or any other person. This MOU does not apply to any person or entity outside of the Parties.

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The Parties shall manage their respective resources and activities in a separate, coordinated, and mutually beneficial manner to meet the purposes of this MOU. Nothing in this MOU authorizes or requires any of the Parties to transfer funds or to commit, obligate, or expend their appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligation. Specific projects or activities that involve the transfer of funds, services, or property among the Parties will be handled in accordance with applicable laws, regulations, and procedures under separate written agreements and are contingent upon the availability of appropriated funds.

These activities must be independently authorized by statute. This MOU does not provide that authority. Negotiation, execution, and administration of these agreements must comply with all applicable laws. Each Party operates under its own laws, regulations, and policies, subject to the availability of appropriated funds. Nothing in this MOU is intended to alter, limit, or expand the statutory and regulatory authority of the Parties.

XI. Agency Review and Concurrence Timeline

The Parties resolve to process the PLAN-EIS and develop an environmental review and authorization schedule. Parties will work together to develop a single Permitting Timetable for the necessary environmental review and authorization decisions, prepare a single EIS, sign a single ROD, and issue all necessary authorization decisions within 90 days of issuance of the ROD, subject to limited exceptions.

XII. Modifications

Modifications within the scope of this MOU must be made by mutual consent of the Parties, by the issuance of a written modification signed and dated by all properly authorized officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.

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XIII. Authorized Representatives

By signature below, each Party certifies that the individuals listed in this document as representatives of the individual Parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the Parties hereto have executed this MOU as of the last date written below.

USDA-Natural Resources Conservation Service—Utah

Trisha Cracroft — Emily Fife
Name

DocuSigned by: Trisha Cracroft 577BAF5A64A2459...

Utah State Conservationist Acting
Title

8/24/2022

_____ _____
Signature Date

Bureau of Land Management

Whitney Bunting — Kanab Field Office Manager
Name — Title

DocuSigned by: Whitney Bunting 5722E9DE787B4F7...

8/16/2022

_____ _____
Signature Date

National Parks Service

Jeff Bradybaugh — Superintendent
Name — Title

DocuSigned by: Jeff Bradybaugh AC5E13F037714CF...

8/8/2022

_____ _____
Signature Date

Utah School and Institutional Trust Lands Administration

Chris Fausett — Assistant Director
Name — Title

DocuSigned by: Chris Fausett 0964CD9FB0A5496...

8/16/2022

_____ _____
Signature Date

DocuSign Envelope ID: CA079600-486F-4215-A08E-28D21CBEBF2D

Utah Public Lands Policy Coordinating Office

Redge B. Johnson — Executive Director

Name — Title

DocuSigned by: Redge B Johnson EAF6F48BD2A9403...

8/23/2022

_____ _____

Signature — Date

U.S. Army Corp of Engineers

Jason A Gipson — Nevada/Utah Regulatory Section Chief

Name — Title

DocuSigned by: Jason A Gipson B2006026107847F...

8/24/2022

_____ _____

Signature — Date

Environmental Protection Agency

Melissa McCoy — NEPA Branch Manager

Name — Title

DocuSigned by: Melissa McCoy 85BA4F86750B45D...

8/22/2022

_____ _____

Signature — Date

USFWS Consultation

May 17, 2024

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

RE: Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement (Plan-EIS)
Section 12 Notification--Public Law 83-566

Dear George Weekley:

The Natural Resources Conservation Service (NRCS) is currently preparing the Cove-East Fork Virgin River Watershed Plan-EIS for agricultural water management and recreational measures in Kane County, Utah. In accordance with Section 12 of the Watershed Protection and Flood Prevention Act, Public Law 83-566 (U.S.C. Section 1008), this letter serves to notify the U.S. Fish and Wildlife Service (USFWS) that NRCS invites the USFWS to submit survey reports or investigations regarding wildlife resources that will be considered in development of the Cove-East Fork Virgin River Watershed Plan-EIS. Additionally, the NRCS welcomes USFWS participation in the preparation of the Plan-EIS in accordance with Section 12 of Public Law 83-566.

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

Sincerely,

Travis Mote
Acting State Conservationist

cc:
Anders Fillerup, Acting Assistant State Conservationist—Water Resources, NRCS, Salt Lake City, UT
Derek Hamilton, Water Resources Coordinator, NRCS, Salt Lake City, UT

Hamilton, Derek - FPAC-NRCS, UT

From: Hamilton, Derek - FPAC-NRCS, UT
Sent: Wednesday, September 9, 2026 1:03 PM
To: 'Schratz, Samuel A'; Weekley, George M; UtahFieldOfficeESA, FW6
Cc: Reisor, Rita S; Costantini, Danielle N; Jencso, Emily D; Weiss, Dannette T; Mote, Travis - FPAC-NRCS, UT; Westwood, Kristi - FPAC-NRCS, UT; Schick, David - FPAC-NRCS, UT; Marshall, Mike - FPAC-NRCS, UT
Subject: RE: [EXTERNAL] Cove-EFVR Watershed Plan...request for USFWS concurrence

Received...thx to all at USFWS for quick concurrence turnaround!

Derek

~~~~~~

Derek Hamilton
Water Resources Coordinator

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
Utah—State Office
125 South State Street Room 6416, Salt Lake City, UT 84138
Mobile: 385.867.8513

~~~~~~

From: Schratz, Samuel A <samuel_schratz@fws.gov>
Sent: Wednesday, September 9, 2026 12:26 PM
To: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; Weekley, George M <george_weekley@fws.gov>; UtahFieldOfficeESA, FW6 <UtahFieldOffice_ESA@fws.gov>
Cc: Reisor, Rita S <rita_reisor@fws.gov>; Costantini, Danielle N <danielle_costantini@fws.gov>; Jencso, Emily D <emily_jencso@fws.gov>; Weiss, Dannette T <dannette_weiss@fws.gov>; Mote, Travis - FPAC-NRCS, UT <travis.mote@usda.gov>; Westwood, Kristi - FPAC-NRCS, UT <kristi.westwood@usda.gov>; Schick, David - FPAC-NRCS, UT <david.schick@usda.gov>; Marshall, Mike - FPAC-NRCS, UT <mike.marshall@usda.gov>
Subject: Re: [EXTERNAL] Cove-EFVR Watershed Plan...request for USFWS concurrence

My apologies, there was a typo in the previous email. It should have said:

Thank you for submitting your request for informal consultation for the Cove EFVR Watershed Plan Project. Based on the information provided to our office, we concur with the Not Likely to Adversely Affect determination for the Mexican spotted owl, southwestern willow flycatcher, Virgin river chub, woundfin, and California condor as well as Mexican spotted owl, Virgin river chub, and woundfin critical habitat. We also concur with the not likely to jeopardize the continued existence determination for the experimental non-essential California condor and monarch butterfly. Please note the attached record of concurrence.

This concludes informal consultation for the Project. At this time, further consultation pursuant to section 7(a)(2) of the Act is not required. Reinitiation of consultation on this action may be necessary if: (1) new information reveals effects of the action that may affect listed species or designated critical habitat in a manner or to an extent not considered in the assessment, (2) the action is subsequently modified in a manner that causes

an effect to listed species or critical habitat that was not considered in the analysis, or (3) a new species is listed or critical habitat designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of Utah's threatened and endangered species. If you have questions regarding this consultation, please feel free to contact our office.

Cheers,

Samuel Schratz, CWB®
President of AFGE Local 4302
Fish and Wildlife Biologist
Utah Ecological Services Field Office
Desk: (801) 239-0562

Please submit Section 7 project requests to: UtahFieldOffice_ESA@fws.gov
Book time to meet with me

From: Schratz, Samuel A <samuel_schratz@fws.gov>
Sent: Wednesday, September 9, 2026 12:16
To: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; Weekley, George M <george_weekley@fws.gov>; UtahFieldOfficeESA, FW6 <UtahFieldOffice_ESA@fws.gov>
Cc: Reisor, Rita S <rita_reisor@fws.gov>; Costantini, Danielle N <danielle_costantini@fws.gov>; Jencso, Emily D <emily_jencso@fws.gov>; Weiss, Dannette T <dannette_weiss@fws.gov>; Mote, Travis - FPAC-NRCS, UT <travis.mote@usda.gov>; Westwood, Kristi - FPAC-NRCS, UT <kristi.westwood@usda.gov>; Schick, David - FPAC-NRCS, UT <david.schick@usda.gov>; Marshall, Mike - FPAC-NRCS, UT <mike.marshall@usda.gov>
Subject: Re: [EXTERNAL] Cove-EFVR Watershed Plan...request for USFWS concurrence

Derek,

Thank you for submitting your request for informal consultation for the Cove EFVR Watershed Plan Project. Based on the information provided to our office, we concur with the Not Likely to Adversely Affect determination for the Mexican spotted owl, southwestern willow flycatcher, Virgin river chub, woundfin, and California condor as well as Mexican spotted owl, Virgin river chub, and woundfin critical habitat. We also concur with jeopardize the continued existence of experimental non-essential California condor and monarch butterfly. Please note the attached record of concurrence.

This concludes informal consultation for the Project. At this time, further consultation pursuant to section 7(a)(2) of the Act is not required. Reinitiation of consultation on this action may be necessary if: (1) new information reveals effects of the action that may affect listed species or designated critical habitat in a manner or to an extent not considered in the assessment, (2) the action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the analysis, or (3) a new species is listed or critical habitat designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of Utah's threatened and endangered species. If you have questions regarding this consultation, please feel free to contact our office.

Cheers,

Samuel Schratz, CWB®
President of AFGE Local 4302
Fish and Wildlife Biologist

Utah Ecological Services Field Office
Desk: (801) 239-0562

Please submit Section 7 project requests to: UtahFieldOffice_ESA@fws.gov
Book time to meet with me

From: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>
Sent: Thursday, September 3, 2026 17:33
To: Weekley, George M <george_weekley@fws.gov>; UtahFieldOfficeESA, FW6 <UtahFieldOffice_ESA@fws.gov>
Cc: Reisor, Rita S <rita_reisor@fws.gov>; Costantini, Danielle N <danielle_costantini@fws.gov>; Jencso, Emily D <emily_jencso@fws.gov>; Weiss, Dannette T <dannette_weiss@fws.gov>; Schratz, Samuel A <samuel_schratz@fws.gov>; Mote, Travis - FPAC-NRCS, UT <travis.mote@usda.gov>; Westwood, Kristi - FPAC-NRCS, UT <kristi.westwood@usda.gov>; Schick, David - FPAC-NRCS, UT <david.schick@usda.gov>; Marshall, Mike - FPAC-NRCS, UT <mike.marshall@usda.gov>
Subject: [EXTERNAL] Cove-EFVR Watershed Plan...request for USFWS concurrence

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

George...

Please find attached letter (and associated BA & Water Model Report) requesting USFWS concurrence with NRCS's determination that the Cove-East Fork Virgin River Watershed Plan is **not likely to adversely affect** the Mexican spotted owl (*Strix occidentalis lucida*), southwestern willow flycatcher (*Empidonax traillii extimus*), Virgin River chub (*Gila seminuda*), woundfin (*Plagopterus argentissimus*), and California condor (*Gymnogyps californianus*). It has also been determined that the project would have **no effect** or would **not likely jeopardize the continued existence** on the remaining federally listed/proposed species or critical habitat identified in the IPaC report.

Please contact me if you have any questions.

Thank you...Derek

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USDA

United States Department of Agriculture

The U.S. Fish and Wildlife Service concurs with your determination that the proposed action *may affect, and is not likely to adversely affect*:
Species: Mexican spotted owl, southwestern willow flycatcher, Virgin river chub, woundfin, California condor

Critical Habitat: Mexican spotted owl, Virgin river chub, woundfin

The proposed action is expected to be:
Insignificant ✓ Discountable ✓ Beneficial ___

The U.S. Fish and Wildlife Service concurs with your determination that the action is *not likely to jeopardize the continuing existence of*:
Species: California condor (experimental non-essential), monarch butterfly

U.S. Fish and Wildlife Utah Field Supervisor

Office Code: 06E23000 Project Code: 2025-0118842

August 31, 2026

George Weekley
Supervisor, Utah Ecological Services Field Office
U.S. Fish and Wildlife Service
440 West 200 South, Suite 500
Salt Lake City, UT 84101

RE: Cove-East Fork Virgin River Watershed Plan
Kane and Washington Counties, Utah

Dear George Weekley:

The Natural Resources Conservation Service (NRCS) is providing assistance to Kane County Water Conservancy District and Washington County Water Conservancy District through the PL-566 Watershed Protection and Flood Prevention Program to prepare the Cove-East Fork Virgin River Watershed Plan. This letter is being submitted in compliance with Section 7 of the Endangered Species Act (ESA) to document our determination of potential project effects on federally listed/proposed species and designated critical habitat; additionally, this letter serves as a request for U.S. Fish and Wildlife Service concurrence with our determinations.

The NRCS has determined that the Cove-East Fork Virgin River Watershed Plan **may affect but is not likely to adversely affect** the Mexican spotted owl (*Strix occidentalis lucida*), southwestern willow flycatcher (*Empidonax traillii extimus*), Virgin River chub (*Gila seminuda*), woundfin (*Plagopterus argentissimus*), and California condor (*Gymnogyps californianus*). Furthermore, it has been determined that the project would have **no effect** or would **not likely jeopardize the continued existence** on the remaining federally listed/proposed ESA species, including critical habitat, identified in the Information for Planning and Consultation report. Please find the enclosed Biological Assessment that has been prepared to document the basis for our determinations and identify conservation measures for the project.

Thank you for your assistance. If you have any questions or need additional information, please contact Derek Hamilton of my staff at 385/867-8513 or derek.hamilton@usda.gov.

Sincerely,

TRAVIS MOTE Digitally signed by TRAVIS MOTE
Date: 2026.08.31 16:02:43 -06'00'

TRAVIS MOTE
Acting State Conservationist

Enclosure

cc:
Derek Hamilton, Biologist/Water Resources Coordinator, NRCS, Salt Lake City, UT
Kristi Westwood, Acting Assistant State Conservationist-Field Operations, NRCS, Panguitch, UT
David Schick, Acting District Conservationist, NRCS, Richfield, UT
Mike Marshall, District Conservationist, NRCS, Cedar City, UT

USACE Coordination

From:	Pectol, Michael A CIV USARMY CESPK (USA)
To:	Paris, Emily
Cc:	Hamilton, Derek - FPAC-NRCS, UT; Gipson, Jason A CIV USARMY CESPK (USA)
Subject:	RE: Request for Review - Draft LEDPA Report for Cove-East Fork Virgin River Watershed Project
Date:	Wednesday, August 13, 2025 9:28:21 AM
Attachments:	image001.png

Hello Emily,

My apologies that these comments are a bit after the due date. I didn't go too in depth for this review as it appears likely that the Cove Reservoir alternative would result in little to no impacts to jurisdictional aquatic features. I would recommend requesting an Approved Jurisdictional Determination to be sure of what proposed impacts would need 404 authorization. Listed below are a few comments I had on the alternatives analysis:

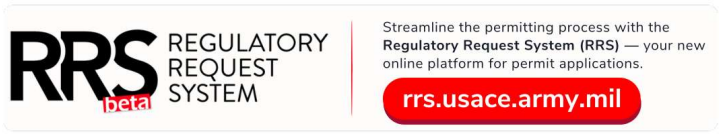
- Table 1 in the Alternatives Analysis document briefly mentions the Orderville Site but no map location or additional description was included.

- Some alternatives were screened out partially based on the comparative cost to the Cove Reservoir alternative. Under the 404(b)(1) Guidelines, cost can only be used as screening criteria when comparing a given alternative to the typical cost to construct this type of project in this general area. Comparing the cost of one alternative to another alternative is not an appropriate screening method.

- The two Cove Reservoir alternatives carried forward for analysis would likely result in the same or very similar aquatic resource impacts and 404 permitting requirements. Since it appears the impacts from either alternative could qualify for authorization under a Nationwide Permit, no additional detailed alternatives analysis would be necessary. However, if other factors or constraints outside our purview result in the need to complete the project at another location and/or with greater impacts to waters of the US, a more detailed analysis by this office would likely be needed.

We appreciate the opportunity to provide comments on this project. Let me know if there are questions on any of the above. Thank you,

Mike Pectol, Senior Project Manager
U.S. Army Corps of Engineers
Office (801) 295-8380, ext. 8315
Mobile (801) 857-0653
Michael.A.Pectol@usace.army.mil
For program information or to submit a customer service survey:
http://www.spk.usace.army.mil/Missions/Regulatory.aspx



From: Paris, Emily <EParis@eocene.com>
Sent: Friday, July 11, 2025 5:12 PM
To: Pectol, Michael A CIV USARMY CESPK (USA) <Michael.A.Pectol@usace.army.mil>
Cc: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; Gipson, Jason A CIV USARMY CESPK (USA) <Jason.A.Gipson@usace.army.mil>
Subject: [Non-DoD Source] Request for Review - Draft LEDPA Report for Cove-East Fork Virgin River Watershed Project

Good afternoon, Michael,

Since the U.S. Army Corps is a cooperating agency on the Cove-East Fork Virgin River Watershed Project, we have prepared the attached Draft Least Environmentally Damaging Practicable Alternative Analysis for your review. We kindly request your comments by **August 11th**. Please don't hesitate to reach out with any questions or if additional information is needed. We sincerely appreciate your time and attention to this matter.

Have a nice weekend,

Emily Paris
Project Manager

Eocene Environmental Group

Reno, Nevada 89503
MOBILE 775.296.0819
EMAIL eparis@eocene.com
eocene.com | **LinkedIn** | **Employee Owner**

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

April 23, 2026

Regulatory Division (SPK-2020-00507)

Natural Resource Conservation Service
Attn: Ms. Emily Fife
125 South State Street
Salt Lake City, Utah 84138-1100
emily.fife@usda.gov

Dear Ms. Fife:

We are responding to your December 18, 2025, request for an approved jurisdictional determination (AJD) for the Cove Reservoir site. The approximately 719-acre project site is located near the communities of Glendale, Orderville, and Mt. Carmel, with a center point near Latitude 37.2754°, Longitude -112.6627°, Kane County, Utah (Enclosure 1).

Based on available information, we concur with your aquatic resources' delineation for the site, as depicted on the enclosed July 21, 2022 (updated February 18, 2026) "Aquatic Resources Detail Map" drawings, prepared by Eocene Environmental Group (Enclosure 2). Approximately 7.43 acres of aquatic resources, consisting of 9,665 linear feet (3.43 acres) of ephemeral channels, 0.62 acres of irrigation/stock pond features, and 29,415 linear feet (3.38 acres) of irrigation ditches are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements; and the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

Of these aquatic resources, we have determined that those features identified as Stream 1 (5,712 linear feet, 1.97 acres), Stream 1A (305 linear feet, 0.02 acre), Stream 2 (2,989 linear feet, 1.22 acres), Stream 2A (29 linear feet, 0.15 acre), Stream 3 (597 linear feet, 0.06 acre), Stream 3A (33 linear feet, 0.01 acre), Pond 1 (0.18 acre), Pond 2 (0.12 acre), Pond 3 (0.12 acre), Wetland 1 (0.03 acre), Wetland 2 (0.17 acre), and the Mt. Carmel Irrigation Ditch System (29,415 linear feet, 3.38 acres) are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act. We are enclosing a copy of the Memorandum for Record prepared to support this AJD for your site (Enclosure 3). This AJD is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is enclosed (Enclosure 4). If

you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPD-PDO, 455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: (415) 503-6574, FAX: (415) 503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work. We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

Please refer to identification number SPK-2020-00507 in any correspondence concerning this project. If you have any questions, please contact Michael Pectol at the Utah Regulatory Field Office, 523 Heritage Park Blvd, Suite 1, Layton, Utah 84041-5611, by email at Michael.A.Pectol@usace.army.mil, or telephone at (385) 303-9445. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Jason Gipson
Chief, Utah Regulatory Section

Enclosures

cc:
Emily Paris, Eocene (eparis@eocene.com)
Derek Hamilton, NRCS (derek.hamilton@usda.gov)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: NRCS, Attn: Ms. Emily Fife	File No.: SPK-2020-00507	Date: April 23, 2026

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
→	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at *http://www.usace.army.mil/cecw/pages/reg_materials.aspx* or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Michael Pectol
Senior Project Manager
Utah Regulatory Section
U.S. Army Corps of Engineers
Utah Regulatory Field Office
523 Heritage Park Blvd, Suite 1
Layton, Utah 84041-5611
Phone: (385) 303-9445, FAX 916-557-7803
Email: Michael.A.Pectol@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Travis Morse
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
Phillip Burton Federal Building, Post Office Box 36023
450 Golden Gate Avenue
San Francisco, California 94102
Phone: 970-243-1199x1014, FAX: 971-241-2358
Email: W.Travis.Morse@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

NPS Coordination

United States Department of the Interior
NATIONAL PARK SERVICE
REGIONS 6, 7, & 8
12795 West Alameda Parkway
P.O. Box 25287
Denver, CO 80225-0287

IN REPLY REFER TO:
1.A.1 (ZION)

April 18, 2022

Ms. Emily Fife, USDA NRCS State Conservationist
Wallace F Bennett Federal Building
125 South State Street Room #4010
Salt Lake City, UT 84138

Subject: NPS comments on the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project Scoping Period and Cooperating Agency Acceptance

Dear Ms. Fife,

The National Park Service (NPS) appreciates the opportunity to provide comments during the scoping period of the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project and accepts the request to become a formal cooperating agency with the United States Department of Agriculture, Natural Resource Conservation Service (NRCS). The NPS within Zion National Park (ZION) manages a portion of the East Fork of the Virgin River within the park and holds special expertise regarding Wild and Scenic River, Endangered Species Act, Migratory Bird Treaty Act and Wilderness management. At your earliest convenience, please send ZION a draft of the proposed Memorandum of Understanding for NPS review. In addition to the comments and information requests outlined below, we strongly encourage NRCS to provide information related to impacts this project may have on regional dark night skies and mitigations planned to reduce those impacts.

1. 1996 Zion National Park Water Rights Settlement Agreement

Notably, in 1996 the NPS, State of Utah, Washington County Water Conservancy District, and Kane County Water Conservancy District entered into a historic agreement to establish federal reserved water rights memorialized in the Zion National Park Water Rights Settlement

Agreement (SA). In the SA, the NPS agreed to subordinate its senior water rights to limited future water development in the East Fork of the Virgin River. This includes a cap on cumulative storage capacity in one or more reservoirs not to exceed 6,750 acre-feet and a limitation of individual new reservoirs with total storage capacities greater than 20 acre-feet not to exceed 10 (SA Article II.D.1.a&b). With this limitation on new reservoir development addressed in the SA, restrictions on flow were also established for any new diversion structures constructed for new, large reservoirs (SA Article II.D.3), as well as the timing of diversion for any diversions associated with the new reservoirs with a storage capacity greater than 20 acre-feet (SA Article II.D.6). In addition, limits were set on the bypass flows below any new reservoirs (SA Article II.D.4) and reservoir discharge (SA Article II.D.5). We respectfully request the following information to determine if this proposed project is in compliance with the terms of the SA:

1.A. The location of any diversions associated with this proposed reservoir and the flow planned to be maintained below any new surface water diversions associated with the proposed reservoir.

1.B. The planned timing and diversion rate on all diversions associated with the proposed reservoir.

1.C. The proposed location, timing, and volumetric flow rate of releases and any return flow associated with the proposed reservoir.

The NPS anticipated development of this proposed reservoir whose terms were outlined in the SA. In addition, the NPS is required to evaluate the proposed development for compliance with other federal laws as described below. Therefore, the NPS requests additional information in order to complete the required analyses.

2. Wild and Scenic River Act

As a water resources project requiring federal assistance located upstream of a designated Wild and Scenic River, the East Fork of the Virgin River, this project is required to be evaluated using Section 7 of the Wild and Scenic Rivers Act, to determine if it will invade the river area or unreasonably diminish the river's scenic, recreational, fish, or wildlife values. This evaluation will be completed by the NPS as the river administering agency. The NPS will use information available in the project's National Environmental Policy Act (NEPA) documents to complete the Section 7 Determination. The NPS requests specific information and analysis to be completed in the Watershed Plan and Environmental Impact Statement to inform its Section 7 Determination.

The East Fork of the Virgin River designated Wild and Scenic River provides habitat for four native fish species: desert sucker *(Catostomus clarkia)*, flannelmouth sucker (*Catostomus latipinnis*), virgin spinedace (*Lepidomeda mollispinis*) and speckled dace (*Rhinichthys osculus*). The desert sucker, flannelmouth sucker and Virgin spinedace are each listed as a Utah Species of

Greatest Conservation Need by the Utah Department of Natural Resources. Flow depletion and dewatering caused by stream diversions for agricultural, municipal, and industrial uses are among the primary threats to the desert sucker, flannelmouth sucker, and Virgin spinedace. Prolonged periods of drought and increasing stream temperatures are compounding threat factors that are further exacerbated by flow depletion from stream diversions. Other threat factors listed for fish species native to the East Fork Virgin River include pesticides and other pollutants introduced by return flows from municipal and agricultural drains and runoff, invasive wildlife species, invasive plant species, and the introduction of aquatic invasive parasites and diseases. We respectfully request the following information to help inform the Section 7 Determination:

2.A. The effects this water development project may have on Virgin spinedace, desert sucker, and flannelmouth sucker population and habitat maintenance in the East Fork of the Virgin River must be assessed in the EIS. The 2002 Conservation Agreement and Strategy for Virgin spinedace placed management of the recovery and conservation of Virgin spinedace with the Virgin River Resource Management and Recovery Program (VRRMRP), a multi-agency cooperative program. Please work with the VRRMRP to assess potential impacts and develop mitigations to reduce negative impacts on Virgin spinedace population and habitat in the East Fork of the Virgin River which may include the establishment of population maintenance flows or minimum flow requirements.

2.B. Analysis of how this proposed project will impact natural flow regimes (including the magnitude, frequency, and timing of flood flows) and flow-related habitat variables (including water temperature, turbidity, and sediment transport) under a variety of scenarios including low, normal, and high-water years through the East Fork of the Virgin River Wild and Scenic River.

2.C. Mitigation(s) to prevent non-native fish and aquatic invasive species from escaping into the East Fork of the Virgin River from the proposed reservoir associated with this project.

2.D. Analysis of how municipal and agricultural runoff as well as chemical and pesticide loads will be altered as a result of this proposed project. If increased runoff is expected, please provide information regarding mitigation measures to reduce runoff into the East Fork of the Virgin River.

2.E. Analysis, including any mitigation measures, on the anticipated effects climate change may have on this proposed project, including a reduction in snowpack in the East Fork of the Virgin River Watershed and spring runoff as well as increased air temperatures.

3. Endangered Species Act and Other Sensitive Species

Mexican Spotted Owl (MSO) and MSO Critical Habitat:

The East Fork of the Virgin River and its tributaries are inhabited by MSO and the entirety of ZION is designated critical habitat for MSO. Two breeding territories have been confirmed near the East Fork of the Virgin River. Inventory surveys have not been conducted in the majority of potential breeding habitat that exist along the East Fork, and it is likely more territories exist. Water development, including water diversion and reservoirs can degrade, reduce, and/or fragment MSO habitat and/or disrupt migration corridors, inhibit gene flow, alter prey habitat and/or alter grazing patterns by wild ungulates. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.B) will be needed to evaluate impacts to this protected species and habitat and consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Southwestern Willow Flycatcher (SWFL) and Yellow-Billed Cuckoo (YBCU):

The riparian habitat along the East Fork of the Virgin River provides migratory stop-over habitat and marginal breeding habitat for SWFL and YBCU. Both species have been detected along the Virgin River in ZION or Springdale, UT during migration. Water development can modify, degrade, or reduce SWFL and YBCU habitat especially if water in riparian ecosystems and associated subsurface water tables are reduced. Reduced flows during spring runoff may degrade/alter the quantity of prey (insects) available to migrating SWFL and YBCU. An increase in upstream establishment of non-native vegetation, such as tamarisk and Russian olive, will increase the rate of establishment of these species downstream which can negatively alter SWFL and YBCU habitat. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.B) will be needed to evaluate impacts to these protected species and consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

3.A. Provide information on how non-native vegetation will be controlled near the proposed reservoir.

Sensitive and State-listed Species/Other Native Wildlife:

The East Fork of the Virgin River provides habitat for numerous native wildlife species, including State-listed species such as the Arizona toad. Water development projects have the potential to negatively affect wildlife if riparian habitat, fish communities, or aquatic invertebrate populations are negatively altered. Ecologically, if one functional group of wildlife is negatively impacted those effects will cascade to other wildlife species (e.g., if aquatic invertebrates are negatively affected numerous species of bats, birds, amphibians, and reptiles will also be affected). Data on the timing of the discharges from the reservoir and how these discharges will alter the water temperature, natural hydrological cycles and events and flow rates including the

magnitude, frequency, and timing of flood flows (as requested in 2.B) will be needed to evaluate impacts on these species.

4. Migratory Bird Treaty Act

The riparian habitat along the East Fork provides breeding, stop-over, and/or winter habitat for many species of migratory birds. Water development projects can negatively impact the quality and quantity of various habitat components (food, shelter, etc) which can reduce their breeding success or survival. An increase in upstream establishment of non-native vegetation, such as tamarisk and Russian olive, will increase the rate of establishment of these species downstream which can negatively affect migratory birds. Data on timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork (as requested in 2.B) will be needed to evaluate impacts on these species. Data (as requested in 3.A) on how non-native vegetation will be controlled near the proposed reservoir will also be important to identify.

5. Wilderness Act and Research Natural Areas

The East Fork of the Virgin River flows within congressionally designated Wilderness at ZION and is a primary feature that defines the Wilderness Character of the park. Three characteristics of Wilderness have the potential to be adversely impacted by the proposed water development project: Natural, Untrammeled, and Other Features of Value. NPS management focuses on maintaining this ecological system as substantially free from the effects of modern civilization (Natural) and unhindered and free from initial actions of modern human control or manipulation (Untrammeled). This area also holds unique features of ecological, geological, scientific, educational, scenic, and historical values (Other Features of Value). The presence of human civilization has long resided within Parunuweap Canyon which was only made possible by the river.

This area is also managed by ZION as a Research Natural Area (RNA). In accordance with the NPS Natural Resource Management Reference Manual (DO-77), RNAs are areas designated to be permanently protected and maintained in natural conditions. The ZION General Management Plan specifically calls out Parunuweap Canyon to be managed as an, “undisturbed watershed and riparian corridor.” The East Fork of the Virgin River is a critical component of the Parunuweap RNA which contains a unique ecosystem, ecological features, rare and sensitive species of plants, animals, and their habitats, and provides a high-quality example of a natural ecosystem. ZION manages the East Fork as an RNA to protect the area as a prime example of natural resources and processes, including significant genetic resources that have value for long-term observational studies or as control areas for manipulative research taking place outside of NPS lands.

Again, this aspect of the river emphasizes the need to establish a firm understanding of natural streamflow rates and how these might be altered with any water development infrastructure upstream within the drainage. Data on the timing of the discharges from the reservoir and how these discharges will alter the natural hydrological cycles and flow rates of the East Fork of the Virgin River (as requested in 2.C) will be needed to evaluate impacts to wilderness and the RNA. Identifying and communicating strategies for managing flows, to include anticipated discharge schedules and pulse volumes, will be of critical importance in order for the NPS to remain involved in for the life of the project. Any impacts or changes to winter, scouring flows may alter the riparian corridor and how flow rates would be managed to address low water years when pulses cannot be released will be essential for the NPS to understand.

5.A. Please provide an analysis of impacts this project may have on Wilderness characteristics within the East Fork of the Virgin River in Zion National Park.

We appreciate the opportunity to identify information needs, important needed analyses and to provide comments during the scoping period of the Watershed Plan and Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project. Further, we request the information and analyses discussed above be initiated in consultation with all cooperating agencies. Please work directly with ZION staff to advance the responsibilities and expectations that will be assigned in the memorandum of understanding for cooperating agencies. If you have any questions, please contact Jeff Bradybaugh, ZION Superintendent, as the primary point of contact by phone at 435-772-0140 or by email at Jeff_Bradybaugh@nps.gov.

Sincerely,

Michael Reynolds
NPS Regional Director
Regions 6, 7, 8

cc:
Jeff Bradybaugh, NPS, Zion National Park, Superintendent
Norm Evenstad, USDA NRSC Water Resources Coordinator
Brian Parker, Transcon Environmental
Christopher Keleher, VRRMRP Director

United States Department of the Interior

NATIONAL PARK SERVICE
ZION NATIONAL PARK
State Route 9
Springdale, Utah 84767

IN REPLY REFER TO:
1.A.1 (ZION)

May 15, 2025

Ms. Emily Fife, USDA NRCS State Conservationist
Wallace F. Bennett Federal Building
125 South State Street Room #4010
Salt Lake City, UT 84138

Subject: National Park Service (NPS) Comments on "Preliminary Draft Biological Assessment" of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement dated April 2025

Dear Ms. Fife,

On April 22, 2025, we received "Preliminary Draft Biological Assessment" of the Cove-East Fork Virgin River Watershed Plan-Environmental Impact Statement dated April 2025.

NPS Comments on "Preliminary Draft Biological Assessment" (April 2025)		
Comment Number	*Page, Section/Table*	*Comment*
1	1, 2.0	A more detailed description is needed for the proposed action. The description should include not only what is being proposed, but when it will occur, where, why, and how it will occur. It should include the timing, intensity, and duration of each component of the action. For example, what equipment or methods will be used? What time of year will the action be conducted? How long will the activity take place?
2	1, 2.2	Amend this section to state, "The reservoir would be constructed in compliance with Article II Section D of the Zion National Park…" Amend "One or more new reservoirs with cumulative active storage capacity of up to but not to exceed 6,750 acre-feet may be constructed in certain tributaries as outlined in Article II Section D of the Agreement 1996."
3	1.2.2	Amend this section to state, "The existing flow or 1 cfs (including seepage), whichever is less, shall be maintained immediately below any new reservoir constructed on streams defined in section 11.D.1.a) of the Agreement 1996."
4	3, 2.2.2	This section states, "Water committed to Washington County for irrigation and MR purposes could be released any time during the year to meet demand but would most likely be during the fall and winter months. Releases to Washington County would be in compliance with the ZNP Agreement (Agreement, 1996)." However, the Water Model Report (July 2024) for this project models releases from this reservoir to Washington County occurring June through August in an average annual simulation. Please clarify.

5	3, 2.2.3	Is there a plan to develop an Emergency Action Plan for this reservoir to delineate specific requirements for inspections and communication to downstream managers in the event of failure or imminent failure? This information does not need to be included in the Biological Assessment, but the NPS would like to see a summary of the plan in the EIS.
6	4, 2.3	Include specific details on conservation measures that would minimize the introduction of non-native species into the river and reservoir (e.g., all equipment should be cleaned and inspected for Aquatic Invasive Species prior to being brought on site). To ensure the success of the post-construction seeding efforts, include post-construction mitigation for non-natives that are introduced/become established. There is a substantial population of invasive knapweed (*Centaurea stoebe*) in the area that could benefit from this disturbance and potentially have a negative effect on post-construction seeding.
7	4, 2.3	Include specific details on conservation measures to prevent the introduction of stocked non-native salmonids (fish and eggs) from entering the East Fork of the Virgin River.
8	4, 2.3	Is there plan to complete construction work at night? If so, what mitigations will be in place to protect nocturnal species and systems?
9	4, 2.3	What mitigations will be in place to protect fish during their spawning periods when in-river construction is being completed?
10	4, 2.3	Include conservation measures that are specific to California condors. For example, to reduce microtrash ingestion by condors, all trash at the construction site should be cleaned up daily.
11	5, 3.0	Please elaborate on the description of the Action Area to describe the East Fork of the Virgin River passing through the Parunuweap Canyon Wilderness Study Area managed by the Bureau of Land Management and Zion National Park. Please describe the ecosystems of the lands within the Action Area such as, "the action area includes a mix of developed residential land, disturbed grasslands, grazing pastures, native vegetation communities" (include specific communities).
12	6, 3.4.1	This section states, "EFVR surface flows vary throughout the year, primarily in response to spring runoff or intense storm events, during which the river carries high sediment loads. From 1967 to 2020, the average monthly discharge of the river ranged from a high of 33.8 cfs in April to a low of 9.9 cfs in August." Is this flow data taken from a specific gage site? If so, describe the source. If this data is taken from a gage location downstream of significant surface diversions, please describe the effect of surface diversions on the flow variability throughout the year.
13	6, 3.4.1	Reference to action area should still include downstream locations. It would appear that the identified wetlands and streams are only for the area of surface disturbance. Further, does "two additional *sites* bisect the proposed pipeline" refer to two additional *streams*? Please clarify.
14	6, 3.4.1	"The river continues downstream into Washington County where it merges with other small rivers near ZNP to form the Virgin River." Please edit to elaborate, "The EFVR flows downstream from Mt. Carmel Junction through Parunuweap Canyon Wilderness Study Area (WSA) managed by the Bureau of Land Management and Zion National Park where it meets with the North Fork of the Virgin River near Rockville, UT."
15	7, 3.4.2	The state listed sensitive species *Cirsium joannae* (Joanna's thistle), G1/S1

		Critically Imperiled, is recorded within a two-mile radius of the Action Area and should be included here. This population is one of two known locations of this species. This population has been stable since it's discovery in Dennet Canyon in 2007 with only three mature producing plants counted in 2007 and again in 2024. Please let us know if you need any more specific information to be included in this BA.
16	8, 3.4.3, Table 2	Please include Mexican spotted owl (MSO) and speckled dace which are known to occur within the Action Area.
17	9, 4.0	Data on California condor, MSO, Southwestern willow flycatcher, and Yellow-billed cuckoo within Zion National Park in the Action Area were not obtained and therefore not considered as part of the BA analysis. Data is available from Zion National Park, U.S. Fish and Wildlife Service, and The Peregrine Fund (condors).
18	10, Table 4	Condors should not be dismissed for analysis. Condors are in the action area and the action area is condor habitat. Condors are obligate scavengers and since there is potential for animals to die within the Action Area, then there is condor food present in the action area and therefore the action area is habitat for condors. GPS condor data from The Peregrine Fund will show that the condors are using all parts of the action area, including the dam site. Also, in 2021 there was a successful condor nest in Mineral Gulch which should be mentioned in BA.
19	10, Table 4	There is occurrence data for MSO within the Action Area. Several protected activity centers (PACs) are within the action area; these data and any other survey data from Zion National Park and BLM should be included in BA.
20	10, Table 4	Unless surveys have been conducted, how was it determined that there is no occupied monarch butterfly habitat in the Action Area? Patches of habitat along the North Fork of the Virgin River have been surveyed for milkweed and evidence of monarch reproduction (eggs, caterpillars) are present. There is habitat for the monarch butterfly located in the East Fork of the Virgin River. Monarch caterpillars have been observed on their habitat within the proposed Action Area.
21	10, Table 4	How was a No Effect determination concluded for Southwestern willow flycatcher? If there is potential for indirect effects, even if that indirect effect is minor, then there is an effect. The main threats to this species are mostly related to habitat loss/modification due to dams and reservoirs that causes changes to natural hydrological cycles. There is currently no explanation of how this project will not change the natural hydrological cycles along the East Fork of the Virgin River. A description is needed of how this project will not change: daily water fluctuations, short-duration floods, flood-induced sediment deposition, floodplain hydration and flushing, and the establishment (i.e., seed dispersal/establishment coincides with spring flooding) and maintenance of native riparian habitats. Effects to riparian habitat, stream flow, and hydrological cycles will affect: the quality and quantity of riparian vegetation, wetted perimeter, the seasonal flooding of steams during willow flycatcher spring migration and/or breeding season, and the insect population that provides food for willow flycatchers.

22	10, Table 4	Yellow-billed cuckoo habitat in the action area is not suitable for breeding habitat, but it is suitable stop-over habitat for migrating cuckoo. This should be considered for analysis.
23	14, 4.1.2	Be specific when referring to MSO habitat. MSO nesting and roosting habitat differs from foraging habitat. In Utah, nesting and roosting habitat is primarily steep, rocky canyons. MSO use a wider variety of cover types for foraging than for roosting and nesting and this should be considered when analyzing the effects of the project on MSO.
24	14, 4.1.2	Since there are steep, rocky canyons bordering/overlapping the Action Area in Long Valley (e.g., Red Hollow), it cannot be assumed there is no habitat or MSO presence in the Action Area outside of Parunuweap Canyon unless surveys were conducted according to USFWS protocol.
25	14, 4.1.1	Please edit to correct misspellings and clarify, "Other land uses, such as livestock grazing, timber cutting, and energy development, do not occur within Parunuweap Canyon Wilderness Study Area and Zion National Park portion of the Action Area (USFWS 2004)."
26	17, 4.1.1.1	This section is the first mention on construction duration. This should be mentioned in the earlier sections describing the proposed activities.
27	17-21	For ALL species/habitat determination, rationale that supports the effect determination needs to be provided. As the BA is currently written, there is no rationale, support, or justification of how the NRCS arrived at the determinations. For example, the Operation Impacts effect determination for MSO states that "no harm or harassment would occur to MSO as a result of streamflow changes" therefore there will be "no effect" to MSO. What is the justification for concluding that individual owls will not be harmed by potential changes to riparian habitat? Describe how reduction in streamflow will not affect riparian habitat and will not reduce prey availability which affects MSO feeding success? Effects should be at the individual species level (not population level). For each species analyzed, there should be an explanation of what the species' exposure is to direct and indirect effects of the proposed management action and what their anticipated responses will be. For example, are individual MSO in proximity to the riparian habitat that may experience changes due to stream flow? What is the duration of that change? Will that exposure to that effect potentially impact essential behaviors such as feeding, breeding, sheltering, migration, and movements and the habitats that support them?
28	17, 4.4.1	Since there are steep, rocky canyons bordering/overlapping the Action Area in Long Valley (e.g., Red Hollow), it cannot be assumed that MSO are not present in the Action Area outside of Parunuweap Canyon unless surveys were conducted according to USFWS protocol. Unless all steep, rocky canyons adjacent to Long Valley have been surveyed for MSO occupancy, a No Effect determination cannot be made for construction impacts.
29	17, 4.4.2	Since several MSO PACs overlap the Action Area in Parunuweap Canyon and the entire Parunuweap Canyon area is critical habitat, a better explanation is needed to justify why there would be "negligible impacts" to the riparian vegetation in Parunuweap Canyon. How exactly was this analyzed and this conclusion reached? It is well known that the quality and quantity of riparian vegetation is directly associated with stream flow and

		hydrological cycles, so how does a project that proposes to reduce stream flow and change the hydrological cycle avoid impacting riparian habitat? This is important to analyze since any changes to riparian habitat will likely affect MSO prey availability and could reduce individual MSO feeding success which could affect MSO reproduction and survival; therefore a "No Effect" would not be the correct effect determination for MSO.
30	22, 6.1	Justifications for determinations needs to be strengthened (see comments above) and information corrected. Riparian habitat is present within occupied MSO habitat. Currently there are two confirmed PACs that include riparian habitat along the East Fork of the Virgin River. There are likely more, but surveys need to be conducted. Riparian habitat IS a PCE, so a "no effect" determination for critical habitat needs to be better justified since there will be changes to stream flow and hydrological cycles under the proposed action. A description of how those changes will impact riparian habitat is needed (i.e., cite literature, talk to experts; ask the questions: "If a river sees X (cfs) less flow during X months/year every year, then how could riparian habitat be affected long-term? Will it affect vegetation recruitment since some species require springtime flooding to germinate? Will riparian habitat along the river become narrower since there will be less wetted perimeter and less vegetation receiving the water they need to survive? Will the retreating riparian habitat be overtaken with non-native invasive plant species? What is the potential cascading effect of less surface water or less riparian habitat on the ecosystem?")
31	26, 7.0	Zion reference to condors should be 2025a. To be consistent with references below, both should contain a URL.

As described in the comments above, there is important survey data the NPS would like to share with the NRCS on species known to occur within the Action Area. We believe a meeting to discuss the transfer of these data and key comments would be of mutual benefit.

We greatly appreciate the opportunity to continue collaborating as a cooperating agency and look forward to a response from the NRCS on these comments. Please continue to work with our Physical Scientist, Robyn Henderek, who may be reached by email at robyn_henderek@nps.gov or by phone at 435-772-0158.

Sincerely,

JEFFREY BRADYBAUGH

Digitally signed by JEFFREY BRADYBAUGH
Date: 2025.05.15 14:54:13 -06'00'

Jeff Bradybaugh

Superintendent

cc:
Emily Paris, Eocene Environmental Group

July 11, 2025

Jeffrey Bradybaugh
Superintendent
Zion National Park
1 Zion Blvd. (SR-9)
Springdale, UT 84767

Submitted by email to lauren_degennaro@nps.gov

Subject: Preliminary Draft Biological Assessment for Cove-East Fork Virgin River Watershed Plan

Dear Mr. Bradybaugh:

On behalf of the Natural Resources Conservation Service (NRCS) we appreciate the time, effort, and expertise you provided in reviewing the Preliminary Draft Biological Assessment for the Cove-East Fork Virgin River Watershed Plan. The consideration extended by a cooperating agency to review our documents significantly improves their quality and clarity.

After a thorough review of the comments, we have incorporated the content, as appropriate, into the Preliminary Draft Biological Assessment. A Comment Response Table with rationale for addressing the responses is attached to this letter.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,

Emily Paris
Project Manager
Eocene Environmental Group, Inc.

CC: Derek Hamilton, NRCS; Robyn Henderek, NPS; Erin Dempsey, NPS

Attachment: Comment Response Table

ATTACHMENT

Comment Number	Location	Comment	Response
1	Section 2.0 Page 1	A more detailed description is needed for the proposed action. The description should include not only what is being proposed, but when it will occur, where, why, and how it will occur. It should include the timing, intensity, and duration of each component of the action. For example, what equipment or methods will be used? What time of year will the action be conducted? How long will the activity take place?	Additional information has been added as requested.
2	Section 2.2 Page 1	Amend this section to state, “The reservoir would be constructed in compliance with Article II Section D of the Zion National Park…” Amend “One or more new reservoirs with cumulative active storage capacity of up to but not to exceed 6,750 acre-feet may be constructed in certain tributaries as outlined in Article II Section D of the Agreement 1996.”	Text change has been made as requested.
3	Section 2.2 Page 1	Amend this section to state, “The existing flow or 1 cfs (including seepage), whichever is less, shall be maintained immediately below any new reservoir constructed on streams defined in section 11.D.1.a) of the Agreement 1996.”	This measure, as stated in the Agreement, has been added to the text.
4	Section 2.2.2 Page 3	This section states, “Water committed to Washington County for irrigation and MR purposes could be released any time during the year to meet demand but would most likely be during the fall and winter months. Releases to Washington County would be in compliance with	Text has been clarified. Water would be released for agricultural use in Washington County by the HCC during the summer months of June, July, and August. Timing for water releases for M&I use in Washington County has not been determined.

Comment Number	Location	Comment	Response
		the ZNP Agreement (Agreement, 1996)." However, the Water Model Report (July 2024) for this project models releases from this reservoir to Washington County occurring June through August in an average annual simulation. Please clarify.	Washington County has emphasized the need for flexibility, and M&I related releases could occur at any time of the year. All releases would be in compliance with the ZNP Agreement.
5	Section 2.2.3 Page 3	Is there a plan to develop an Emergency Action Plan for this reservoir to delineate specific requirements for inspections and communication to downstream managers in the event of failure or imminent failure? This information does not need to be included in the Biological Assessment, but the NPS would like to see a summary of the plan in the EIS.	A Standard Operation Procedures manual as well as an Emergency Action Plan would be required as part of the final documentation for the reservoir. These documents can't be developed until the engineering and design work are completed, so would not be included in the EIS. No text change in the BA is required.
6	Section 2.3 Page 4	Include specific details on conservation measures that would minimize the introduction of non-native species into the river and reservoir (e.g., all equipment should be cleaned and inspected for Aquatic Invasive Species prior to being brought on site). To ensure the success of the postconstruction seeding efforts, include post-construction mitigation for nonnatives that are introduced/become established. There is a substantial population of invasive knapweed (*Centaurea stoebe*) in the area that could benefit from this disturbance and potentially have a negative effect on postconstruction seeding	Two committed conservation measures currently in the Plan-EIS have been added to the BA for clarification. These measure state that "All equipment would be cleaned of soil, seeds, vegetation matter, and other debris prior to entering or reentering the project area to avoid any introduction of non-native plants or weeds. "and "Prior to stocking the proposed reservoir with fish, a management plan will be developed to ensure that non-native fish species do not escape from the reservoir into the EFVR." It should be noted that no construction activities would occur within the EFVR. This would greatly reduce the potential for the

Comment Number	Location	Comment	Response
			introduction of non-native species into the river.
7	Section 2.3 Page 4	Include specific details on conservation measures to prevent the introduction of stocked non-native salmonids (fish and eggs) from entering the East Fork of the Virgin River.	Additional information has been added as requested. A measure that is currently in the Plan-EIS has been added to the BA. This measure states that, "Prior to stocking the proposed reservoir with fish, a management plan will be developed to ensure that non-native fish species do not escape from the reservoir into the EFVR". It should also be noted that several actions would be taken to prevent non-natives from entering the EFVR. These include a fish screen at the proposed reservoir intake with a 1-inch maximum pore opening that would prevent fish and debris from entering the pipeline to the Orderville hydroelectric power plant. The hydroelectric facility utilizes two Turgo Impulse turbines, which focus the water through small nozzles at high pressure and velocity into the turbines. The combination of the small nozzle size, high velocity, and sudden pressure drop would make it highly unlikely that any fish that might make it into the pipeline would survive. This information has been added to Section 2.2.1 (Project Measures for clarification.

Comment Number	Location	Comment	Response
8	Section 2.3 Page 4	Is there plan to complete construction work at night? If so, what mitigations will be in place to protect nocturnal species and systems?	There are no current plans for night time construction.
9	Section 2.3 Page 4	What mitigations will be in place to protect fish during their spawning periods when in-river construction is being completed?	No in-river construction would occur as part of the proposed project development. All structures including the reservoir, pipelines, and access road would be constructed away from the EFVR. The reservoir would be located approximately 0.7 miles away from the EFVR. Therefore, no construction related mitigation to protect fish during spawning periods would be necessary. No text change has been made.
10	Section 2.3 Page 4	Include conservation measures that are specific to California condors. For example, to reduce microtrash ingestion by condors, all trash at the construction site should be cleaned up daily.	No effects have been identified for the California condor resulting from project development. The Long Valley portion of the Action Area is the only place where surface disturbance would occur. It is not considered to be condor habitat due a to lack of habitat. However, additional committed conservation measures found in the Plan-EIS relating to plants and animals (including the condor), have been added to the BA.
11	Section 3.0 Page 5	Please elaborate on the description of the Action Area to describe the East Fork of the Virgin River passing through the Parunuweap Canyon Wilderness Study Area managed by the Bureau	Language in Section 3.5.2 has been added as requested.

Comment Number	Location	Comment	Response
		of Land Management and Zion National Park. Please describe the ecosystems of the lands within the Action Area such as, “the action area includes a mix of developed residential land, disturbed grasslands, grazing pastures, native vegetation communities” (include specific communities).	
12	Section 3.4.1 Page 6	This section states, “EFVR surface flows vary throughout the year, primarily in response to spring runoff or intense storm events, during which the river carries high sediment loads. From 1967 to 2020, the average monthly discharge of the river ranged from a high of 33.8 cfs in April to a low of 9.9 cfs in August.” Is this flow data taken from a specific gage site? If so, describe the source. If this data is taken from a gage location downstream of significant surface diversions, please describe the effect of surface diversions on the flow variability throughout the year.	This data were taken from USGS gauging station 09404450 located above the community of Glendale below the Glendale Irrigation Company Diversion Dam. Reference has been added to the text as requested.
13	Section 3.4.1 Page 6	Reference to action area should still include downstream locations. It would appear that the identified wetlands and streams are only for the area of surface disturbance. Further, does “two additional sites bisect the proposed pipeline” refer to two additional streams? Please clarify.	Because no surface disturbance would occur outside of the Long Valley area, it is not necessary to identify downstream wetlands and streams beyond the EFVR and the Virgin River. Text has been changed to clarify the discussion regarding intermittent streams in Long Valley.

Comment Number	Location	Comment	Response
14	Section 3.4.1 Page 6	“The river continues downstream into Washington County where it merges with other small rivers near ZNP to form the Virgin River.” Please edit to elaborate, “The EFVR flows downstream from Mt. Carmel Junction through Parunuweap Canyon Wilderness Study Area (WSA) managed by the Bureau of Land Management and Zion National Park where it meets with the North Fork of the Virgin River near Rockville, UT.”	Sentence has been added to the text as requested.
15	Section 3.4.2 Page 7	The state listed sensitive species Cirsium joannae (Joanna's thistle), G1/S1 Critically Imperiled, is recorded within a two-mile radius of the Action Area and should be included here. This population is one of two known locations of this species. This population has been stable since it's discovery in Dennet Canyon in 2007 with only three mature producing plants counted in 2007 and again in 2024. Please let us know if you need any more specific information to be included in this BA.	This species has been added to Table 1. per your request.
16	Section 3.4.3 Table 2 Page 8	Please include Mexican spotted owl (MSO) and speckled dace which are known to occur within the Action Area.	MSO is not included in Table 2 as it is an Endangered Species Act listed species and is identified in Table 4 (ESA - Listed and Candidate Species). Speckled dace has been added to the Table

Comment Number	Location	Comment	Response
17	Section 4.0 Page 9	Data on California condor, MSO, Southwestern willow flycatcher, and Yellow-billed cuckoo within Zion National Park in the Action Area were not obtained and therefore not considered as part of the BA analysis. Data is available from Zion National Park, U.S. Fish and Wildlife Service, and The Peregrine Fund (condors).	Data from the ZNP website, USFWS Ecos website, MSO, SWWF, and Virgin River Fishes Recovery Plans and other documents, and personal discussions with the BLM Kanab Field Office Biologist were all used in analyzing and making the effects determination for the species determined to have a potential effect resulting from project implementation. We determined that there would be no effect to the condor and did not analyze that species.
18	Table 4 Page 10	Condors should not be dismissed for analysis. Condors are in the action area and the action area is condor habitat. Condors are obligate scavengers and since there is potential for animals to die within the Action Area, then there is condor food present in the action area and therefore the action area is habitat for condors. GPS condor data from The Peregrine Fund will show that the condors are using all parts of the action area, including the dam site. Also, in 2021 there was a successful condor nest in Mineral Gulch which should be mentioned in BA	As stated in Comment No. 30 (No. 10 NPS comment), no effects have been identified for the California condor resulting from project development. The Long Valley portion of the Action Area is the only place where surface disturbance would occur. It is not considered to be condor habitat due a to lack of habitat. No surface disturbance would occur in condor habitat in ZNP. However, additional committed conservation measures found in the Plan-EIS relating to plants and animals (including the condor), have been added to the BA.
19	Table 4 Page 10	There is occurrence data for MSO within the Action Area. Several protected activity centers (PACs) are within the action area; these data and any other survey data from Zion National Park and BLM should be included in BA.	Data from the ZNP website, USFWS Ecos website, MSO Recovery Plan and other documents, and personal discussions with the BLM Kanab Field Office Biologist were all used in analyzing and making the effects

Comment Number	Location	Comment	Response
			determination for the MSO and its designated critical habitat including PACs. A review of the MSO Recovery Plan determined that project implementation would be well within the identified Recovery Plan PAC management guidelines. Because no significant impacts are anticipated for MSO habitat including designated critical habitat, we do not believe that there would be any adverse effects to any MSO PACs. A PAC discussion has been added to the BA text (Section 4.1.3).
20	Table 4 Page 10	Unless surveys have been conducted, how was it determined that there is no occupied monarch butterfly habitat in the Action Area? Patches of habitat along the North Fork of the Virgin River have been surveyed for milkweed and evidence of monarch reproduction (eggs, caterpillars) are present. There is habitat for the monarch butterfly located in the East Fork of the Virgin River. Monarch caterpillars have been observed on their habitat within the proposed Action Area.	Text clarification has been made in Table 4.
21	Table 4 Page 10	How was a No Effect determination concluded for Southwestern willow flycatcher? If there is potential for indirect effects, even if that indirect effect is minor, then there is an effect. The main threats to this species are mostly related to habitat loss/modification due to dams and reservoirs that causes changes to natural	The effects determination for the SWWF has been changed to May Affect, but is Not Likely to Adversely Affect. BA text has been added to incorporate this change. We do note that a Water Model and an analysis of waterflow changes have been prepared for Cove Reservoir project that addresses

Comment Number	Location	Comment	Response
		hydrological cycles. There is currently no explanation of how this project will not change the natural hydrological cycles along the East Fork of the Virgin River. A description is needed of how this project will not change: daily water fluctuations, short-duration floods, flood-induced sediment deposition, floodplain hydration and flushing, and the establishment (i.e., seed dispersal/establishment coincides with spring flooding) and maintenance of native riparian habitats. Effects to riparian habitat, stream flow, and hydrological cycles will affect: the quality and quantity of riparian vegetation, wetted perimeter, the seasonal flooding of steams during willow flycatcher spring migration and/or breeding season, and the insect population that provides food for willow flycatchers.	downstream flows. These documents are referenced several times in this BA. They conclude that changes in EFVR flows would be minor especially when compared with the significant changes in flows that result from snow melt, floods, etc.
22	Table 4 Page 10	Yellow-billed cuckoo habitat in the action area is not suitable for breeding habitat, but it is suitable stop-over habitat for migrating cuckoo. This should be considered for analysis.	Text has been updated to reflect the lack of breeding habitat and the presence of stop-over habitat for migrating cuckoos.
23	Section 4.1.2 Page 14	Be specific when referring to MSO habitat. MSO nesting and roosting habitat differs from foraging habitat. In Utah, nesting and roosting habitat is primarily steep, rocky canyons. MSO use a wider variety of cover types for foraging than for roosting and nesting and this should be	Language has been added to include a discussion of foraging habitat.

Comment Number	Location	Comment	Response
		considered when analyzing the effects of the project on MSO.	
24	Section 4.1.2 Page 14	Since there are steep, rocky canyons bordering/overlapping the Action Area in Long Valley (e.g., Red Hollow), it cannot be assumed there is no habitat or MSO presence in the Action Area outside of Parunuweap Canyon unless surveys were conducted according to USFWS protocol.	No steep, rocky habitat is located within the Long Valley portion of the Action Area. Red Hollow (an MSO PAC) is located to the east and well outside of the Action Area. Additionally, the town of Orderville lies between Red Hollow and the proposed reservoir site. So it is unlikely that the MSO would use the reservoir site for foraging. No text changes or a change in effects determinations are necessary for the Long Valley portion of the Action Area.
25	Section 4.1.1 Page 14	Please edit to correct misspellings and clarify, “Other land uses, such as livestock grazing, timber cutting, and energy development, do not occur within Parunuweap Canyon Wilderness Study Area and Zion National Park portion of the Action Area (USFWS 2004).”	Corrections have been made as requested.
26	Section 4.4.1.1 Page 17	This section is the first mention on construction duration. This should be mentioned in the earlier sections describing the proposed activities.	Construction duration has been added to Section 2.2.1.
27	Pages 17-21	For ALL species/habitat determination, rationale that supports the effect determination needs to be provided. As the BA is currently written, there is no rationale, support, or justification of how the NRCS arrived at the determinations. For	Additional clarifying text has been added. For consistency, we have changed the MSO Species Operation effects determination to May Affect, but is Not Likely to Adversely Affect. Effects determination is based on

Comment Number	Location	Comment	Response
		example, the Operation Impacts effect determination for MSO states that “no harm or harassment would occur to MSO as a result of streamflow changes” therefore there will be “no effect” to MSO. What is the justification for concluding that individual owls will not be harmed by potential changes to riparian habitat? Describe how reduction in streamflow will not affect riparian habitat and will not reduce prey availability which affects MSO feeding success? Effects should be at the individual species level (not population level). For each species analyzed, there should be an explanation of what the species’ exposure is to direct and indirect effects of the proposed management action and what their anticipated responses will be. For example, are individual MSO in proximity to the riparian habitat that may experience changes due to stream flow? What is the duration of that change? Will that exposure to that effect potentially impact essential behaviors such as feeding, breeding, sheltering, migration, and movements and the habitats that support them?	anticipated effects that would occur over and above what is currently happening or has happened in the past in the EFVR in Parunuweap Canyon. Based on the Water Model and follow up River Changes report, we do not believe that there would be loss of riparian habitat that would result from project development. The riparian vegetation is adapted to the significant changes in EFVR flows that have occurred over the years due to spring runoff and flooding. As the Alpha water model states, "..the effect of an additional 15 to 25 cfs flow from the proposed reservoir during flood stage or during normal streamflow conditions would be minor and that the natural variation of the river is approximately 100 times the range of effect from reservoir releases." For example, on December 21 the Springdale USGW gauging station recorded 2,020 cfs with a flood stage depth of 10.11 feet. Implementation of the Agreement would result in a flood stage river flow increase of 0.74 percent to 1.24 percent based on discharge amounts between 15 to 25 cfs. River level would increase 0.07 to 0.13 feet. Further, the gauge showed extreme variability in stream flows from 1994 to 2022 of less than 40 cfs to over 2,000 cfs. Based on these data, we believe that the minor change in stream flow resulting from project

Comment Number	Location	Comment	Response
			development would not result in a significant adverse effect to or additional loss of MSO or SWWF habitat.
28	Section 4.4.1 Page 17	Since there are steep, rocky canyons bordering/overlapping the Action Area in Long Valley (e.g., Red Hollow), it cannot be assumed that MSO are not present in the Action Area outside of Parunuweap Canyon unless surveys were conducted according to USFWS protocol. Unless all steep, rocky canyons adjacent to Long Valley have been surveyed for MSO occupancy, a No Effect determination cannot be made for construction impacts.	See response to comment 44 (NPS comment 24). There is no steep, rocky canyon habitat in the Long Valley portion of the Action Area. Red Hollow (including an associated PAC) is located well outside of the Action Area. Additionally, the town of Orderville lies between Red Hollow and the proposed reservoir site. So it is unlikely that the MSO would use the reservoir site for foraging. No change in MSO effects determination for the Long Valley portion of the Action Area is necessary.
29	Section 4.4.2 Page 17	Since several MSO PACs overlap the Action Area in Parunuweap Canyon and the entire Parunuweap Canyon area is critical habitat, a better explanation is needed to justify why there would be “negligible impacts” to the riparian vegetation in Parunuweap Canyon. How exactly was this analyzed and this conclusion reached? It is well known that the quality and quantity of riparian vegetation is directly associated with stream flow and hydrological cycles, so how does a project that proposes to reduce stream flow and change the hydrological cycle avoid impacting riparian habitat? This is important to analyze since any changes to riparian habitat	See response to comment 27

Comment Number	Location	Comment	Response
		will likely affect MSO prey availability and could reduce individual MSO feeding success which could affect MSO reproduction and survival; therefore a “No Effect” would not be the correct effect determination for MSO.	
30	Section 6.1 Page 22	Justifications for determinations needs to be strengthened (see comments above) and information corrected. Riparian habitat is present within occupied MSO habitat. Currently there are two confirmed PACs that include riparian habitat along the East Fork of the Virgin River. There are likely more, but surveys need to be conducted. Riparian habitat IS a PCE, so a “no effect” determination for critical habitat needs to be better justified since there will be changes to stream flow and hydrological cycles under the proposed action. A description of how those changes will impact riparian habitat is needed (i.e., cite literature, talk to experts; ask the questions: “If a river sees X (cfs) less flow during X months/year every year, then how could riparian habitat be affected long-term? Will it affect vegetation recruitment since some species require springtime flooding to germinate? Will riparian habitat along the river become narrower since there will be less wetted perimeter and less vegetation receiving the water they need to survive? Will the retreating riparian habitat be overtaken with non-native invasive plant species? What is the potential	See response to previous comments. The presence of PACs has been added to the text is Section 4.1.3.

Comment Number	Location	Comment	Response
		cascading effect of less surface water or less riparian habitat on the ecosystem?")	
31	Section 7.0 Page 26	Zion reference to condors should be 2025a. To be consistent with references below, both should contain a URL.	Text correction has been made. URL has been added.
	General Comment	As described in the comments above, there is important survey data the NPS would like to share with the NRCS on species known to occur within the Action Area. We believe a meeting to discuss the transfer of these data and key comments would be of mutual benefit.	Thank you. We would be happy to discuss this.

Fillerup, Anders - FPAC-NRCS, UT

From: Bradybaugh, Jeffrey S <Jeff_Bradybaugh@nps.gov>
Sent: Friday, August 29, 2025 1:26 PM
To: Fife, Emily - FPAC-NRCS, UT
Cc: Fillerup, Anders - FPAC-NRCS, UT; Magee, Catherine - FPAC-NRCS, MA
Subject: Re: [EXTERNAL] RE: Cove Reservoir

My apologies for the long delay in providing a response to your request, Emily! As I indicated several weeks ago by phone, DOI was re-examining the Wild & Scenic River Section 7 analysis requirement. DOI has changed its decision and has decided NPS will not be conducting a Section 7 analysis.

We, of course, will continue assisting NRCS as a cooperating agency for the Cove Reservoir project's Environmental Impact Statement process.

Have a great Labor Day weekend!!!

Jeff Bradybaugh (he/him)
Superintendent
Zion National Park
State Highway Route 9
Springdale, UT 84767
phone: 435-772-0140
e-mail: jeff_bradybaugh@nps.gov

"Optimism is true moral courage"
Sir Ernest Shackleton, 1874-1922
shipwrecked Antarctic Explorer



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From: Fife, Emily - FPAC-NRCS, UT <emily.fife@usda.gov>
Sent: Thursday, August 7, 2025 1:49 PM
To: Bradybaugh, Jeffrey S <Jeff_Bradybaugh@nps.gov>
Cc: Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>
Subject: [EXTERNAL] RE: Cove Reservoir

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Good afternoon Jeff,

Just wanted to circle back and see if you are able to help with my request. Thanks!

Emily Fife
State Conservationist
Utah - NRCS#

USDA U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
125 S State Street, Room 6416, Salt Lake City, UT 84138
p: (801) 524-4550 | c: (801) 718-8828

From: Fife, Emily - FPAC-NRCS, UT
Sent: Wednesday, July 30, 2025 11:09 AM
To: Jeff_Bradybaugh@nps.gov
Subject: Cove Reservoir

Good morning Jeff,

Happy Wednesday and I hope you're having a good week. I wanted to follow up from our phone call. Would you be able to reply with the NPS decision to require the Section 7 analysis for the Cove Reservoir project so I have it in writing for our records? Much appreciated and please call if you'd like to discuss.

Many thanks,

Emily Fife
State Conservationist
Utah - NRCS#

USDA U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
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United States Department of the Interior

NATIONAL PARK SERVICE
ZION NATIONAL PARK
State Route 9
Springdale, Utah 84767

IN REPLY REFER TO:
1.A.1 (ZION)

March 6, 2026

Ms. Catherine Magee, Acting USDA NRCS State Conservationist
Wallace F. Bennett Federal Building
125 South State Street Room #6416
Salt Lake City, UT 84138

Subject: National Park Service (NPS) comments on the "Preliminary Draft Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project" and the "Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project"

Dear Ms. Magee,

The National Park Service (NPS) reviewed the "Preliminary Draft Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project" received on February 3rd, 2026 and the "Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project" received on February 6th, 2026. Thank you for the opportunity as a Cooperating Agency to review and submit comments.

Please see three tables below which outline NPS comments for the two documents received mentioned above and unresolved comments from the Water Model Report. NPS comments 1, 11, 12, 16, 17, 19, 20, 22, 23, 24, 25 and 28 on the Updated Draft Biological Assessment have been resolved with the updated draft.

Table 1. NPS Comments on "Preliminary Draft Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project**"**

Comment Number	*Page, Section/Table*	*Comment*
1	General Comment	We understand from Ms. Paris at Eocene Environmental Group that the EIS project schedule includes a 45-day public comment period likely in summer 2026. Given the significant public interest in this project, as a Cooperating Agency the NPS recommends this public comment opportunity as well.
2	General Comment	Our research indicates that 7 CFR 1b.7 requires the USDA electronically publish all substantive comments received on an Environmental Impact Statement. The only NPS comments included in the Appendices of the Preliminary Draft Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project are the scoping comments made on April 18th, 2022. The NPS made additional comments in letters dated March 3rd, 2022, April 21st, 2023, March 7th, 2025, May 15th, 2025, August 22nd, 2025, that raised unresolved concerns and issues. These letters, as well as future correspondence related the Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project and related analyses, including the Biological Assessment and Water Model Report, should be

		electronically published with the Environmental Impact Statement. NRCS indicated it would take this approach in Paragraph IV.2.g. of our Cooperating Agency Agreement.
3	General Comment	NPS appreciates the statements made in this EIS that the proposed project will comply with the 1996 Zion National Park Water Rights Settlement Agreement (1996 Agreement). The NPS is ultimately responsible for ensuring compliance with the 1996 Agreement under Article III.J. Unresolved concerns on duty values (Table 3 - Comment 2 from the Water Model Report), quantifying the involvement of all parties and rights (Table 3 – Comment 8 from the Water Model Report) and annual quantification on water rights associated with this project (Table 3 - Comment 7 and Comment 10 from the Water Model Report) must be resolved prior to the certification that this project is in compliance with Utah Water Law and the 1996 Agreement.
4	Summary – Mitigation Measures	Will the "inadvertent discovery plan" include the presence of an archaeological monitor or tribal monitor during ground disturbing activities?
5	Table S.1.	Suggest clarification of Net Economic Benefit calculation. A $162,000 net economic benefit on a $39,511,000 project seems in error.
6	Table S.2. -Water Resources; Table S.2. - Riparian Areas; Table 3.3 – Mexican Spotted Owls; 6.4.1.2.1.2; 6.4.7.2; 6.4.8.2; Table 5.7 – Water Resources; 7.4 – Riparian/Ecological Values	In Table S.2. – Water Resources, it is inaccurate to state both, "no downstream impacts to the EFVR would occur," with the data provided and in the Riparian Areas section, "No impacts to existing riparian habitat would occur" as well as all similar statements within the EIS. Please see Comment 13 from Table 2 "NPS Comments on Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project" for an explanation on the inaccurate and insufficient analysis that was provided in the draft Biological Assessment.
7	Table S.2. - Waters of the U.S., Wetlands, and Special Aquatic Sites; Appendix E-2; 4.2.2.1; 4.2.2.4; 6.2.4.2; Table 5.7 - WOTUS., Wetlands, and Special Aquatic Sites	Appendix E-2 "Draft Aquatic Resources Inventory Report, July 2025" includes an assessment of effects of the area generally around the construction of the reservoir and associated pipelines, not a comprehensive analysis of impacts to wetlands and riparian areas throughout the study area including downstream on the East Fork of the Virgin River through Zion National Park. No justification has been made for the river segments within the study area not being included in this assessment report or this statement in the EIS. Include an evaluation on impacts to WOTUS throughout the study area, including downstream on the EFVR given that this project has a continuous surface connection to a perennial stream (EFVR).
8	Table S.2. – Wild and Scenic Rivers;	In Table S.2. it is inaccurate to state the "Preferred Alternative would have no impacts on the WSR values of the EFVR within ZNP, as it would also adhere to the stipulations required in the ZNP Agreement. Therefore, changes in flow in the EFVR through ZNP would be minor, particularly when the natural variation of the EFVR is approximately 100 times the range of effect from proposed reservoir releases (Alpha Engineering 2025)." Compliance with the ZNP Agreement does not equate to no impacts on the WSR values of the EFVR. Please remove this statement from the draft EIS.

9	Table S.2. – Significant Scientific Resources	Is a paleontological monitor and pre-construction paleontological training course a planned mitigation? Recommended mitigations should not be made here, only planned mitigations. Remove this statement if it is not planned to be implemented.
10	Summary - Major Conclusion	NRCS states, "The Preferred Alternative is the most environmentally friendly alternative and has the greatest net economic benefits of all alternatives analyzed... No measurable long-term adverse impacts are anticipated [from the Preferred Alternative]." The NPS has not seen evidence in this draft EIS to support these two statements. Please see Comment 13 from Table 2 "NPS Comments on "Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project".
11	Summary – Areas of Controversy	"Wild and Scenic River status" is not controversial. The East Fork of the Virgin River as it runs through ZNP is a congressionally-designated Wild and Scenic River. The NPS has notified the NRCS that the NPS will not be conducting a Section 7 analysis on this water resources project.
12	3.2.3	Please remove the statement, "Some local recreational facilities are considering a cap on the number of daily visitors, including at ZNP and BCNP." NPS units routinely collect visitor use data and conduct targeted studies for planning purposes. No capacities have been established for ZNP or BCNP.
13	3.2.3.1	This statement that the irrigation duty value has changed from 6 acre-feet per acre to 5 acre-feet per acre is in conflict with the July 2024 Water Model Report and previous drafts of the Purpose and Need Chapters that the NPS has reviewed. The duty value listed for this area by the UDWRi is 4 acre-feet per acre with orders by the SE to increase the duty value for certain water rights to 5 acre-feet per acre. Not all water rights associated with this project have public documentation to demonstrate that the duty value has increased, for example: 81-1673. See Table 3, Comment 2 on the July 2024 Water Model Report for more information.
14	4.2.2.1	NRCS states, "Gauge data (USGS gauging station 09404450) revealed that the last 20 years have exhibited a drier hydrology and may be indicative of future conditions". Please provide an explanation of how this trend was incorporated into an analysis on how less water in the river in the future will impact operability of this project.
15	4.2.2.1	The NRCS states, "One or more new reservoirs with cumulative active storage capacity of up to but not exceeding 6,750 acre-feet may be constructed upstream of Glendale." This is inaccurate; the 1996 Zion National Park Water Rights Settlement Agreement allows for new large reservoirs on certain tributaries both upstream and downstream of Glendale as defined within the Agreement (Cove Canyon is downstream of Glendale). NPS recommends reciting the language exactly as it is written in the Settlement Agreement in Article II.D.1.a. Further, the NRCS states, "The existing flow or 2 cfs, whichever is less, shall be maintained immediately below any new surface water diversions or reservoirs constructed." This is inaccurate, and NPS recommends correcting the statement to, "The existing flow or 2 cfs, whichever is less, shall be maintained immediately below any new surface water diversion *to* reservoirs constructed on streams defined in Article ii.D.1.a"
16	Table 3.5	Flannelmouth sucker, Desert sucker, and Virgin Spinedace have all been found within the study area in recent surveys conducted in Zion National Park. Please add this statement to each of these species. Please ensure all recent Utah Division of Wildlife Resources Hurricane Field Office fish survey data is included in this analysis.

17	5.3	In this Alternatives Considered but Eliminated from Detailed Study section, NRCS only includes alternative reservoir sites. Please provide an explanation on why coordinating with UDWRi on establishing a Water Management Plan for the area, which would prioritize senior water rights, was not considered to achieve the purpose and need.
18	6.2.1.2.1	For a comprehensive analysis on impacts to flow regime to provide the basis of this EIS, please add additional analysis points to this "Flow Impact Analysis" beyond the single analysis point included at the East Fork Virgin River Near Springdale, UT - USGS-09404900. The EFVR through the study area undergoes significant changes in flow so a single point insufficiently analyzes impacts to the river through the study area. Describe decreases in flow as a quantification in terms of cubic feet per second, percentage of mean flow and changes to wetted perimeter. Showing decreases as a percentage of overall flow and wetted perimeter will better describe impacts to aquatic and riparian habitat of the preferred alternative. This analysis should be completed under a variety of flow conditions, including high, normal and dry years. Please see Table 2 Comment 13 for additional explanation. Also, correct spelling of Springdale in this paragraph.
19	6.2.1.2.1	The NRCS states, "Given that precipitation events already cause greater fluctuations in flow, depth, and width, the incremental effects of the proposed action would have little to no meaningful impact on the overall river system or on the habitat for Virgin River chub and woundfin downstream of the diversion point." While it is true that the EFVR undergoes significant discharge fluctuations due to spring snowmelt runoff and precipitation events, the statement that this project will have no meaningful impact on the overall river system or habitat lacks basis without analyzing the project's impacts to base flow conditions throughout the study area.
20	6.2.2.2	The NRCS states, "The change in water flow would not introduce pollutants or alter the river's chemistry in a way that would impact its designation as 'wild'." This conclusion is not substantiated by existing data or analysis within the EIS. Please remove this statement.
21	6.2.6	The heading for this section is "Desert Sucker" but based on the content in this section, the heading should likely be "Wild and Scenic Rivers". The conclusion in this section is not substantiated by existing data or analysis within the EIS. NPS recommends removing the conclusion from the document.
22	6.2.6.2.1.1	Please see unresolved comments from the Water Model Report Table 3 Comment 6. The 2001 MOU cited in this section, which provides a significant mitigation on impacts to native fish and their habitat immediately below the diversion, is only in place so long as the hydroelectric power plant is in operation (Term 11) which is not included in this project proposal. Is there a plan to amend this agreement to include this project so if the hydroelectric power plant is decommissioned the agreement and terms are still in effect?
23	6.2.6.2.1.1	The NRCS states, "The change in water flow would not disrupt the ongoing research activities within the Research Natural Area." No analysis has been made to support this statement. Please remove.
24	6.2.6.2.1.1	The NRCS states, "Formal consultation with the NPS to comply with Section 7 of the WSRA was not required for this project (Appendix A-62)." Revise to more accurately state, "The NPS notified the NRCS that the NPS will not be completing a Section 7 analysis on this project."

25	6.2.7.2	The NRCS states, “Regulating services, water quality and quantity—Alternative 2 would increase water quality in the EFVR by containing sediment within the reservoir during flash flooding events.” While this section includes a brief narrative describing impacts to water quality, this section provides no description or analysis on anticipated impacts to water quantity.
26	6.5.3.2	The NRCS states, “Additional maps and information are provided in Appendix C and the Preliminary Design Report (Appendix E-1). However, like all dams, the risk of failure exists and would be mitigated by an Emergency Action Plan (EAP), as required by the Utah Dam Safety office. The estimated number of at-risk populations is 10 to 15 people. The inundation zone encompasses four residential homes, along with barns and agricultural facilities. If a dam breach were to occur, up to 192 acres (0.3 square mile) of cropland would also be affected.” Flood inundation maps and analysis provided in the EIS and Appendices do not sufficiently analyze impacts downstream with the analysis abruptly ending prior to downstream communities, including Mt. Carmel, Utah. Inundation maps must analyze impacts to the full downstream extent that floodwater from a dam failure would extend including analyzing impacts to downstream communities and recreational areas including Mt. Carmel, UT, Parunuweap Canyon managed by the BLM, Zion National Park, Rockville, UT and Virgin, UT. The mentioned communities above should be involved in the development of an Emergency Action Plan.
27	Table 5.7 – Wild and Scenic Rivers	The NRCS states, “The Action Alternatives would have no impacts on the WSR values of the EFVR within ZNP, as it would also adhere to the stipulations required in the ZNP Agreement. Therefore, changes in flow in the EFVR through ZNP would be minor, particularly when the natural variation of the EFVR is approximately 100 times the range of effect from proposed reservoir releases (Alpha Engineering 2025).” Please remove the Wild and Scenic River Section from this table. The conclusions made here are not substantiated by data or analysis.
28	7.1	The NRCS states, “The Cooperating Agencies and project sponsors support Alternative 2 as the Preferred Alternative”. The NPS has not indicated preference for any alternative.
29	7.4 – Wild and Scenic Rivers	The NRCS states in an Area of Controversy, “Concern: WSR Values - Concern with effects to the W&S status of the river. Response: An analysis on impacts to the wild and scenic values of the EFVR are included in Section 5.2.6.” No Wild and Scenic Rivers Act Section 7 analysis has been completed; please remove this statement.
30	7.4 – Threatened and Endangered Species and State Sensitive Species	The NRCS states in an Area of Controversy, “Concern: Threatened and Endangered Species and State Sensitive Species - Damage to the Virgin Spinedace. Response: The Virgin Spinedace is a state-sensitive species with potential to occur within the ZNP portion of the project area. Changes in water flow within the EFVR would be minor, particularly when the natural variation of EFVR flows are approximately 100 times the range of effect from proposed Cove Reservoir releases (Alpha Engineering 2025), and therefore, no long-term impacts are anticipated. Reference Section 5.4.6 for supporting information”. The concern with impacts to aquatic species, including Virgin Spinedace, reliant upon riparian and aquatic habitat, derives from decreases to base flow conditions, not increases to flow within the natural flow regime. This is not a valid explanation to satisfy the concern.

31	7.4 – Climate Change	The NRCS states in an Area of Controversy, "Concern: Climate Change - Water flow in relation to climate change. Response: Water availability is anticipated to continue to decrease over time as climate change occurs. The Preferred Alternative would provide a reliable source of water for agriculture and M&I benefits and would not contribute to climate change. Reference the Cove Water Model in Appendix E-10 for supporting information." Provide an analysis of how decreases in water availability due to climate change will affect long-term operability of the project as well as impacts to the riparian and aquatic habitat. This analysis is not found in the cited Water Model Report nor is it found in the draft Biological Assessment or draft EIS.
32	7.5.1.3	The NRCS states, "Formal consultation with the NPS to comply with Section 7 of the WSRA was not required for this project." Correct this statement to more accurately reflect the message as, "the NPS stated they will not be conducting a Section 7 analysis on this project."
33	7.5.2.1	Add in this section that approved water right change applications would be required of this project. Please note here that there remain unresolved concerns on duty values (Table 3 - Comment 2 from the Water Model Report) and annual quantification on water rights associated with this project (Table 3 - Comment 7 and Comment 10 from the Water Model Report).
34	Table 9.1	Correct Robyn Henderek's years of professional experience to 10.

Table 2. NPS Comments on "Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project**"**

Comment Number	*Page, Section/ Table*	*NPS May 15, 2025 Comment*	*NRCS July 11, 2025 Response*	*NPS August 18, 2025 Response*	*NPS March 6th, 2026 Response*
4	3, 2.2.2	This section states, "Water committed to Washington County for irrigation and MR purposes could be released any time during the year to meet demand but would most likely be during the fall and winter months. Releases to Washington County would be in compliance with the ZNP Agreement (Agreement, 1996)." However, the Water Model Report (July 2024) for this project models releases from this reservoir to Washington County occurring June through August in an average annual simulation. Please clarify.	Text has been clarified. Water would be released for agricultural use in Washington County by the HCC during the summer months of June, July, and August. Timing for water releases for M&I use in Washington County has not been determined. Washington County has emphasized the need for flexibility, and M&I related releases could occur at any time of the year. All releases would be in compliance	Please send an updated draft of the Biological Assessment with these changes. The concept poses challenges in properly analyzing impacts associated with Washington County Water Conservancy District (WCWCD)'s involvement in the project. Section 2 Part C of the July 2024 Water Model Report should discuss this model is based off releases occurring June through August, however, releases may occur at any time.	Comment remains unresolved. Please see unresolved Table 3 Comment 8 on from the Water Model Report.

			with the ZNP Agreement.		
6	4, 2.3	Include specific details on conservation measures that would minimize the introduction of non-native species into the river and reservoir (e.g., all equipment should be cleaned and inspected for Aquatic Invasive Species prior to being brought on site). To ensure the success of the post-construction seeding efforts, include post-construction mitigation for non-natives that are introduced/become establis hed. There is a substantial population of invasive knapweed (*Cen taurea stoebe*) in the area that could benefit from this disturbance and potentially have a negative effect on post-construction seeding.	Two committed conservation measures currently in the Plan-EIS have been added to the BA for clarification. These measure state that "All equipment would be cleaned of soil, seeds, vegetation matter, and other debris prior to entering or reentering the project area to avoid any introduction of non-native plants or weeds. “and "Prior to stocking the proposed reservoir with fish, a management plan will be developed to ensure that nonnative fish species do not escape from the reservoir into the EFVR." It should be noted that no construction activities would occur within the EFVR. This would greatly reduce the potential for the introduction of non-native species into the river.	Please send an updated draft of the Biological Assessment with these changes. As the project includes stocking of non-native fish in the proposed reservoir, a fish management plan that adequately mitigates for potential introduction into the East Fork of the Virgin River and its tributaries must be developed and included in the NEPA analysis. This plan should meet non-native stocking and control requirements set in other plans such as the Virgin Spinedace Con servation Agreement and Strategy and other relevant plans and agreements.	Comment remains unresolved. There is mention of a fish management plan which will be made prior to the proposed action in the EIS. Will the NPS have an opportunity to review and comment on this future plan?
7	4, 2.3	Include specific details on conservation measures to prevent the introduction of stocked non-native salmonids (fish	Additional informa tion has been added as requested. A measure that is	Please send an updated draft of the Biological Assessment with these changes.	Comment remains unresolved. Further, information provided on the fish screen was not included in the BA or the EIS. There is mention of a fish management plan which will be made

		and eggs) from entering the East Fork of the Virgin River.	currently in the Plan-EIS has been added to the BA. This measure states that, "Prior to stocking the proposed reservoir with fish, a management plan will be developed to ensure that non-native fish species do not escape from the reservoir into the EFVR". It should also be noted that several actions would be taken to prevent non-natives from entering the EFVR. These include a fish screen at the proposed reservoir intake with a 1-inch maximum por e opening that would prevent fish and debris from entering the pipeline to the Orderville hydr oelectric power plant. The hydroelectric facility utilizes tw o Turgo Impulse turbines, which focus the water through small nozzles at high pressure and velocity into the turbines. The combination of the small nozzle size, high velocity, and sudden pressure drop would make it highly unlikely that any fish that	As the project includes stocking of non-native fish in the proposed reservoir, a fish management plan that adequately mitigates for potential introduction into the East Fork of the Virgin River and its tributaries must be developed and included in the NEPA analysis. This plan should meet requirements set in other relevant plans a nd agreement.	prior to the proposed action in the EIS. Will the NPS have an opportunity to review and comment on this future plan?

			might make it into the pipeline would survive. This information has been added to Section 2.2.1 (Project Measures for clarification.		
10	4, 2.3	Include conservation measures that are specific to California condors. For example, to reduce microtrash ingestion by condors, all trash at the construction site should be cleaned up daily.	No effects have been identified for the California condor resulting from project development. The Long Valley portion of the Action Area is the only place where surface disturbance would occur. It is not considered to be condor habitat due a to lack of habitat. However, additional committed conservation measures found in the Plan-EIS relating to plants and animals (including the condor), have been added to the BA.	There is evidence from condors fixed with GPS units utilizing the project area on lands managed by the National Park Service and therefore should be included in the analyses.	Table 5 still states that California Condors are not present within the Action Area. The NPS has provided NRCS data to support they are found within the Action Area. Please correct this statement.
13	6, 3.4.1	Reference to action area should still include downstream locations. It would appear that the identified wetlands and streams are only for the area of surface disturbance. Further, does "two additional *sites* bisect the proposed pipeline" refer to two additional *streams*? Please clarify.	Because no surface disturbance would occur outside of the Long Valley area, it is not necessary to identify downstream wetlands and streams beyond the EFVR and the Virgin River. Text has been changed to clarify the discussion regarding intermittent streams in Long Valley.	Changes in flow regime, specifically a reduction in base flows during the period of diversion outside of spring snowmelt (November-March), has the potential to impact the total area of riparian and aquatic habitat. Riparian and aquatic habitat rely upon consistent base flow conditions to sustain	The February 2026 Updated Draft Preliminary BA includes a new Section 5.0 - Water Model Results. Section 5.3 states, "Modeling shows that reservoir operations would cause only minor changes to EFVR flows (between 15 to 25 cfs added or between 12.6 to 22.2 cfs removed) which is extremely small compared to natural river variability." While it is accurate to state that increases to discharge from summer releases would be "extremely small compared to natural river variability," it is inaccurate to make that statement on diversions during the winter and spring based on data from the July 2024 Water Model

				populations. Lower base flows mean less wetted perimeter. The July 2024 Water Model report cites the potential for an 11.6 cfs (-21% average discharge) decrease in flow at the USGS East Fork of the Virgin River Near Springdale gage (USGS 09404900) in December. Please provide an analysis of impacts changes in flow regime for aquatic and riparian habitat at various locations within habitat of ESA and candidate species in the Action Area during high, low, and average water years. This analysis will likely extend beyond the Ordinary High Water Mark cited as the Washington County Action Area therefore the action area for Washington County should include an approximately 50 foot buffer beyond the Ordinary High Water Mark.	Report. Please describe the location of the analysis point described in Tables 6, 7 and 8. Date from Tables 6, 7 and 8 conflict with data presented in the July 2024 Water Model Report. In the Cove Reservoir Average Annual Simulation, in an average year, it is modeled that there will be an 11.6 cfs decrease in river flow in November, an 11.7 cfs decrease in flow in December, a 10.2 cfs decrease in flow in January, a 7.0 cfs decrease in February, a 4.3 cfs decrease in flow in March, a 2.4 cfs decrease in flow in April, and a 5.7 cfs decrease in flow in May. While the analysis point from the Average Annual Simulation is also undisclosed, it is unclear how the NRCS can state there will only be a 1.7 cfs decrease in EFVR flow during the "low" scenario. Further, for a comprehensive analysis of impacts to the flow regime, multiple analysis points must be made along the EFVR through the Action Area as the flow regime changes considerably throughout the river from the site of the proposed reservoir diversion to the USGS East Fork of the Virgin River near Springdale Gage (09404900). The NPS provided NRCS a discharge measurement taken from the EFVR near Mt. Carmel Junction on 12/15/25 where flows were calculated at 11.99 cfs. Under planned diversions of the Cove Reservoir, discharge would be diminished to a minimum of 2 cfs to be maintained below the diversion. Therefore, flows would be reduced at this site by 83%, as an example. At the USGS East Fork of the Virgin River near Springdale Gage (09404900), the Water Model Report (July 2024) cites a 21% decrease in discharge, as another example. 83% and 21% of flow is not "extremely small" as the NRCS concludes here. A comprehensive analysis of changes to the flow regime under a variety of flow conditions must be made at several locations within the Action Area and those effects must be

					quantified in an analysis on impacts to riparian and wetland species, including recruitment. As we have stated in the past, the NPS remains available to assist the NRCS with this effort.
18	10, Table 4	Condors should not be dismissed for analysis. Condors are in the action area and the action area is condor habitat. Condors are obligate scavengers and since there is potential for animals to die within the Action Area, then there is condor food present in the action area and therefore the action area is habitat for condors. GPS condor data from The Peregrine Fund will show that the condors are using all parts of the action area, including the dam site. Also, in 2021 there was a successful condor nest in Mineral Gulch which should be mentioned in BA.	As stated in Comment No. 30 (No. 10 NPS comment), no effects have been identified for the California condor resulting from project development. The Long Valley portion of the Action Area is the only place where surface disturbance would occur. It is not considered to be condor habitat due a to lack of habitat. No surface disturbance would occur in condor habitat in ZNP. However, additional committed conservation measures found in the Plan-EIS relating to plants and animals (including the condor), have been added to the BA.	There is evidence from condors fixed with GPS units utilizing the project area on lands managed by the National Park Service and therefore should be included in the analyses.	After meeting with the NRCS and providing data on the occurrence of California Condors in Zion National Park and the Action Area, the NPS is pleased to see California Condors included in the analysis in the updated BA. However, the NPS does not agree with the statement that "No surface disturbance or changes in EFVR streamflow would occur in Parunuweap Canyon; accordingly, construction activities would result in ***No Jeopardy*** to the California condor as a result of habitat effects outside of ZNP and would have ***No Effect*** on the condor inside ZNP boundaries." An insufficient analysis has been completed, please see Table 2, Comment 13 for more details.
21	10, Table 4	How was a No Effect determination concluded for Southwestern willow flycatcher? If there is potential for indirect effects, even if that indirect effect is minor, then there is an effect. The main threats to this species are mostly related to habitat loss/modification due to	The effects determination for the SWWF has been changed to May Affect, but is Not Likely to Adversely Affect. BA text has been added to incorporate this change. We do	Please send an updated draft of the Biological Assessment with these changes. Changes in flow regime, specifically a reduction in base flows during the period of diversion	Comment remains unresolved. Please see response to Table 2, Comment 13 for more details.

		dams and reservoirs that causes changes to natural hydrological cycles. There is currently no explanation of how this project will not change the natural hydrological cycles along the East Fork of the Virgin River. A description is needed of how this project will not change: daily water fluctuations, short-duration floods, flood-induced sediment deposition, floodplain hydration and flushing, and the establishment (i.e., seed dispersal/establishment coi ncides with spring flooding) and maintenance of native riparian habitats. Effects to riparian habitat, stream flow, and hydrological cycles will affect: the quality and quantity of riparian vegetation, wetted perimeter, the seasonal flooding of steams during willow flycatcher spring migration and/or breeding season, and the insect population that provides food for willow flycatchers.	note that a Water Model and an analysis of waterflow changes have been prepared for Cove Reservoir project that addresses downstr eam flows. These documents are referenced several times in this BA. They conclude that changes in EFVR flows would be minor especially when compared with the significant changes in flows that result from snow melt, floods, etc.	outside of spring snowmelt (November-March), has the potential to impact the total area of riparian and aquatic habitat. Riparian and aquatic habitat rely upon consistent base flow conditions to sustain populations. Lower base flows mean less wetted perimeter. The July 2024 Water Model report cites the potential for an 11.6 cfs (-21% average discharge) decrease in flow at the USGS East Fork of the Virgin River Near Springdale gage (USGS 09404900) in December. Please provide an analysis of impacts changes in flow regime for aquatic and riparian habitat at various locations within habitat of ESA and candidate species in the Action Area during high, low, and average water years. This analysis will likely extend beyond the Ordinary High Water Mark cited as the Washington County Action Area therefore the action area for Washington County should include an approximately 50 foot buffer beyond the Ordinary High Water Mark.	

27	17-21	For ALL species/habitat determination, rationale that supports the effect determination needs to be provided. As the BA is currently written, there is no rationale, support, or justification of how the NRCS arrived at the determinations. For example, the Operation Impacts effect determination for MSO states that “no harm or harassment would occur to MSO as a result of streamflow changes” therefore there will be “no effect” to MSO. What is the justification for concluding that individual owls will not be harmed by potential changes to riparian habitat? Describe how reduction in streamflow will not affect riparian habitat and will not reduce prey availability which affects MSO feeding success? Effects should be at the individual species level (not population level). For each species analyzed, there should be an explanation of what the species’ exposure is to direct and indirect effects of the proposed management action and what their anticipated responses will be. For example, are individual MSO in proximity to the riparian habitat that may experience changes due to stream flow? What is the duration of that change? Will that exposure to that effect potentially impact essential behaviors such as feeding, breeding, sheltering,	Additional clarifying text has been added. For consistency, we have changed the MSO Species Operation effects determination to May Affect, but is Not Likely to Adversely Affect. Effects determination is based on anticipated effects that would occur over and above what is currently happening or has happened in the past in the EFVR in Parunuweap Canyon. Based on the Water Model and follow up River Changes report, we do not believe that there would be loss of riparian habitat that would result from project development. The riparian vegetation is adapted to the significant changes in EFVR flows that have occurred over the years due to spring runoff and flooding. As the Alpha water model states, "..the effect of an additional 15 to 25 cfs flow from the proposed reservoir during flood stage or during normal streamflow conditions would	Changes in flow regime, specifically a reduction in perennial base flows during the period of diversion, has the potential to impact the total area of riparian and aquatic habitat. Riparian and aquatic habitat rely upon consistent base flow conditions to sustain populations. The July 2024 Water Model report cites the potential for an 11.6 cfs (-21% average discharge) decrease in flow at the USGS East Fork of the Virgin River Near Springdale gage (USGS 09404900) in December. Please provide an analysis of impacts a diminishment of perennial base flow conditions may have on aquatic and riparian habitat at various locations within habitat of ESA listed and candidate species in the Action Area during high, low, and average water years. This analysis will likely extend beyond the Ordinary High Water Mark cited as the Washington County Action Area therefore the action area for Washington County should include an	Comment remains unresolved. Please see response to Table 2, Comment 13 for more details.

		migration, and movements and the habitats that support them?	be minor and that the natural variation of the river is approximately 100 times the range of effect from reservoir releases." For example, on December 21 the Springdale USGW gauging station recorded 2,020 cfs with a flood stage depth of 10.11 feet. Implementation of the Agreement would result in a flood stage river flow increase of 0.74 percent to 1.24 percent based on discharge amounts between 15 to 25 cfs. River level would increase 0.07 to 0.13 feet. Further, the gauge showed extreme variability in stream flows from 1994 to 2022 of less than 40 cfs to over 2,000 cfs. Based on these data, we believe that the minor change in stream flow resulting from project developme nt would not result in a significant adverse effect to or additional loss of MSO or SWWF habitat.	approximately 50 foot buffer beyond the Ordinary High Water Mark. In addition to sections of the East Fork of the Virgin River within the park, approximately 5.25 miles upstream of the park's upstream boundary is within the CP-11 MSO Critical Habitat Unit. These data in combination with analysis of impacts of changes in flow regime for aquatic and riparian habitat should be incorporated into the effects analysis for MSO and MSO critical habitat.	

29	17, 4.4.2	Since several MSO PACs overlap the Action Area in Parunuweap Canyon and the entire Parunuweap Canyon area is critical habitat, a better explanation is needed to justify why there would be "negligible impacts" to the riparian vegetation in Parunuweap Canyon. How exactly was this analyzed and this conclusion reached? It is well known that the quality and quantity of riparian vegetation is directly associated with stream flow and hydrological cycles, so how does a project that proposes to reduce stream flow and change the hydrological cycle avoid impacting riparian habitat? This is important to analyze since any changes to riparian habitat will likely affect MSO prey availability and could reduce individual MSO feeding success which could affect MSO reproduction and survival; therefore a "No Effect" would not be the correct effect determination for MSO.	See response to comment 27	Changes in flow regime, specifically a reduction in perennial base flows during the period of diversion, has the potential to impact the total area of riparian and aquatic habitat. Riparian and aquatic habitat rely upon consistent base flow conditions to sustain populations. The July 2024 Water Model report cites the potential for an 11.6 cfs (-21% average discharge) decrease in flow at the USGS East Fork of the Virgin River Near Springdale gage (USGS 09404900) in December. Please provide an analysis of impacts a diminishment of perennial base flow conditions may have on aquatic and riparian habitat at various locations within habitat of ESA listed and candidate species in the Action Area during high, low, and average water years. This analysis will likely extend beyond the Ordinary High Water Mark cited as the Washington County Action Area therefore the action area for Washington County should include an approximately 50 foot buffer beyond the Ordinary High	Comment remains unresolved. Please see response to Table 2, Comment 13 for more details.

				Water Mark. In addition to sections of the East Fork of the Virgin River within the park, approximately 5.25 miles upstream of the park's upstream boundary is within the CP-11 MSO Critical Habitat Unit. These data in combination with analysis of impacts of changes in flow regime for aquatic and riparian habitat should be incorporated into the effects analysis for MSO and MSO critical habitat.	
30	22, 6.1	Justifications for determinations needs to be strengthened (see comments above) and information corrected. Riparian habitat is present within occupied MSO habitat. Currently there are two confirmed PACs that include riparian habitat along the East Fork of the Virgin River. There are likely more, but surveys need to be conducted. Riparian habitat IS a PCE, so a "no effect" determination for critical habitat needs to be better justified since there will be changes to stream flow and hydrological cycles under the proposed action. A description of how those changes will impact riparian habitat is needed (i.e., cite literature, talk to experts; ask the questions: "If a	See response to previous comments. The presence of PACs has been added to the text is Section 4.1.3.	Changes in flow regime, specifically a reduction in perennial base flows during the period of diversion, has the potential to impact the total area of riparian and aquatic habitat. Riparian and aquatic habitat rely upon consistent base flow conditions to sustain populations. The July 2024 Water Model report cites the potential for an 11.6 cfs (-21% average discharge) decrease in flow at the USGS East Fork of the Virgin River Near Springdale gage (USGS 09404900) in December. Please provide an analysis of impacts a diminishment of	Comment remains unresolved. Please see response to Table 2, Comment 13 for more details.

		river sees X (cfs) less flow during X months/year every year, then how could riparian habitat be affected long-term? Will it affect vegetation recruitment since some species require springtime flooding to germinate? Will riparian habitat along the river become narrower since there will be less wetted perimeter and less vegetation receiving the water they need to survive? Will the retreating riparian habitat be overtaken with non-native invasive plant species? What is the potential cascading effect of less surface water or less riparian habitat on the ecosystem?")		perennial base flow conditions may have on aquatic and riparian habitat at various locations within habitat of ESA listed and candidate species in the Action Area during high, low, and average water years. This analysis will likely extend beyond the Ordinary High Water Mark cited as the Washington County Action Area therefore the action area for Washington County should include an approximately 50 foot buffer beyond the Ordinary High Water Mark. In addition to sections of the East Fork of the Virgin River within the park, approximately 5.25 miles upstream of the park's upstream boundary is within the CP-11 MSO Critical Habitat Unit. These data in combination with analysis of impacts of changes in flow regime for aquatic and riparian habitat should be incorporated into the effects analysis for MSO and MSO critical habitat.	
31	Table 2				Spotted Knapweed (*Centaurea stoebe)* is also prevalent in that area. It is listed as Class 2 on the Utah Noxious Weeds List. Please add

					Spotted Knapweed to Table 2.
32	5.4				New Section 5.4 states, “Overstory species, such as cottonwood and Russian olive, rely on groundwater, not surface flow. Their deep root systems, 10–15 feet for cottonwood (Greg 2026) and up to 40 feet for Russian olive (NRCS 2026), would not be affected by the minor changes in streamflow. Groundwater levels in the EFVR corridor are controlled primarily by regional hydrology and flood recharge, not by small changes in surface flow.” As described in Table 2, Comment 13, surface flow reduction is not expected to be “small”. Groundwater to surface water relationships vary by lithologic unit and its aquifer bearing properties and depth of channel fill, therefore cannot be broadly summarized across the entire Action Area here as it is in this statement. Analysis should be made on incremental reaches along the EFVR through the Action Area. The proposed considerable decreases to surface water may influence on depth to groundwater. Further, overstory species reliant primarily on groundwater should not be the only riparian species analyzed in this document. Please provide a comprehensive analysis on impacts to riparian habitat in the Action Area, including recruitment. Related to recruitment, reducing river flows during spring recruitment events may inadvertently remove trees over time. This can be exacerbated by single-aged stands. A sudden collapse of habitat could happen when trees, such as cottonwoods, reach maximum age with no or limited recruitment.

Table 3. Unresolved NPS Comments on **“**Water Model Report - Cove Reservoir**”**		
Comment Number	*Page, Section/Table*	*Comment*

2	Page 4, Section A.b	**NPS 4/21/23 Comment 2:** Water rights for the three irrigation companies are allocated based on a water right duty usage, which was recently changed by the Division of Water Rights from 4 to 5-acre-feet per acre, which is further explained in **Part C Irrigation Efficiency**." The UDWRi website still shows four acre-feet per year per acre irrigation duty for the irrigation area. Cite here the new consumptive use change policy by the UDWRi. If this consumptive use policy has not changed, this new consumptive use should not be cited and used in calculations.
		NRCS 11/21/24 Response to Comment 2: As we understand it, the only irrigation company that shows a limit of 4-acre feet per acre is Orderville. Mt Carmel and Glendale Irrigation Companies do not show a limit. The irrigation companies have historically diverted approximately 5 acre feet per acre. The UDWRi is memorializing the usage for all three irrigation companies.
		NPS 3/7/25 Response to NRCS Response to Comment 2: The NPS found the court order Civil No. 80O5O7596 dated July 9th, 2023 setting the duty value to 5 acre-feet per acre for selected water rights. The water right numbers identified in this court order impact water rights owned by Mt. Carmel Irrigation Company and Orderville Irrigation Company. However, there do not appear to be rights owned by Glendale Irrigation Company served by this court order. Please direct the NPS to the decision document on duty value change pertaining to the rights owned by the Glendale Irrigation Company as this water model sets the use to 5 acre feet per acre for all three irrigation companies.
		NRCS 3/27/25 Response to 2nd NPS Comment 2: Please find attached the amendment to the original judgement that included the Glendale Irrigation Company.
		NPS 3/6/26 Response to Comment 2: Attached the NRCS provided a judgement to assign a 5 AF Duty Value to 81-1171 (held by Glendale Town - not Irrigation Company - for 25 AF of water). This is not the 7.2 cfs water right cited in Chapter 1 of the EIS we have seen (81-1673). The NPS has not seen evidence the duty value has changed to 5 AF for 81-1673. Reviewing scanned documents for this water right (81-1673) yields no court order which changes the duty value.
6	Page 7, Section A.d	**NPS 4/21/23 Comment 6:** Please cite and provide a copy of this agreement. Please clarify which months this minimum flow is to be maintained below the OIC diversion. "When neither MCIC or the OIC are diverting water for irrigation purposes," is unclear since it is noted here company water rights allow for year-round irrigation.
		NRCS 11/21/24 Response to Comment 6: Attached is the agreement.
		NPS 3/7/25 Response to NRCS Response to Comment 6: The agreement noted was not actually attached when the response to comment was sent to the NPS. We look forward to receiving a copy of this agreement. Please clarify which months this minimum flow is to be maintained below the OIC diversion. "When neither MCIC nor the OIC are diverting water for irrigation purposes," is unclear since it is noted here company water rights allow for year-round irrigation. Further, please include a description of how these minimum flows will be measured below the OIC.
		NRCS 3/27/25 Response to Comment 6: The agreement was attached with the original response but may have not been forwarded to you. It is attached again for your use. The report that is being quoted from did not continue with the remainder of the sentence which stated, "typcially during the winter". Winter is defined as

		December to February which is the verbiage used in the memorandum. The minimum flows are measured with a parshall flume at the diversion dam.
		NPS 3/6/26 Response to Comment 6: This agreement, which provides a significant mitigation on impacts to native fish and their habitat immediately below the diversion, is only in place so long as the hydroelectric power plant is in operation (Term 11) which is not included in this project proposal. Is there a plan to amend this agreement to include this project so if the hydroelectric power plant is decommissioned the agreement and terms are still in effect?
7	Page 9, Section B.b	**NPS 4/21/23 Comment 7:** "Prior to the proposed Cove Reservoir, water right demand has not fully been met 48 of 54 years of record, or a total of 6 years that water rights were fully met. This assumes 5 acre-feet of water required per irrigation acre." This statement is misleading where it appears to assert that a new consumptive use policy can be retroactively applied to demonstrate a lack of fulfillment of a water right. Please cite the mentioned new consumptive use policy by UDWRi.
		NRCS 11/21/24 Response to Comment 7: As evidenced by the historical use records the irrigation companies have historically diverted 5 acre feet per acre. The Glendale and Mt Carmel Irrigation Company Water Rights have a limit on the cfs that can be diverted but no limit on acre feet on an annual basis. Without the reservoir they have diverted water when available to use to carry over in the dry months. The Utah Division of Water Rights is seeking to clarify the annual acre feet of water that can be diverted for all three irrigation companies as we understand it.
		NPS 3/7/25 Response to NRCS Response on Comment 7: Thank you for this clarification. We will revisit this unresolved comment when UDWRi clarifies the annual acre feet of water that can be diverted for these rights served by this project.
8	Page 10, Section C	**NPS 4/21/23 Comment 8:** "The DWR Model is included in **Appendix C** and indicates the Cove Reservoir will provide up to an additional yield of approximately 700 acre-feet of water for use by the WCWCD with the WCWCD having water priority on the Virgin River. This is accomplished by diverting water during the non-irrigation season, October through April, when the existing downstream water rights are met and there is excess water available in the system." Diversions associated with this water development project must follow the terms of the Zion National Park Water Rights Settlement Agreement which states in II.D.6, "Surface water diversions to new reservoirs described in II.D.1.a above shall not occur except during the period from November 1 to May 31, subject to the by-pass flow required decried above." Please describe which WCWCD water rights (700 acre-feet per year) are planned to be moved to this upstream diversion and stored in this reservoir for release and use downstream?
		NRCS 11/21/24 Response to Comment 8: The Washington County Water Conservancy District has several water rights that are being considered to transfer to the Cove Reservoir. The Change Application process will be handled through the Division of Water Rights and be available for review and comment through that process. All diversions will be in accordance with the Zion National Park settlement agreement.

		NPS 3/7/25 Response to NRCS Response on Comment 8: Under the Article III.J of the 1996 Zion National Park Water Rights Settlement Agreement, the NPS has the primary responsibility in protecting its water rights. The NPS seeks to understand elements of the project to inform its comments to the draft EIS when released and to evaluate upcoming change applications or applications to appropriate for water rights related to this project. Please provide a list of the WCWCD water rights that are planned on being moved to this upstream diversion. If this list cannot be provided, please explain why not.
		NRCS 3/27/25 Response to Comment 8: It is our understanding that the WCWCD is not pursuing this action at this time until the EIS is approved. The WCWCD has multiple water rights on the Virgin River and its tributaries. Currently it is anticipated a portion of water right 81-507 will be used for this project.
		NPS 3/6/26 Response to Comment 8: The effects of the entirety of this project, including the WCWCD's involvement, must be analyzed for a complete EIS.
9	Page 12, Section D	**NPS 4/21/23 Comment 9:** Generally, this section on modeled impacts the USGS East Fork of the Virgin River at Springdale gage needs to be expanded. Add an analysis of changes to wetted perimeter at this site as well as impacts to water quality including turbidity and water temperature. The NPS needs a tabulation of modeled impacts to discharge at this gage under high, normal and low water years for each month of the year. Also, please add units to Table 1.
		NPS 3/7/25 Response to Comment 9: No response was given on this comment but some changes were made to this section, including units added to the table, in the July 2024 version of the Water Model Report. Add an analysis or evaluation of changes to wetted perimeter at this site as well as impacts to water quality including turbidity and water temperature within the Environmental Impact Statement. The NPS needs a tabulation of modeled impacts to discharge at this gage under high, normal and low water years for each month of the year for the Environmental Impact Statement.
		NRCS 3/27/25 Response to Comment 9: We believe there is adequate information in the Water Model Report included in pages 12 to 15 to analyze the effects of the project. For tabulated information on a month by month basis, please refer to Appendix A of the model. The Virgin River highly variable flows with or without the project (see attached memo dated February 8, 2025). The project is part of the Zion National Park Settlement Agreement and is being constructed in accordance with that agreement and no further documentation should be necessary.
		NPS 3/6/26 Response to Comment 9: Please clarify if the "Change in River" column in the "Cove Reservoir Average Annual Simulation" refers to changes as seen at the East Fork of the Virgin River near Springdale, UT gage or just downstream of the release from reservoir? The information presented in Appendix A only shows modeled impacts in average years, the NPS would like to see the impacts during the driest and wettest years as well. We believe an assessment of impacts to wetted perimeter (which can be calculated easily with the water depth information provided), water temperature and turbidity are reasonable requests.

10		**NPS 3/7/25** Further, we hoped to better understand the Average Annual Summary in Appendix A of the report. The listed "Deman" in discharge (cubic feet per second) for the Orderville Irrigation Company and the Mt. Carmenl Irrigation Company exceeds the diversion rates for these two companies. Please explain why the demand in the model simulation table of Appendix A exceeds the diversion rate for the water rights associated with these two irrigation companies.
		NRCS 3/27/25 Response to Comment 10: The monthly demands in the simulation are based on USU Research Report 145 as stated in the Water Model Report, to provide for the crop needs. The reservoir supplements for the actual usage requirement of the crops during the dry months of the year. Water diversions from the river are still within their water right allocation. As the farmers become used to having water when it is needed the peak water use requirement will decrease.
		NPS 3/6/26 Response to Comment 10: The "demand" section should just be the water right diversion rate as there cannot be a demand higher than the water right diversion rate. In the case of Orderville Irrigation Company, the water rights listed have a diversion rate of 4.485 cfs, for Mt. Carmel Irrigation Company 6.58 cfs, and Glendale Irrigation company is 7.23 cfs. In the case of Glendale Irrigation Company, which sees no release from the reservoir, the demand from the river for three months (7.7 to 10.4 cfs) is higher than the water right diversion rate. For the Orderville Irrigation Company the demand from the river exceeds the water right diversion right for three months (4.6 to 5.3 cfs). For the Mt. Carmel Irrigation Company, demand from the river is under their diversion rate; the NPS misspoke in the original comment. Secondly, the concept of having a filled reservoir requires the irrigation companies to (1) use their water right to divert to fill the reservoir to use during irrigation season while water right owners (2) continue to divert from the river during irrigation season. A resolution to this issue will only be found when the UDWRi clarifies the issue brought up in Table 3, Comment 7.

We greatly appreciate the opportunity to continue collaborating as a cooperating agency and look forward to a response from the NRCS on these comments. Please continue to work with our Physical Scientist, Robyn Henderek, who may be reached by email at robyn_henderek@nps.gov or by phone at 435-772-0158.

Sincerely,

JEFFREY BRADYBAUGH Digitally signed by JEFFREY BRADYBAUGH Date: 2026.03.06 15:50:29 -07'00'

Jeff Bradybaugh

Superintendent

cc:
Emily Paris, Eocene Environmental Group

United States Department of the Interior

NATIONAL PARK SERVICE
INTERIOR REGIONS 6, 7 & 8
1 Denver Federal Center, Building 50
Denver, CO 80225

Arelys Ortiz, Acting USDA NRCS State Conservationist
Wallace F. Bennett Federal Building
125 South State Street Room
#6416 Salt Lake City, UT 84138

Subject: Update to NPS March 2026 Comments re: "Preliminary Draft Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project" and "Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project"

Dear Arelys Ortiz,

The National Park Service (NPS) is a cooperating agency in the above-captioned matter and submitted agency comments on a draft Environmental Impact Analysis and draft Biological Assessment on March 6, 2026. After further consideration, including evaluation of newly available information and continued discussions with the federal and state partners, the NPS believes that its concerns can be adequately addressed through alternative means as outlined below. This letter supersedes all prior NPS correspondence on this matter.

First, NPS comments related to duty values utilized in the Water Model have been resolved due to updated information from the Utah Division of Water Rights. After NPS submitted their March comments, the Utah State Engineer updated its water rights page for certain water rights that may be relevant to the project. In this update, the State Engineer recognized a higher duty value for certain irrigation rights that may be utilized by the project, which is consistent with inputs made in the Water Model.

Second, NPS recognizes that its other water rights-related interests should be addressed through the state Water Rights Division process, rather than in the NEPA context. NPS's primary interest in commenting on the draft Environmental Impact Analysis was to protect its water rights, which are set forth in the 1996 Zion National Park Water Rights Settlement Agreement (1996 Agreement), to which the State of Utah, NPS, Washington County Water Conservancy District and Kane County Water Conservancy District are signatories. NPS previously raised concerns regarding certain inputs that form the basis of the Water Model – namely, which water rights will be utilized, what water diversion rates and timing are necessary, total quantities of water diverted, and how those figures will be accounted for under the 1996 Agreement. Because the state water rights process will occur after the NEPA process is completed, we recognize that there must be certain assumptions made at this juncture. The NPS has a strong working relationship with the Utah Division of Water Rights and regularly engages directly with them as appropriate to address water rights-related concerns. If and when the project proponent(s) submit a water right application associated with the proposed Cove Reservoir Project, NPS will have an opportunity to participate in the State water rights process to ensure its interests are adequately protected, should that be necessary.

Finally, NPS has spoken with the Fish and Wildlife Service (FWS) to discuss some of NPS' previously stated concerns regarding Endangered Species Act-listed species, including the Mexican spotted owl. NPS

also noted concerns related to two fish species that are managed by multi-agency conservation agreements and are dependent upon aquatic and riparian habitat within Zion National Park. NPS recognizes FWS's specific expertise and critical role in completing the Endangered Species Act, Section 7 consultation process. NPS will continue to work with the Natural Resources Conservation Service and other state and federal agencies to ensure NPS resources are adequately protected.

NPS acknowledges that some comments from its original March 6 response letter are not addressed in this letter. However, based on these developments and upon further consideration, NPS recognizes that all of its previously submitted comments can be addressed through these other procedures. NPS looks forward to working with its State and federal partners on these important matters.

If you have any questions, please contact Jeff Bradybaugh, Superintendent, Zion National Park.

Sincerely,

HERBERT FROST

Digitally signed by HERBERT FROST
Date: 2026.06.12 13:22:19 -06'00'

Herbert C. Frost, Ph.D., Acting Regional Director

cc: Jeff Bradybaugh, jeff_bradybaugh@nps.gov

August 18, 2026

Jeffrey Bradybaugh
Superintendent
Zion National Park
1 Zion Boulevard (State Route 9)
Springdale, Utah 84767

Submitted by email to jeff_bradybaugh@nps.gov

Subject: National Park Service Comment Response Table for Cove-East Fork Virgin River Watershed Plan

Dear Mr. Bradybaugh:

On behalf of the Natural Resource Conservation Service, we sincerely appreciate the time and effort that has been devoted to reviewing the Watershed Plan Environmental Impact Statement (Plan-EIS) for Cove-East Fork Virgin River Watershed Project. The collaboration and valuable feedback provided during your review have contributed significantly to improving the quality, accuracy and clarity of the document. Following a thorough review of all comments received, we have incorporated the recommendations and revisions in the Plan-EIS. A Comment Response Table is attached to this letter and provides a summary of the comments reviewed, along with the response on how each comment was addressed. Please note that the National Park Service (NPS) submitted a comment addendum letter in July 2026, that withdrew certain comments included in its original review; therefore, those comments are not reflected in the attached table.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,

Emily Paris
Project Manager
Eocene Environmental Group, Inc.
Attachment: Comment Response Table

ATTACHMENT

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
1	General	We understand from Ms. Paris at Eocene Environmental Group that the EIS project schedule includes a 45-day public comment period likely in summer 2026. Given the significant public interest in this project, as a Cooperating Agency the NPS recommends this public comment opportunity as well.	No text changes required.
2	General	Our research indicates that 7 CFR 1b.7 requires the USDA electronically publish all substantive comments received on an Environmental Impact Statement. The only NPS comments included in the Appendices of the Preliminary Draft Watershed Plan Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project are the scoping comments made on April 18th, 2022. The NPS made additional comments in letters dated March 3rd, 2022, April 21st, 2023, March 7th, 2025, May 15th, 2025, August 22nd, 2025, that raised unresolved concerns and issues. These letters, as well as future correspondence related the Watershed Plan-Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project and related analyses, including the Biological Assessment and Water Model Report, should be electronically published with the Environmental Impact Statement. NRCS indicated it would take this approach in Paragraph IV.2.g. of our Cooperating Agency Agreement.	Thank you for your comment. The appendices have been updated to ensure all cooperating agency comments to date have been included.
4	Summary Mitigation Measures Iii bottom paragraph	Will the “inadvertent discovery plan” include the presence of an archaeological monitor or tribal monitor during ground disturbing activities?	The Memorandum of Agreement and associated Historic Properties Treatment Plan would outline monitoring requirements during construction as described in Chapter 5.5.1 and 5.5.5. No text updates are required.
5	Summary Table	Suggest clarification of Net Economic Benefit	There is no correlation between the project cost

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
	S-page 1 iv	calculation. A $162,000 net economic benefit on a $39,511,000 project seems in error.	($39,511,000), which is an engineer's estimate, and the level of downstream benefits (agricultural water management, recreation, M&I water), produced and which are calculated based on economic evaluation principles. The cost of a project does not determine the net benefits that the project produces. This comment is in reference to the summary table which is intended to give a quick look at the details of the Watershed Plan Environmental Impact Statement. A detailed discussion on how the Net Economic Benefit was calculated is included in Appendix D-1; the Principles, Requirements, and Guidelines Report.
6	Summary. Table S-2. Water Resources; Table S.2. - Riparian Areas; Table 3.3 – Mexican Spotted Owls; 6.4.1.2.1.2; 6.4.7.2; 6.4.8.2; Table 5.7 – Water Resources; 7.4 – Riparian/Ecological Values vi	In Table S.2. – Water Resources, it is inaccurate to state both, “no downstream impacts to the EFVR would occur,” with the data provided and in the Riparian Areas section, “No impacts to existing riparian habitat would occur” as well as all similar statements within the EIS. Please see Comment 13 from Table 2 “NPS Comments on Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project” for an explanation on the inaccurate and insufficient analysis that was provided in the draft Biological Assessment	See response to Comment 13 from Table 2. Plan-EIS has been updated to include the annual water change tables and a more detailed discussion on the impacts to riparian benefits. Text throughout the document has been updated to minor impacts rather than no impacts.
7	Summary. Waters of the U.S., Wetlands, and Special Aquatic Sites; Appendix E2; 4.2.2.1; 4.2.2.4; 6.2.4.2; Table 5.7 - WOTUS.,	Appendix E-2 "Draft Aquatic Resources Inventory Report, July 2025" includes an assessment of effects of the area generally around the construction of the reservoir and associated pipelines, not a comprehensive analysis of impacts to wetlands and riparian areas throughout the study area including downstream on the East Fork of the Virgin River through Zion National Park. No justification has been made for the river	The Draft Aquatic Resources Inventory Report was prepared in coordination with the United States Army Corps of Engineers to comply with Section 404 of the Clean Water Act and evaluates potential dredge and fill from the project within Waters of the United States. No ground disturbance would occur downstream of the immediate Project Area, as discussed throughout the report, and therefore those river segments are not required to be included in the

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
	Wetlands, and Special Aquatic Sites vi	segments within the study area not being included in this assessment report or this statement in the EIS. Include an evaluation on impacts to WOTUS throughout the study area, including downstream on the EFVR given that this project has a continuous surface connection to a perennial stream (EFVR).	assessment. No impacts to WOTUS outside of the immediate project area would occur and no text changes are required.
8	Summary. Table S. 2 - wild and Scenic Rivers vi	In Table S.2. it is inaccurate to state the "Preferred Alternative would have no impacts on the WSR values of the EFVR within ZNP, as it would also adhere to the stipulations required in the ZNP Agreement. Therefore, changes in flow in the EFVR through ZNP would be minor, particularly when the natural variation of the EFVR is approximately 100 times the range of effect from proposed reservoir releases (Alpha Engineering 2025)." Compliance with the ZNP Agreement does not equate to no impacts on the WSR values of the EFVR. Please remove this statement from the draft EIS.	This statement was updated to reference the minor changes in flows rather than compliance with the ZNP Agreement. While no formal Section 7 wild and scenic river evaluation was completed for the project, impacts to wild and scenic river values were still evaluated using the water model data and projected river flows. Please refer to chapter 5.2.6 for this analysis.
9	Summary. Table S-2 Sig Sci Resources x	Is a paleontological monitor and pre-construction paleontological training course a planned mitigation? Recommended mitigations should not be made here, only planned mitigations. Remove this statement if it is not planned to be implemented.	All recommended mitigations will be included within the Agreement between NRCS and the project proponent following the NEPA process to minimize impacts as discussed in the Plan-EIS. No text changes are required.
10	Summary. Major Conclusion x	NRCS states, "The Preferred Alternative is the most environmentally friendly alternative and has the greatest net economic benefits of all alternatives analyzed... No measurable long-term adverse impacts are anticipated [from the Preferred Alternative]." The NPS has not seen evidence in this draft EIS to support	See response to Comment 13 from Table 2. Plan-EIS has been updated to include the annual water change tables and impacts to water flow.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		these two statements. Please see Comment 13 from Table 2 “NPS Comments on “Updated Draft Biological Assessment for the Cove-EFVR Reservoir Project”."	
11	Summary. Areas of Controversy xi	"Wild and Scenic River status” is not controversial. The East Fork of the Virgin River as it runs through ZNP is a congressionally-designated Wild and Scenic River. The NPS has notified the NRCS that the NPS will not be conducting a Section 7 analysis on this water resources project.	This statement has been removed from this section as requested.
12	Chapter 2. page 12	Please remove the statement, “Some local recreational facilities are considering a cap on the number of daily visitors, including at ZNP and BCNP.” NPS units routinely collect visitor use data and conduct targeted studies for planning purposes. No capacities have been established for ZNP or BCNP.	This statement has been removed as requested.
14	Chapter 3. page 23	NRCS states, “Gauge data (USGS gauging station 09404450) revealed that the last 20 years have exhibited a drier hydrology and may be indicative of future conditions”. Please provide an explanation of how this trend was incorporated into an analysis on how less water in the river in the future will impact operability of this project.	Less water in the river further proves the Purpose and Need for this project by demonstrating a lack of availability for necessary water to support local agriculture and M&I water for Kane County and Washington County. An analysis of current and past water availability trends was included in the Water Model Report and demonstrates how the proposed reservoir is anticipated to impact water flows. No text changes required.
15	Chapter 3. page 23	The NRCS states, “One or more new reservoirs with cumulative active storage capacity of up to but not exceeding 6,750 acre-feet may be constructed upstream of Glendale.” This is inaccurate; the 1996 Zion National Park Water Rights Settlement Agreement allows for new large reservoirs on certain tributaries both upstream and downstream of Glendale as defined within the Agreement (Cove Canyon is downstream	Text has been updated to recite the language exactly as it is written.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		of Glendale). NPS recommends reciting the language exactly as it is written in the Settlement Agreement in Article II.D.1.a. Further, the NRCS states, “The existing flow or 2 cfs, whichever is less, shall be maintained immediately below any new surface water diversions or reservoirs constructed.” This is inaccurate, and NPS recommends correcting the statement to, “The existing flow or 2 cfs, whichever is less, shall be maintained immediately below any new surface water diversion to reservoirs constructed on streams defined in Article ii.D.1.a”	
16	Chapter 3. Table 3-5 page 40	Flannelmouth sucker, Desert sucker, and Virgin Spinedace have all been found within the study area in recent surveys conducted in Zion National Park. Please add this statement to each of these species. Please ensure all recent Utah Division of Wildlife Resources Hurricane Field Office fish survey data is included in this analysis.	These statements have been added as requested.
17	Chapter 4. page 53	In this Alternatives Considered but Eliminated from Detailed Study section, NRCS only includes alternative reservoir sites. Please provide an explanation on why coordinating with UDWR on establishing a Water Management Plan for the area, which would prioritize senior water rights, was not considered to achieve the purpose and need."	This alternative is included throughout the Plan-EIS as the "No Action Alternative" since both Kane County and Washington County already have established and follow Water Management Plans. A discussion of the water management strategies for both counties is included in Chapter 3.2.2 of the Plan-EIS. No text changes are required.
18	Chapter 5. page 73	For a comprehensive analysis on impacts to flow regime to provide the basis of this EIS, please add additional analysis points to this “Flow Impact Analysis” beyond the single analysis point included at the East	An additional analysis point, the USGS gauging station 09404700 (near Mt. Carmel Junction) was added in a Memo dated May 4, 2026, as requested to provide comparative flow data accounting for longitudinal differences in flow

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		Fork Virgin River Near Springdale, UT - USGS-09404900. The EFVR through the study area undergoes significant changes in flow so a single point insufficiently analyzes impacts to the river through the study area. Describe decreases in flow as a quantification in terms of cubic feet per second, percentage of mean flow and changes to wetted perimeter. Showing decreases as a percentage of overall flow and wetted perimeter will better describe impacts to aquatic and riparian habitat of the preferred alternative. This analysis should be completed under a variety of flow conditions, including high, normal and dry years. Please see Table 2 Comment 13 for additional explanation. Also, correct spelling of Springdale in this paragraph.	regime through the EFVR. Flow impacts were evaluated across a range of hydrologic conditions, including dry, average, and wet years, using monthly mean, minimum, and maximum flows from both observed gage records and modeled scenarios. Because modeled changes are generally small relative to the natural variability of flows in the EFVR, effects on wetted permitter and associated habitat are expected to be localized and minor. Monthly mean flows for the period of record (1993-2002) at Mt. Carmel Junction were compared to modeled flows below the Cove Reservoir using the Alpha Engineering Water Model (2026). This comparison quantifies changes in discharge in cfs and percentage differences by month and annually. In addition, modeled results below the Cove Reservoir were compared to long-term observed flows at the Springdale gauge to characterize conditions further downstream. Finally, text has been updated to incorporate these results and correct the spelling of Springdale.
19	Chapter 5. page 74	The NRCS states, “Given that precipitation events already cause greater fluctuations in flow, depth, and width, the incremental effects of the proposed action would have little to no meaningful impact on the overall river system or on the habitat for Virgin River chub and woundfin downstream of the diversion point.” While it is true that the EFVR undergoes significant discharge fluctuations due to spring snowmelt runoff and precipitation events, the statement that this project will have no meaningful impact on the overall river system or habitat lacks basis without analyzing the project's impacts to base flow conditions throughout the study	Text has been updated to include the water model results analysis and further discussion of impacts to river flow.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		area.	
20	Chapter 5. page 75	The NRCS states, “The change in water flow would not introduce pollutants or alter the river's chemistry in a way that would impact its designation as ‘wild’.” This conclusion is not substantiated by existing data or analysis within the EIS. Please remove this statement.	Text has been updated to include the water model results analysis and further discussion of impacts to river flow.
21	Chapter 5. page 78	The heading for this section is “Desert Sucker” but based on the content in this section, the heading should likely be “Wild and Scenic Rivers”. The conclusion in this section is not substantiated by existing data or analysis within the EIS. NPS recommends removing the conclusion from the document.	Inadvertent text heading has been removed. Text has been added to further substantiate this conclusion and a reference to that section has been added.
22	Chapter 5. page 79	Please see unresolved comments from the Water Model Report Table 3 Comment 6. The 2001 MOU cited in this section, which provides a significant mitigation on impacts to native fish and their habitat immediately below the diversion, is only in place so long as the hydroelectric power plant is in operation (Term 11) which is not included in this project proposal. Is there a plan to amend this agreement to include this project so if the hydroelectric power plant is decommissioned the agreement and terms are still in effect?	This section has been updated to remove mention of the 2001 MOU. A discussion of the existing and planned monitoring efforts was added in its place.
23	Chapter 5. page 79	The NRCS states, “The change in water flow would not disrupt the ongoing research activities within the Research Natural Area.” No analysis has been made to support this statement. Please remove."	Text has been added to further substantiate this conclusion and a reference to that section has been added.
24	Chapter 5. page 79	The NRCS states, “Formal consultation with the NPS to comply with Section 7 of the WSRA was not required for this project (Appendix A-62).” Revise to more accurately	Text has been updated as requested.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		state, “The NPS notified the NRCS that the NPS will not be completing a Section 7 analysis on this project.”	
25	Chapter 5. page 80	The NRCS states, “Regulating services, water quality and quantity—Alternative 2 would increase water quality in the EFVR by containing sediment within the reservoir during flash flooding events.” While this section includes a brief narrative describing impacts to water quality, this section provides no description or analysis on anticipated impacts to water quantity.	Text has been added to describe modeled changes to water quantity.
26	Chapter 5. page 97	The NRCS states, “Additional maps and information are provided in Appendix C and the Preliminary Design Report (Appendix E-1). However, like all dams, the risk of failure exists and would be mitigated by an Emergency Action Plan (EAP), as required by the Utah Dam Safety office. The estimated number of at-risk populations is 10 to 15 people. The inundation zone encompasses four residential homes, along with barns and agricultural facilities. If a dam breach were to occur, up to 192 acres (0.3 square mile) of cropland would also be affected.” Flood inundation maps and analysis provided in the EIS and Appendices do not sufficiently analyze impacts downstream with the analysis abruptly ending prior to downstream communities, including Mt. Carmel, Utah. Inundation maps must analyze impacts to the full downstream extent that floodwater from a dam failure would extend including analyzing impacts to downstream communities and recreational areas including Mt. Carmel, UT, Parunuweap Canyon managed by the BLM, Zion National Park, Rockville, UT and Virgin, UT. The mentioned	The preliminary Design Report has been updated with an inundation zone that includes the downstream communities mentioned. All communities involved would be included in the preparation of the EAP as required by the Utah Dam Safety office. Text changes were made throughout the document to discuss the additional inundation areas.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		communities above should be involved in the development of an Emergency Action Plan.	
27	Chapter 5. Table 5.7. Wild and Scenic Rivers page 109	The NRCS states, “The Action Alternatives would have no impacts on the WSR values of the EFVR within ZNP, as it would also adhere to the stipulations required in the ZNP Agreement. Therefore, changes in flow in the EFVR through ZNP would be minor, particularly when the natural variation of the EFVR is approximately 100 times the range of effect from proposed reservoir releases (Alpha Engineering 2025).” Please remove the Wild and Scenic River Section from this table. The conclusions made here are not substantiated by data or analysis."	This statement was updated to reference the minor changes in flows rather than compliance with the ZNP Agreement. While no formal Section 7 wild and scenic river evaluation was completed for the project, impacts to wild and scenic river values were still evaluated using the water model data and projected river flows. Please refer to chapter 5.2.6 for this analysis.
28	6.1 page 114	"The NRCS states, “The Cooperating Agencies and project sponsors support Alternative 2 as the Preferred Alternative”. The NPS has not indicated preference for any alternative."	This statement has been updated as requested.
29	6.4 Bullet 6. WR Values page 116	The NRCS states in an Area of Controversy, “Concern: WSR Values - Concern with effects to the W&S status of the river. Response: An analysis on impacts to the wild and scenic values of the EFVR are included in Section 5.2.6.” No Wild and Scenic Rivers Act Section 7 analysis has been completed; please remove this statement.	This statement was updated to reference that an informal analysis on impacts was completed and to add a discussion to the fact that no Section 7 analysis was completed by the NPS.
30	6.4 Threatened and Endangered Species and State Sensitive Species Bullet 2. Page 117	The NRCS states in an Area of Controversy, “Concern: Threatened and Endangered Species and State Sensitive Species - Damage to the Virgin Spinedace. Response: The Virgin Spinedace is a state-sensitive species with potential to occur within the ZNP portion of the project area. Changes in water flow within the EFVR would be minor, particularly when the natural variation of	This statement is not just referring to increases to flow. The changes in flow analyzed throughout the Plan-EIS and BA discuss both increases and decreases to baseflow. A detailed discussion on impacts on riparian and aquatic habitats is discussed in Chapter 5.4 of the Plan-EIS and Chapter 5 of the BA. No text changes are required.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		EFVR flows are approximately 100 times the range of effect from proposed Cove Reservoir releases (Alpha Engineering 2025), and therefore, no long-term impacts are anticipated. Reference Section 5.4.6 for supporting information". The concern with impacts to aquatic species, including Virgin Spinedace, reliant upon riparian and aquatic habitat, derives from decreases to base flow conditions, not increases to flow within the natural flow regime. This is not a valid explanation to satisfy the concern."	
31	6.4 Climate Change Bullet 4. Page 117	The NRCS states in an Area of Controversy, "Concern: Climate Change -Water flow in relation to climate change. Response: Water availability is anticipated to continue to decrease over time as climate change occurs. The Preferred Alternative would provide a reliable source of water for agriculture and M&I benefits and would not contribute to climate change. Reference the Cove Water Model in Appendix E-10 for supporting information." Provide an analysis of how decreases in water availability due to climate change will affect long-term operability of the project as well as impacts to the riparian and aquatic habitat. This analysis is not found in the cited Water Model Report nor is it found in the draft Biological Assessment or draft EIS.	Current USDA NEPA procedures require analysis to focus on the environmental effects from the proposed action and alternatives that are reasonably foreseeable and have a reasonably foreseeable causal relationship to the proposed action. Per 7 CFR 1b.5(b), 1b.7(g), and 1b.11(a)(12), effects on broader future conditions should generally not be considered in the NEPA document. Therefore, this comment is out of the scope of the analysis, and no text changes are required.
32	6.5.1.3 NPS Page 118	The NRCS states, "Formal consultation with the NPS to comply with Section 7 of the WSRA was not required for this project." Correct this statement to more accurately reflect the message as, "the NPS stated they will not be conducting a Section 7 analysis on this project.""	Text has been updated throughout the document.
34	Table 9.1	Correct Robyn Henderek's years of	Text has been updated as requested.

Table 1. NPS Comments on the Plan-EIS			
Comment Number	**Location**	**Comment**	**Response**
		professional experience to 10.	

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
6	4.2.3 page 5	**May 15, 2025:** Include specific details on conservation measures that would minimize the introduction of non-native species into the river and reservoir (e.g., all equipment should be cleaned and inspected for Aquatic Invasive Species prior to being brought on site). To ensure the success of the postconstruction seeding efforts, include post construction mitigation for non-natives that are introduced/become established. There is a substantial population of invasive knapweed (Centaurea stoebe) in the area that could benefit from this disturbance and potentially have a negative effect on postconstruction seeding.	**July 11, 2025**: Two committed conservation measures currently in the Plan-EIS have been added to the BA for clarification. These measures state that "All equipment would be cleaned of soil, seeds, vegetation matter, and other debris prior to entering or reentering the project area to avoid any introduction of non-native plants or weeds. “and "Prior to stocking the proposed reservoir with fish, a management plan will be developed to ensure that nonnative fish species do not escape from the reservoir into the EFVR." It should be noted that no construction activities would occur within the EFVR. This would greatly reduce the potential for the introduction of non-native species into the river.
		August 18, 2025: Please send an updated draft of the Biological Assessment with these changes. As the project includes stocking of non-native fish in the proposed reservoir, a fish management plan that adequately mitigates for potential introduction into the East Fork of the Virgin River and its tributaries must be developed and included in the NEPA analysis. This plan should meet nonnative stocking and control requirements set in other plans such as the Virgin Spinedace Conservation Agreement and Strategy and other relevant plans and agreements.	**February 2026:** Updated BA sent
		March 6, 2026: Comment remains unresolved. There is mention of a fish	**August 2026:** The NPS will have an opportunity

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
		management plan which will be made prior to the proposed action in the EIS. Will the NPS have an opportunity to review and comment on this future plan?	to review the fish management plan prior to its finalization. All references to the fish monitoring plan have been updated to state this.
7	4.2.3 page 5	**May 15, 2025:** Include specific details on conservation measures to prevent the introduction of stocked non-native salmonids (fish and eggs) from entering the East Fork of the Virgin River.	**July 11, 2025:** Additional information has been added as requested. A measure that is currently in the Plan-EIS has been added to the BA. This measure states that, "Prior to stocking the proposed reservoir with fish, a management plan will be developed to ensure that nonnative fish species do not escape from the reservoir into the EFVR". It should also be noted that several actions would be taken to prevent non-natives from entering the EFVR. These include a fish screen at the proposed reservoir intake with a 1-inch maximum pore opening that would prevent fish and debris from entering the pipeline to the Orderville hydroelectric power plant. The hydroelectric facility utilizes two Turgo Impulse turbines, which focus the water through small nozzles at high pressure and velocity into the turbines. The combination of the small nozzle size, high velocity, and sudden pressure drop would make it highly unlikely that any fish that might make it into the pipeline would survive. This information has been added to Section 2.2.1 (Project Measures for clarification.
		August 18, 2025: Please send an updated draft of the Biological Assessment with these changes. As the project includes stocking of non-native fish in the proposed reservoir, a fish management plan that adequately mitigates for potential introduction into the East Fork of the Virgin River and its tributaries must be developed and included in the NEPA analysis. This plan should meet requirements set in other relevant plans and agreements.	**February 2026:** Updated BA sent

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
		March 6, 2026: Comment remains unresolved. Further, information provided on the fish screen was not included in the BA or the EIS. There is mention of a fish management plan which will be made prior to the proposed action in the EIS. Will the NPS have an opportunity to review and comment on this future plan?	**August 2026:** The NPS will have an opportunity to review the fish management plan prior to its finalization. All references to the fish monitoring plan have been updated to state this. Information on the Fish Screen has been added to the Watershed Plan-EIS however it was already included in the BA under Section 2.2.1 (Project Measures)
10	4.2.3 page 5	**May 15, 2025:** Include conservation measures that are specific to California condors. For example, to reduce microtrash ingestion by condors, all trash at the construction site should be cleaned up daily.	**July 11, 2025**: No effects have been identified for the California condor resulting from project development. The Long Valley portion of the Action Area is the only place where surface disturbance would occur. It is not considered to be condor habitat due a to lack of habitat. However, additional committed conservation measures found in the Plan-EIS relating to plants and animals (including the condor), have been added to the BA
		August 18, 2025: There is evidence from condors fixed with GPS units utilizing the project area on lands managed by the National Park Service and therefore should be included in the analyses.	**February 2026:** Updated BA sent
		March 6, 2026: Table 5 still states that California Condors are not present within the Action Area. The NPS has provided NRCS data to support they are found within the Action Area. Please correct this statement.	**August 2026:** Table 5 states "The [California Condor] is present in ZNP and may visit other parts of the Action Area." UNHP data did not identify any known occurrences of the species in the Action Area which remains an accurate statement. No text changes are required.
13	3.4.1 page 6	**May 15, 2025:** Reference to action area should still include downstream locations. It would appear that the identified wetlands and streams are only for the area of surface disturbance. Further, does “two additional sites bisect the proposed pipeline” refer to two additional streams? Please clarify.	**July 11, 2025:** Because no surface disturbance would occur outside of the Long Valley area, it is not necessary to identify downstream wetlands and streams beyond the EFVR and the Virgin River. Text has been changed to clarify the discussion regarding intermittent streams in

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
			Long Valley.
		August 18, 2025: Changes in flow regime, specifically a reduction in base flows during the period of diversion outside of spring snowmelt (NovemberMarch), has the potential to impact the total area of riparian and aquatic habitat. Riparian and aquatic habitat rely upon consistent base flow conditions to sustain populations. Lower base flows mean less wetted perimeter. The July 2024 Water Model report cites the potential for an 11.6 cfs (-21% average discharge) decrease in flow at the USGS East Fork of the Virgin River Near Springdale gage (USGS 09404900) in December. Please provide an analysis of impacts changes in flow regime for aquatic and riparian habitat at various locations within habitat of ESA and candidate species in the Action Area during high, low, and average water years. This analysis will likely extend beyond the Ordinary High Water Mark cited as the Washington County Action Area therefore the action area for Washington County should include an approximately 50 foot buffer beyond the Ordinary High Water Mark.	**February 2026**: Updated BA sent
		March 6, 2026: The February 2026 Updated Draft Preliminary BA includes a new Section 5.0 - Water Model Results. Section 5.3 states, “Modeling shows that reservoir operations would cause only minor changes to EFVR flows (between 15 to 25 cfs added or between 12.6 to 22.2 cfs removed) which is extremely small compared to natural river variability.” While it is accurate to state that increases to discharge from summer releases would be “extremely small	**August 2026:** Data presented in Tables 6, 7, and 8 represent annual changes in flow, depth, and width, whereas the structure of the Water Model Report evaluates changes on a monthly level. These two analyses operate at different temporal scales, which explains the apparent discrepancies. As described in Chapter 5.5, "The project shifts water to periods when flows are naturally low [so that] seasonal timing of flows would become more aligned with

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
		compared to natural river variability," it is inaccurate to make that statement on diversions during the winter and spring based on data from the July 2024 Water Model Report. Please describe the location of the analysis point described in Tables 6, 7 and 8. Date from Tables 6, 7 and 8 conflict with data presented in the July 2024 Water Model Report. In the Cove Reservoir Average Annual Simulation, in an average year, it is modeled that there will be an 11.6 cfs decrease in river flow in November, an 11.7 cfs decrease in flow in December, a 10.2 cfs decrease in flow in January, a 7.0 cfs decrease in February, a 4.3 cfs decrease in flow in March, a 2.4 cfs decrease in flow in April, and a 5.7 cfs decrease in flow in May. While the analysis point from the Average Annual Simulation is also undisclosed, it is unclear how the NRCS can state there will only be a 1.7 cfs decrease in EFVR flow during the "low" scenario. Further, for a comprehensive analysis of impacts to the flow regime, multiple analysis points must be made along the EFVR through the Action Area as the flow regime changes considerably throughout the river from the site of the proposed reservoir diversion to the USGS East Fork of the Virgin River near Springdale Gage (09404900). The NPS provided NRCS a discharge measurement taken from the EFVR near Mt. Carmel Junction on 12/15/25 where flows were calculated at 11.99 cfs. Under planned diversions of the Cove Reservoir, discharge would be diminished to a minimum of 2 cfs to be maintained below the diversion. Therefore, flows would be reduced at this site	ecological needs." Monthly changes (particularly during winter storage periods) are expected to be more pronounced, but the annual high and low flow conditions are expected to change by less than 5%, as shown in tables 6-8. These values are derived directly from the 2025 Water Model report (pg. 13-15). Regarding the single discharge measurement provided by NPS from 12/15/2025, we appreciate the additional data point. However, a single measurement cannot characterize the full range of seasonal or interannual variability at that location. The modeled minimum flow of 2 cfs would occur only during the winter storage period. This reduction is seasonal and temporary, consistent with the project's purpose of shifting water timing to better match natural seasonal demand. During summer months, releases from Cove Reservoir would increase flows to support ecological needs, including riparian and wetland recruitment processes. We acknowledge the importance of evaluating flow changes at multiple points along the East Fork Virgin River, however the scope only includes the use of readily available data. The installation of additional gauge points is out of the scope of this project. The text has been updated to add a discussion on annual and monthly changes.

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
		by 83%, as an example. At the USGS East Fork of the Virgin River near Springdale Gage (09404900), the Water Model Report (July 2024) cites a 21% decrease in discharge, as another example. 83% and 21% of flow is not “extremely small” as the NRCS concludes here. A comprehensive analysis of changes to the flow regime under a variety of flow conditions must be made at several locations within the Action Area and those effects must be quantified in an analysis on impacts to riparian and wetland species, including recruitment. As we have stated in the past, the NPS remains available to assist the NRCS with this effort.	
31	3.4.3 page 3	**March 6, 2026:** Spotted Knapweed (Centaurea stoebe) is also prevalent in that area. It is listed as Class 2 on the Utah Noxious Weeds List. Please add Spotted Knapweed to Table 2	**Augsut 2026**: Spotted Knapweed has been added to Table 2 as requested.
32	5.4 page 25	**March 6, 2026:** New Section 5.4 states, “Overstory species, such as cottonwood and Russian olive, rely on groundwater, not surface flow. Their deep root systems, 10–15 feet for cottonwood (Greg 2026) and up to 40 feet for Russian olive (NRCS 2026), would not be affected by the minor changes in streamflow. Groundwater levels in the EFVR corridor are controlled primarily by regional hydrology and flood recharge, not by small changes in surface flow.” As described in Table 2, Comment 13, surface flow reduction is not expected to be “small”. Groundwater to surface water relationships vary by lithologic unit and its aquifer bearing properties and depth of channel fill, therefore cannot be broadly summarized across the entire Action Area here as it is in this statement. Analysis	**August 2026:** The statements in Section 5.4 are based on the best available data regarding rooting depth, groundwater dependence, and hydrologic controls within the EFVR corridor. Overstory species such as Fremont cottonwood and Russian olive rely primarily on groundwater stored within deeper alluvial deposits. Their documented rooting depths—10–15 feet for cottonwood (Greg 2026) and up to 40 feet for Russian olive (NRCS 2026)—extend well below the zone influenced by short-term or seasonal fluctuations in surface flow. As described in Section 5.4, groundwater levels in this reach are governed predominantly by regional hydrology, basin-scale recharge, and episodic flood events rather than by incremental changes in baseflow. The hydrologic analysis presented in Tables 6–8 reflects annual changes in flow magnitude,

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
		should be made on incremental reaches along the EFVR through the Action Area. The proposed considerable decreases to surface water may influence on depth to groundwater. Further, overstory species reliant primarily on groundwater should not be the only riparian species analyzed in this document. Please provide a comprehensive analysis on impacts to riparian habitat in the Action Area, including recruitment. Related to recruitment, reducing river flows during spring recruitment events may inadvertently remove trees over time. This can be exacerbated by single aged stands. A sudden collapse of habitat could happen when trees, such as cottonwoods, reach maximum age with no or limited recruitment.	which remain below 5% for both high- and low-flow conditions. These values are derived directly from the 2025 Water Model Report. While monthly changes—particularly during winter storage periods—may appear more pronounced, these shifts represent seasonal redistribution of water rather than a net annual reduction. Because groundwater recharge in the EFVR corridor is driven primarily by large flood pulses and regional aquifer dynamics, the modeled seasonal adjustments in surface flow are not expected to meaningfully alter depth to groundwater. We agree that groundwater–surface water interactions can vary by lithologic unit, channel fill thickness, and local aquifer properties. However, the scope of this assessment is limited to the use of readily available hydrologic and geologic data. Reach-specific groundwater modeling or installation of additional monitoring wells is beyond the scope of this project. The analysis therefore focuses on the dominant hydrologic controls that operate across the Action Area and the scale at which project-related changes occur. Section 5.4 evaluates overstory species because they represent the habitat of the listed species analyzed in the BA. We acknowledge that riparian communities include a broader suite of species with varying recruitment strategies and moisture requirements. Recruitment of cottonwood and other native species is tied to spring snowmelt peaks and overbank inundation. These high-flow events are not expected to be substantially altered by the project, and therefore the processes that support seedling establishment and channel-margin recruitment are expected to

Table 2. NPS Comments on the Biological Assessment			
Comment Number	**Location**	**Comment**	**Response**
			remain intact. We recognize the concern regarding single-aged stands and long-term recruitment. However, the project would not meaningfully reduce peak spring flows or flood-driven channel migration processes, the mechanisms that create suitable germination sites are expected to persist. Seasonal reductions in winter baseflow do not coincide with the timing of cottonwood recruitment and therefore are not anticipated to impede regeneration or lead to long-term stand collapse. While we acknowledge the value of reach-specific groundwater–surface water studies, such analyses fall outside the scope of this assessment. Based on the available data, the project is not expected to cause measurable changes to groundwater levels or to adversely affect riparian recruitment processes within the Action Area. The text has been updated to provide additional detail on this analysis.

Table 3. NPS Comments on the Water Model			
Comment Number	**Location**	**Comment**	**Response**
6	Section A. d page 7	**NPS 4/21/23 Comment 6**: Please cite and provide a copy of this agreement. Please clarify which months this minimum flow is to be maintained below the OIC diversion. "When neither MCIC or the OIC are diverting water for irrigation purposes," is unclear since it is noted here company water rights allow for year-round irrigation.	**NRCS 11/21/24 Response to Comment 6:** Attached is the agreement.
		NPS 3/7/25 Response to NRCS Response to Comment 6: The agreement noted was not actually attached when the response to comment was sent to the NPS. We look forward to receiving a copy of this agreement. Please clarify which months this	**NRCS 3/27/25 Response to Comment 6:** The agreement was attached with the original response but may have not been forwarded to you. It is attached again for your use. The report that is being quoted from did not continue with the remainder of the sentence which stated,

Table 3. NPS Comments on the Water Model			
Comment Number	**Location**	**Comment**	**Response**
		minimum flow is to be maintained below the OIC diversion. “When neither MCIC nor the OIC are diverting water for irrigation purposes,” is unclear since it is noted here company water rights allow for year-round irrigation. Further, please include a description of how these minimum flows will be measured below the OIC.	"typically during the winter". Winter is defined as December to February which is the verbiage used in the memorandum. The minimum flows are measured with a parshall flume at the diversion dam.
		NPS 3/6/26 Response to Comment 6: This agreement, which provides a significant mitigation on impacts to native fish and their habitat immediately below the diversion, is only in place so long as the hydroelectric power plant is in operation (Term 11) which is not included in this project proposal. Is there a plan to amend this agreement to include this project so if the hydroelectric power plant is decommissioned the agreement and terms are still in effect?	**August 2026:** The hydroelectric plant referenced in the 2001 MOU is the existing Orderville Hydroelectric Plant which was constructed after this agreement was executed. The agreement establishes baseflow requirements below the OIC diversion dam, and these flows were used as a reference in the development of the water model. There are no plans to decommission the hydroplant or amend this agreement to include this project. The hydroplant will continue to generate power with releases to the WCWCD or when there is excess in the Cove Reservoir available for release. All releases will be in accordance with the ZNP Agreement. This project incorporates its own mitigation measures to minimize impacts to native fish and their habitat including the continued monitoring of water levels by the Utah Water Marshal and the development of a Fish Management Plan prior to construction. These measures are described in detail throughout the Biological Assessment and Watershed Plan-Environmental Impact Statement. Based on this, no revisions to the water model text are necessary.
9	Section D. page 12	**NPS 4/21/23 Comment 9:** Generally, this section on modeled impacts the USGS East Fork of the Virgin River at Springdale gage needs to be expanded. Add an analysis of changes to wetted perimeter at this site as	*Section revised as requested*

Table 3. NPS Comments on the Water Model			
Comment Number	**Location**	**Comment**	**Response**
		well as impacts to water quality including turbidity and water temperature. The NPS needs a tabulation of modeled impacts to discharge at this gage under high, normal and low water years for each month of the year. Also, please add units to Table 1.	
		NPS 3/7/25 Response to Comment 9: No response was given on this comment but some changes were made to this section, including units added to the table, in the July 2024 version of the Water Model Report. Add an analysis or evaluation of changes to wetted perimeter at this site as well as impacts to water quality including turbidity and water temperature within the Environmental Impact Statement. The NPS needs a tabulation of modeled impacts to discharge at this gage under high, normal and low water years for each month of the year for the Environmental Impact Statement.	**NRCS 3/27/25 Response to Comment 9:** We believe there is adequate information in the Water Model Report included in pages 12 to 15 to analyze the effects of the project. For tabulated information on a month by month basis, please refer to Appendix A of the model. The Virgin River highly variable flows with or without the project (see attached memo dated February 8, 2025). The project is part of the Zion National Park Settlement Agreement and is being constructed in accordance with that agreement and no further documentation should be necessary.
		NPS 3/6/26 Response to Comment 9: Please clarify if the "Change in River" column in the "Cove Reservoir Average Annual Simulation" refers to changes as seen at the East Fork of the Virgin River near Springdale, UT gage or just downstream of the release from reservoir? The information presented in Appendix A only shows modeled impacts in average years, the NPS would like to see the impacts during the driest and wettest years as well. We believe an assessment of impacts to wetted perimeter (which can be calculated easily with the water depth information provided), water temperature and turbidity are reasonable requests.	**August 2026**: The water model has been updated to include additional analysis per this request.

From:	Bradybaugh, Jeffrey S
To:	Paris, Emily; Henderek, Robyn L; Dempsey, Erin C.
Cc:	Hamilton, Derek - FPAC-NRCS, UT; Hoffmann, Tara - FPAC-NRCS, UT; Fillerup, Anders - FPAC-NRCS, UT; Boswell, Ammon - FPAC-NRCS, UT; Parker, Brian; Bolander, Ronald
Subject:	Re: [EXTERNAL] Cove East Fork Virgin River Project Update and Request for Comments
Date:	Monday, August 31, 2026 5:10:43 PM
Attachments:	Outlook-y1dtyn0v.png

Emily, thanks for the update!

We appreciate the updated comment matrix addressing our earlier comments. We have no further comments at this time. We appreciate your efforts and keeping us looped in as a cooperating agency.

Jeff Bradybaugh (he/him)
Superintendent
Zion National Park
State Highway Route 9
Springdale, UT 84767
phone: 435-772-0140
e-mail: jeff_bradybaugh@nps.gov

"Optimism is true moral courage"
Sir Ernest Shackleton, 1874-1922
shipwrecked Antarctic Explorer

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From: Paris, Emily <EParis@eocene.com>
Sent: Tuesday, August 18, 2026 10:57 AM
To: Bradybaugh, Jeffrey S <Jeff_Bradybaugh@nps.gov>; Henderek, Robyn L <robyn_henderek@nps.gov>; Dempsey, Erin C. <Erin_Dempsey@nps.gov>
Cc: Hamilton, Derek - FPAC-NRCS, UT <derek.hamilton@usda.gov>; Hoffmann, Tara - FPAC-NRCS, UT <tara.hoffmann@usda.gov>; Fillerup, Anders - FPAC-NRCS, UT <anders.fillerup@usda.gov>; Boswell, Ammon - FPAC-NRCS, UT <ammon.boswell@usda.gov>; Parker, Brian <bparker@eocene.com>; Bolander, Ronald <rbolander@eocene.com>
Subject: [EXTERNAL] Cove East Fork Virgin River Project Update and Request for Comments

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

Good morning,

The Preliminary Draft Watershed Plan Environmental Impact Statement (Plan-EIS) for the Cove Reservoir East Fork Virgin River Project has been sent to the National Watershed Management Center for review. We are currently planning for the 45-day public comment period to begin in September and would like to provide you with an opportunity to submit any final comments before that process begins.

Below is a link to the updated Draft Plan-EIS, our comment response matrix from you February 2026 comments (revised by the NPS July letter), and the appendices. To ensure comments can be incorporated into the Draft Plan-EIS prior to public release, we kindly request that any feedback be submitted by **September 1st, 2026**.

NPS Response Package 2026 0818
Password: 1dt7f8bhXQX7
https://transconenvironmental.egnyte.com/fl/wtWtXxj67t6F

Thank you for your time and consideration. We appreciate your review and input.

Sincerely,

Emily Paris
Project Manager

Eocene Environmental Group

Reno, Nevada 89503
MOBILE 775.296.0819
EMAIL eparis@eocene.com

EPA Coordination

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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December 22, 2020

Ref: 8ORA-N

Norm Evenstad, Water Resources Coordinator
US Department of Agriculture,
Natural Resources Conservation Service
Wallace F. Bennett Federal Building, Room 4420
125 South State Street
Salt Lake City, Utah 84138-1100
(Transmitted by email)

Dear Mr. Evenstad:

The U.S. Environmental Protection Agency Region 8 has reviewed the USDA Natural Resource Conservation Service's November 25, 2020, Draft Plan Environmental Assessment (EA) for the Cover Reservoir Watershed Project. The NRCS has prepared a Draft Plan EA primarily to address summer agricultural irrigation shortages for nearby farms in the watershed. The Draft Plan EA identifies two alternatives for consideration; the Preferred Alternative to construct a dam at the Cove Reservoir site with a 6,055 acre-feet storage capacity and the No Action alternative. In accordance with our responsibilities under the National Environmental Policy Act (NEPA), we are providing the following comments on purpose and need, water quality and aquatic resources, as well as general feedback for consideration as you move into the next phase of NEPA development.

Project Purpose and Need:

The Draft Plan EA identifies that the primary purpose of the project is to capture high winter flows in storage in order to fulfill the need to provide additional water to irrigators during low-flow summer months. The ancillary purposes of this project based on the preferred alternative selection are to create recreation opportunities, relocate and upgrade the Glendale hydroelectric power plant, and generate consistent summer flows to enhance downstream habitat for threatened and endangered species. The Draft Plan EA discusses alternatives that were considered but screened out, leaving construction of a new dam at the Cove Reservoir site as the single preferred action. Because the Draft Pan EA identifies that Cove Reservoir will likely require a Clean Water Act (CWA) Section 404 individual permit for impacts to waterbodies in the proposed reservoir footprint, we recommend that 404 processes and NEPA be merged to increase efficiency. As such, 404 permitting requires that all feasible alternatives be evaluated to determine that the selected alternative is the least environmentally damaging practicable alternative (LEDPA).

Our review indicates at least one feasible alternative that would provide approximately 3,000

acre-feet of storage was screened out from evaluation in the Draft Plan EA due to cost, and other alternatives, including non-construction actions (e.g. conservation and modified irrigation practices), were not considered as they did not meet water storage requirements of the purpose and need. We recognize that some alternatives were screened out due to unfavorable conditions, but we recommend that all feasible alternatives be evaluated if they can meet the primary goal of providing additional water needs for existing agriculture activity in the project area. Providing this information will increase the efficiency of CWA 404 permitting in addition to completing a robust analysis for NEPA purposes.

We recommend that discussions on purpose and need clearly indicate that the Cove Reservoir location has already been purchased by the Kane County Water Conservation District (proponent). It is not immediately clear in the documentation how the existing land acquisition is factored in the alternatives screening cost evaluation. This information will be relevant for CWA 404 permitting and determining if the preferred alternative is the LEDPA.

Water Quality and Aquatic Resources:

Cove Reservoir would utilize diversion of peak flows from the East Fork Virgin River (East Fork) during winter to fill the pool. The East Fork is classified by the State of Utah as a Category 1 high functioning surface waterbody under its antidegradation policy and is currently assessed as unimpaired. As such, activities in or near the waterbody that could result in degradation should be scrutinized and avoided. The Draft Plan EA determines that no change in water quality would occur as a result of Cove Reservoir. Our review of the Draft Plan EA resulted in the following observations that we recommend be addressed to evaluate that determination:

- The Draft Plan EA identifies that the diversion and retention of water in Cove Reservoir will provide a beneficial use due to annual releases of up to 882 acre-feet downstream to protect federally-listed Virgin River chub and woundfin species at Pah Tempe Hot Springs. Additionally, the Draft Plan EA identifies the potential for increased riparian habitat growth to benefit the listed southwestern willow flycatcher. The Draft Plan EA states that “up to” 882 acre-feet will be discharged but does not elaborate on what criteria will be established to determine flows aside from the agreement between the proponent and Zion National Park to not exceed certain flows rates. We recommend the document analyze and discuss the potential for adverse effects on listed (state and federal) and non-listed species. We further recommend the document outline whether beneficial flows would be curtailed due to a priority to meet irrigation needs should there be a drought year (or years) and the reservoir does not fill to capacity. As both irrigation and storage and beneficial flows are identified as project purposes, we recommend that the document identify if they will have equal weight. Recreation is also a project purpose, and the document should address ability to meet recreational needs under similar conditions and identify if specific purposes will outweigh others should conditions occur where the pool cannot be filled during the high flows season.
- The Draft Plan EA does not analyze or discuss the possibility of nutrients or other potential constituents that could accumulate in the reservoir and be released downstream. We recommend evaluating soils and land uses upgradient of the reservoir location to

assist in anticipating potential water quality issues. Due to the sensitive and protected nature of the East Fork, we recommend that identification and anticipation of any potential impairments in the East Fork resulting from the reservoir be evaluated so they can be fully disclosed, mitigated or avoided.

- The Cumulative Effects section (4.4.2.2.) identifies that Jackson Flat Reservoir and the proposed Cove Reservoir would collectively provide irrigation water for Kane County agriculture. The Draft Plan EA introduction identifies in section 1.4 that there is currently no water storage structure available for irrigators in the area, but this information appears to contradict that. It is unclear from this section how the water from both sources will be collectively utilized. For clarity, we recommend the document elaborate on this collective use and how it is factored in the water needs projections. If there are plans to combine and convey water from both reservoirs, we recommend the document analyze the potential in-reservoir and downstream water quality effects that could occur if water is shared between reservoirs. If the reservoirs are independently utilized, that clarification will be beneficial to avoid confusion.
- The Draft Plan EA highlights that the reservoir will increase water quality in the East Fork by retaining some sediments from high water or flash flood events. It is unclear in the Draft Plan EA if there are anthropogenic sources of increased sediment or if the sediment is part of the natural regime of the watershed. For clarification, we recommend that the document identify if the capturing of sediments will alleviate anthropogenic influences on sediment loads in the watershed and East Fork or if the capture of sediments may alter the natural sediment regime.
- The Draft Plan EA identifies that construction activity will require traffic at crossings of the East Fork. We appreciate the proponent's construction BMPs to mitigate impacts to the waterbody, and strongly encourage investigation of any alternate routes that could further minimize or avoid, if possible, directly impacting the East Fork.
- Recreation is identified as one of the project purposes. We note that the project area is in proximity to Lake Powell and other state reservoirs that provide recreation opportunities. These reservoirs, especially Lake Powell, provide education, inspections, and requirements to prevent introduction of quagga and zebra mussel invasive species into the reservoirs. We recommend that the proponent identify and commit to measures to avoid introduction of invasive species by recreational watercraft usage of the reservoir. This is especially important due to the high quality of the downstream water and federally-listed species in addition to the maintenance of the irrigation and power-generating infrastructure associated with the project.
- The Draft Plan EA identifies that the beneficial summer flows would increase riparian habitat for the southwestern willow flycatcher. This statement implies certainty of a benefit. Due to the flash flood regime of the watershed, the document would benefit the reader with an analysis and discussion as to whether potentially new habitat growth would remain established in the downstream environment. If the habitat is not sustainable the beneficial impact may not be as effective as the Draft Plan EA proposes.

General:

The Draft Plan EA identifies the development of an approximately 4.1-acre recreation area. We recommend that BMPs be incorporated to prevent water quality impacts from disturbance and impacts to the watershed, reservoir and surrounding area by increased recreational activity.

The maps (Figures 1-2 and 1-3) would benefit from inclusion of the jurisdictional waterbodies in relationship to the proposed infrastructure. If any of the comments above warrant additional analysis and discussion (i.e. collective use of Jackson Flat and Cove Reservoirs), maps of the involved infrastructure and waterbodies would be useful for the reviewers.

Lastly, due to the general unknowns regarding the impacts (positive and negative) to the East Fork immediately downstream of the reservoir project infrastructure, the waterbody Category 1 designation, downstream federally-listed species and proximity to the Wild and Scenic designated segment of the Virgin River in Zion National Park, we recommend that the NRCS work with the proponent and other stakeholders (particularly Zion National Park, USFWS and the State of Utah) to develop a monitoring plan to ensure the high functioning nature of the East Fork and Virgin River is maintained should the Preferred Alternative be selected.

Closing

We appreciate your consideration of our comments. These comments are intended to help ensure a thorough assessment of the project's environmental impacts and an informed decision-making process. If further explanation of our comments is desired, please contact me at (303) 312-6704, or your staff may contact Matt Hubner at (303) 312-6500 or hubner.matt@epa.gov.

Sincerely,



Philip S. Strobel
Chief, NEPA Branch
Office of the Regional Administrator

cc: Emily Fife, NRCS State Conservation Engineer
Derek Hamilton, NRCS Water Resources Coordinator
Sue Nall, US Army Corps of Engineers
Brian Parker, Transcon Environmental

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04/26/2022

Ref: ORA-N

Norm Evenstad, Water Resources Coordinator
U.S. Department of Agriculture
Natural Resources Conservation Service
Wallace F. Bennett Federal Building, Room 4420
125 South State Street
Salt Lake City, Utah 84138-1100
Docket ID: NRCS-2022-0002
(Transmitted by email)

Dear Mr. Evenstad,

The U.S. Environmental Protection Agency Region 8 has completed a review of the Notice of Intent (NOI) for the Cove-East Fork Virgin River Watershed Plan Project Environmental Impact Statement (EIS) prepared by the USDA Natural Resources Conservation Service (NRCS). The following scoping comments were prepared in accordance with our responsibilities under the National Environmental Policy Act (NEPA).

The Project purpose is identified "to increase and maintain a reliable supply of water for local agricultural use and existing storage needs, increase water conservation, and improve water delivery efficiency in the Upper Virgin Watershed…" in Kane and Washington Counties, Utah. The Project proposes three alternatives, including the No Action Alternative. The other Proposed Alternatives include the construction of Cove Reservoir and construction of an alternative reservoir site.

EPA has identified the following key topics we recommend evaluating in the Draft EIS to fully understand the potential impacts to public health and the environment: (1) purpose and need, (2) alternatives, (3) water resources, (4) air resources, (5) mitigation, (6) threatened and endangered species, (7) construction and failure response, and (8) environmental justice and NHPA.

We appreciate your consideration of the enclosed comments. We are providing a copy of our December 22, 2020, Cove Reservoir Environmental Assessment (EA) comment letter. These comments remain valid for the NRCS to consider as it develops the Draft EIS with Cove Reservoir construction identified as the Preferred Alternative.

We value the opportunity to review and provide comments on the NOI. We look forward to working with you and will continue to provide Project assistance on the NEPA process and Clean Water Act (CWA) Section 404 guidelines related to the development of the Draft EIS. If further explanation of our comments is desired, please contact me at (303) 312-6500 or hubner.matt@epa.gov or Philip Strobel, Branch Chief, at (303) 312-6704 or strobel.philip@epa.gov.

Sincerely,

Matthew Hubner

Matthew "Matt" Hubner
Lead Reviewer, NEPA Branch

Enclosures

cc: Emily Fife, NRCS State Conservation Engineer
Derek Hamilton, NRCS Water Resources Coordinator
Jason Gipson, US Army Corps of Engineers
Brian Parker, Transcon Environmental

Enclosure 1. EPA Detailed Comments
Cove-East Fork Virgin River Watershed Plan Project

(1) Purpose and Need

We are pleased to see a better-defined purpose and need statement and the inclusion of an additional alternative in the NOI. We reiterate some of the following information to aid the NRCS in development of the EIS. The previous Cove Reservoir Environmental Assessment (EA) and current NOI documents indicate this Project will require a Clean Water Act Section 404 permit for impacts to aquatic resources. For the purpose of complying with both the CWA and NEPA, EPA recommends ensuring that the purpose and need statement is broad enough to encompass an appropriate range of both "reasonable" (per NEPA) and "practicable" (per CWA Section 404) alternatives to meet the basic (i.e., underlying) project purpose, including the proposed action and other available water supply and management options. A broad purpose and need statement allows for the analysis of a range of water supply alternatives without eliminating less environmentally damaging alternatives that may be considered practicable under the CWA Section 404 implementing regulations (e.g., water conservation and identification of existing nearby water supply sources). Developing an agency-coordinated purpose and need statement is critical prior to establishing subsequent screening criteria or identification of alternatives. Efforts to develop a purpose and need statement that meets the requirements of both NEPA and CWA Section 404 can provide for a more efficient regulatory process, while the use of a narrow project purpose to determine the scope of studies has the potential to result in the need to prepare additional NEPA documentation to meet NEPA and CWA Section 404 requirements.

When creating the Project purpose and need statement, we recommend that the Draft EIS describe the quantity of water that is needed above the current supply and the reasoning behind the need. The NOI Preferred Alternative identifies two different volumes for Cove Reservoir, which could be considered two independent alternatives should the impacts vary. Important considerations further include identifying project participants and recent growth projections (e.g., per State Demographer information) in the demand analysis and documenting existing use by each entity utilizing consistent methodology (e.g., gallons per day *or* gallons per capita). It is informative to describe current community master planning build-out scenarios (i.e., recreational, industrial, residential, or agricultural development plans) and boundaries and estimate demand for these scenarios. If available, it is also helpful to provide similar community-type demand estimates or ranges for comparison purposes. We also recommend quantifying potential reductions to current demand through the implementation of water resource infrastructure improvements and conservation measures within both the description of need and the proposed Project alternatives.

(2) Project Alternatives

For an alternative to be practicable, it must be reasonably available or obtainable and may include options beyond the authority of the lead agency. To assure that an alternative is permittable, it is essential that the Draft EIS include a range of alternatives with the goal of avoiding and minimizing impacts to waters of the U.S. while meeting the basic purpose of the action. We recommend that the Draft EIS summarize the regulatory criteria and processes utilized to develop the reasonable and practicable alternatives, including any environmental, logistical, technological, and cost criteria applied to identify and screen potential alternatives. Details of the reasoning used to screen or eliminate alternatives is valuable for understanding the decision process. As required by regulation, the rationale must be consistent with the practicability definition and criteria outlined in the preamble language of the CWA 404(b)(1) Guidelines (40 CFR § 230.10).

EPA recommends exploring a suite of structural and non-structural options to meet the underlying project purpose when considering a range of alternatives. A combination of non-structural and structural components could serve to meet the basic project purpose, and together may reflect a practicable alternative that is potentially less damaging than a single larger structural option. For example, assess to what extent the need for supplemental water supply could be reduced or resolved through conservation and for any remaining need, if it could be partially or fully met through temporary or permanent agreements for use of agricultural water rights, drought time water use restrictions, water reuse, conjunctive use of groundwater and surface water supplies, alternative development of additional storage, alternative storage sites within the basin, purchase of other water rights that may be less damaging to aquatic resources, blending raw water, regulating development in a service area, or a combination of these ideas. Because non-structural options (e.g., conservation, water rights leasing) may individually contribute less towards meeting the Project purpose than structural options (e.g., new or expanded reservoir storage), we recommend designing screening criteria so that these non-structural components are not eliminated solely on the basis of their potentially smaller individual contributions to meeting the Project purpose and need.

Baseline Environmental Conditions

When evaluating effects of alternatives, we recommend using existing environmental conditions as the baseline for comparison of impacts across all alternatives, including the No-action Alternative. Comparing the alternatives to existing conditions is important for understanding and quantifying each Alternative's impacts and potential benefits. This is especially true when there are environmental protections in place that are based on current conditions or special designations of downstream waterbodies such as the Wild and Scenic designation of the Virgin River in Zion National Park. EPA recommends that the NEPA analysis compare and present impacts to resources against the existing conditions baseline using a consistent method to measure project impacts on these critical resources for all alternatives. We recommend that NRCS consider the following when defining baseline conditions:

- Verify whether historical data (e.g., data 5 years or older) are representative of current conditions.
- Provide a detailed hydrologic analysis in diverted waterways and storage areas to adequately assess the Project's potential biological and geomorphic impacts. At a minimum, include wet, average, and dry year analyses at a daily time-step. Also consider potential influences of temperature and precipitation trends on future hydrology.
- Include resources directly impacted by the Project footprint within the geographic scope of analysis (i.e., reservoir locations and pipeline, canal and road routes), as well as the resources indirectly (or secondarily) impacted by the Project. These indirectly impacted areas may include downstream segments, source streams where water diversions will occur and any other resource areas which may be affected by changes in water management or operations.

(3) Water Resources

Analysis of Water Supply Reliability

We recommend including information on safe yields from streams and groundwater, water demand, and drought management. Reviewing previously conducted studies by the Institute for Water Resources of the Corps of Engineers may be useful (See "An Evaluation of the Risk of Water Shortages in the Lower Peninsula, Virginia," Revised Report, August 15, 2001, IWR Special Study, U.S. Army Corps of Engineers).

An evaluation of potential influences of climate change on the proposed Project is also a valuable

component for assessing water supply reliability. The Utah Department of Natural Resources has made projections on climate change attributed changes to annual temperatures and precipitation over the next century that would apply to the Project area (Khatri, K.B. and Strong, C., 2020 Climate Change, Water Resources, and Potential Adaptation Strategies in Utah. Utah Department of Natural Resources, https://water.utah.gov/water-data/water-reports/). Climate change influences on the Project may translate into modified design and operational assumptions for determining resource supplies, system demands, system performance requirements, and operational constraints (Brekke, L.D., Kiang, J.E., Olsen, J.R., Pulwarty, R.S., Raff, D.A., Turnipseed, D.P., Webb, R.S., and White, K.D., 2009 Climate change and water resources management – A federal perspective: U.S. Geological Survey Circular 1331, p.65). We recommend including an analysis of how climate change vulnerabilities have been incorporated into alternative selection and design in the Draft EIS and if or what additional work may be needed to address these points in the future within the watershed.

Water Quality Impacts

Should the Project modify water resources through operational changes, construction activities, placement of new infrastructure, increased diversion of water, or introduction of new water sources, we recommend the Draft EIS include an analysis of water quality that evaluates the following areas:

- Current and post-project water quality at a critical flow condition and expected changes to assimilative capacity or permit limits for any National Pollutant Discharge Elimination System (NPDES) or state discharge permits downstream of the diversion or impoundment. This analysis should include:
    - A comparison of current water quality, post-project water quality, and the applicable water quality standard (i.e., nutrient loads and temperature changes downstream in the East Fork Virgin River);
    - The utilization of state methods to assess water quality and determine water quality-based effluent limits;
    - An account of changes in background water quality for water quality modeling and determinations of assimilative capacity;
    - Water quality impairments per State CWA Section 303(d) lists, draft or established Total Maximum Daily Loads (TMDLs) and potentially affected dischargers;
    - Details of any water quality-limited segments within the affected area;
    - Source Water Protection Areas and an explanation of how the Project will be consistent with Source Water Protection planning measures;
    - Direct or indirect effects from the proposed borrow pit(s) on BLM land; and
    - Potentially affected water treatment providers and possible changes to treatment processes.

Groundwater

In assessing the potential impacts of an alternative on groundwater systems in the region of the Project site, EPA recommends that the Draft EIS examine the potential for changes in the volume, storage, flow and quality of ground water through data obtained from ground water resource characterization efforts and ground water use. Projected construction, operation, or maintenance of a project and its associated infrastructure may have significant impact on groundwater resources. EPA therefore recommends highlighting potential impacts to:

- Spring and seep emergences and their associated discharge rates and quality;
- Regional subsidence associated with groundwater withdrawal;
- Sensitive aquifers, sole source aquifers, drinking water well yield and quality; and

- Regional aquifer quality, aquifer quality near potential underground storage areas, and areas of groundwater/surface water exchange.

EPA recommends the NEPA analysis identify and discuss how groundwater will be protected or impacted by project activities and any changes in the system that may result from the implementation of an alternative. If the Project will impact groundwater, we recommend the analysis consider mitigation measures that:

- Avoid impacts on groundwater;
- Limit the degree or magnitude of impacts on groundwater;
- Reduce impacts by long-term maintenance operations;
- Repair or restore groundwater resources; and/or
- Compensate for groundwater impacts by replacement or substitution.

The EPA recommends the NEPA analysis include:

- A list of Best Management Practices (BMPs) that will be required to protect water resources;
- A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, sensitive aquifers, spring emergences, etc.); and
- An explanation of how NRCS or another government entity would ensure that the BMPs would be monitored to ensure timely and correct implementation.

Streamflow

EPA recommends that the analysis of each alternative, with respect to the affected stream system(s), account for alterations of streamflow quantityand subsequent impacts to aquatic life. In order to understand Project effects on streams, include in the analysis any stream resources in the immediate Project area, downstream of the Project area, and any areas that would be affected by inundation, diversions, or operational modifications within the scope of the impact analysis. For the impact analysis we recommend selecting reaches based upon their representativeness of geographic scope and the type of modification.

To ensure that critical resources are considered and the scope of analysis is appropriate, we recommend conducting interagency coordination when selecting stream reaches. For example, it would be valuable to include consideration of species recovery areas, recreational areas, critical habitat for threatened or endangered species, Wild and Scenic designated segments, segments impaired per Section 303(d) of the CWA, segments for which TMDLs have been established, receiving waters for permitted dischargers, and source water protection areas for surface water intakes. We also recommend considering stream impacts regionally within the context of the cumulative analysis portion of the review. If an alternative will alter in-stream flow quantity, we recommend that the Draft EIS include analysis of the following:

- Quantify any existing diversions diversions into or out of the water sources affected by the Project;
- Present and compare pre- and post-project flows as characterized in Table 1 on the next page.
- Assess impacts to the flow regime with an emphasis on the implications of changes to channel complexity, channel maintenance, aquatic habitat availability, and life history adaptations which includes; and,
- Assess the cumulative effect to streams of past diversions, project diversions, and any reasonably foreseeable future diversions.

Table 1. Recommended flow metrics for pre- and post-project comparison		
Flow Type	**Description**	**Hydrologic Parameters**
Low-flow	Baseflow or dominant flow condition	Mean and median values for each month
High-flow Pulses	Flows during rainstorms or brief periods of snowmelt when flows exceed low-flow levels but are less than bankfull	Mean and median values of high flow pulse event: • Duration (days) • Peak flow (maximum flow during event) • Frequency (occurrence throughout water year)
Small Floods	Flows equal to or greater than bankfull flows (2-year flood) but less than the 10-year flood; these floods overtop the main channel but do not include more extreme, less frequent floods	Mean and median values of high flow pulse event: • Duration (days) • Peak flow (maximum flow during event) • Frequency (occurrence throughout water year)
Large Floods	Floods equal to or greater than the 10-year flood	Mean and median values of high flow pulse event: • Duration (days) • Peak flow (maximum flow during event) • Frequency (occurrence throughout water year)

- Impacts to stream morphology and sediment transport due to reservoir construction/expansion, changes in stream flow, or changes in land use including:
    - Identify affected riffle-pool complexes; and
    - Assess impacts from pre- and post-project flows to sediment transport, channel maintenance and channel complexity.
- Impacts to resident fish species and invertebrate assemblages which includes:
    - Baseline data regarding functional species composition, diversity, evenness, abundance, and, for macroinvertebrates, %EPT (Ephemeroptera, Plecoptera, and Trichoptera) and some characterization of flow preference. EPA's rapid bioassessment protocol, or a state-specific method, may be used to describe baseline habitat quality;
    - Characterization of shifts in species composition, impacts to less tolerant species, and changes in functional composition between current baseline and post-project environment;
    - Impacts to physical habitat, including availability, heterogeneity, connectivity, and long-term habitat maintenance;
    - Consideration of multiple metrics or factors that influence habitat such as loss of flushing flows, reduced floodplain connectivity, temperature, and changes to ecologically significant flows;
    - Analysis of aquatic resource impacts, which integrate any results from flow, stream morphology and water quality analyses;

- Impacts associated with reservoir construction/expansion and subsequent inundation and include quantification of lost aquatic and riparian habitat areas and impacts of conversion from lotic to lentic habitat types; and
- A description of mitigation measures for potentially adverse impacts to stream resources and aquatic life.

Protection of Wetlands and Riparian Areas

The protection and restoration of wetlands and riparian areas is a high priority. These resources increase landscape and species diversity, support many species of wildlife, and are critical to the protection of water quality and designated beneficial water uses. To illustrate effects to wetlands in the area, we recommend that the Draft EIS specifically include the following analyses or descriptions:

- Description of impacts under individual or nationwide permits authorizing the discharge of fill or dredge materials to waters of the U.S.;
- Clear maps, including wetland delineation and regional water features;
- Wetland delineation and descriptions, including ecological function analysis if there is any potential that an alternative will cause impacts;
- Analysis of the direct, indirect, and cumulative impacts to all wetlands in the geographic scope, including impacts to wetlands from changes in hydrology even if these wetlands are spatially removed from the construction footprint. Include in the analysis the indirect impacts to wetlands from loss of hydrology from water diversion/transfers and the cumulative impacts to wetlands from future development scenarios based on population and growth estimates;
- Detailed analysis of potentially adverse impacts to aquatic resources from reasonably foreseeable development;
- Impacts associated with infrastructure and reservoir construction/expansion and subsequent inundation with a quantification of lost aquatic and riparian habitat areas
- Specific and scientifically-derived evidence to support downstream increases to riparian habitat resulting from reservoir development as described in the EA; and
- An evaluation of specific mitigation requirements and BMPs applicable for construction, maintenance, and reclamation activities to prevent adverse impacts to aquatic resources downslope of the Project site.

We recommend that the Draft EIS demonstrate that the destruction, degradation, and modification of all wetlands, both jurisdictional and non-jurisdictional, is being avoided and minimized on federal land as outlined in EO 11990. It is the responsibility of NRCS to comply with EO 11990 for impacts on federal lands if any of the project alternatives cross into the surrounding BLM lands. This would involve mapping all wetlands within the project site, including springs and seeps, and assuring all avoidance measures are incorporated into the Project. If non-jurisdictional wetlands on federal lands are going to be impacted, offsetting mitigation efforts will also need to be incorporated.

(4) Air Resources

Protection of air quality is important to address in the Draft EIS. We recommend that the amount of stationary, mobile, and non-road source emission activities associated with construction, including hazardous air pollutants, be quantified and disclosed. We recommend evaluating and disclosing any air quality impacts and if necessary, identifying mitigation steps that will be taken to minimize associated adverse impacts. Components to be presented in the documentation include the existing air quality conditions in the Project vicinity, and an assessment of any impacts on National Ambient Air Quality Standards, Prevention of Significant Deterioration standards, and air quality related values or Air Quality Related Values. Also, to be addressed are particulate emissions from construction and ongoing

operation of maintenance or access roadways.

(5) Mitigation

EPA recommends that each alternative in the Draft EIS identify appropriate mitigation where impacts to water quality, air quality, stream morphology, or aquatic life are expected. The higher the uncertainty surrounding project impacts, the more emphasis there should be on providing mitigation details (including adaptive management) to assure protection of resources. At a minimum, include the following mitigation information in the Draft EIS:

- Identify the entity responsible for implementing each mitigation commitment;
- Define a mitigation effectiveness monitoring plan, including baseline monitoring if data are lacking;
- Define specific management decision points based upon protecting the minimum desired environmental conditions (thresholds) in the Project area which would trigger modification or improvement actions;
- Identify funding sources to sustain mitigation commitments.
- Establish mechanisms for public disclosure of the analysis and management decisions; and
- Ensure that mitigation details presented are consistent with the 2008 Rule on Compensatory Mitigation for Losses to Aquatic Resources for related impacts if a CWA 404 permit will be required.

(6) Special-Status and Threatened and Endangered Species

The Project area contains special status species, including the Virgin River chub and woundfin species at Pah Tempe Hot Springs, as well as the southwestern willow flycatcher. EPA recommends engaging the U.S. Fish and Wildlife Service (FWS) as early in the analysis as possible to assure that the proposed alternatives responsibly account for or are in compliance with the following:

- River restoration, flow and channel modifications, wetlands, and habitat fragmentation regarding species' habitat requirements;
- Migratory Bird Treaty Act;
- A management plan for surrounding land uses (e.g., pesticide, nutrient, weed, and recreation management), for new reservoir construction alternatives; and

To best inform decision-makers and the public, we recommend the Draft EIS:

- Summarize the status and trends of the Project area for threatened, endangered, and sensitive (TES) species and potential suitable habitat acreage;
- Disclose of any impacts to TES species and habitat resources (including habitat fragmentation) associated with the proposed Project;
- Include design criteria, mitigation, and monitoring measures developed in coordination with the FWS and State to ensure the proposed Project and resulting development do not negatively impact habitat for migratory birds, bald eagles, or other species; and
- Any FWS recommendations to reduce potential impacts to TES species from the proposed Project.

Invasive species

The EPA recommends that the Draft EIS analyze the Project's potential to increase the spread of invasive species. Invasive species in aquatic environments [i.e., zebra (*Dreissena polymorpha*) and quagga (*Dreissena bugensis*) mussels, tamarisk (*Tamarix* spp.), New Zealand mudsnail (*Potamopyrgus antipodarum),* and rusty crayfish (*Orconectes rusticus*)] have been documented across the United States and may apply to any new lands being converted into additional water storage. If the Project has the

potential to facilitate spread of invasive species, we recommend evaluation of the impacts to Special-Status and TES species as well as incorporating measures to prevent or mitigate those effects.

Proposed Alternative Construction
We recommend including specific information about water resource storage construction so that anticipated impacts can be considered when selecting between alternatives. These details include a description of the following factors:

- Structural specifications, materials, and locations;
- Anticipated support facilities including pipelines, canals, structural yards, maintenance buildings and roads, construction camps and materials sites;
- Anticipated temporary land use locations;
- Sensitive plant and animal life in the construction area; and
- Topography, geology, and surficial hydrology in the vicinity of each structure.

Based on these criteria, we recommend choosing structure locations and aesthetics for each alternative in cooperation with the municipalities of Kane and Washington Counties and any other relevant state or federal land managers.

Failure Response
We recommend the Draft EIS include an evaluation of potential adverse impacts from the structural failure of the potential constructed water storage alternatives. This evaluation should include potential adverse impacts to surface waters, public or private water supplies, human health, economics, vegetation, and wildlife. In this part of the analysis, it would be useful to discuss the probabilities and likely frequencies of different types and volumes of potential failure events over the life of each alternative and we expect that this information will be useful in determining future emergency transportation corridor locations.

(8) Environmental Justice and National Historic Preservation Act (NHPA)
According to our review of EJScreen data (https://www.epa.gov/ejscreen), there are people of color, low-income and indigenous communities within the geographic scope of the planning area. Executive Order 12898 – *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* – applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985 – *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* – sets expectations for a whole government approach to advancing equity for all. Consistent with these executive orders and CEQ's Environmental Justice Guidance Under NEPA (available along with other environmental justice resources at https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act), the EPA recommends the Draft EIS:

- Identify communities described above within the geographic scope of the impact area, including the sources of data and a description of the methodology and criteria utilized; and
- Document meaningful engagement of such communities with respect to NRCS's decisions on the reservoir selection and Watershed Plan. In particular, and consistent with the *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*, we recommend initiating Tribal Consultation. We also recommend discussing the role in the decision-making process of the tribes and individuals in whose beneficial interest the land is held in trust and notifying the Tribal Historic Preservation Officer if cultural or historical artifacts are found in the Project area (see comment below for more information).
- Assess environmental justice and other socioeconomic concerns for any people of color, low-

income, and indigenous communities, including:

- A discussion of the potential direct, indirect and cumulative environmental impacts of the proposed Project on the health of these communities, with consideration of any existing disproportionate impacts being experienced (e.g., if this Project would adversely impact water quality, aquatic ecosystem functions or air quality);
- An evaluation of the socioeconomic impacts to the local communities, including the potential for any additional burden placed on local communities' abilities to provide necessary public services and amenities (e.g., reservoir construction affecting existing recreational, spiritual or small business uses for communities and individuals that utilize the East Fork Virgin River. Further, creation of a new major recreation area may place a financial burden on marginalized communities if costs to use the lake are prohibitive to their use by these populations); and
- A determination of whether and how there may be disproportionately high and adverse human health or environmental effects, including cumulative impacts, associated with the proposed Project on the identified communities.

- Identify mitigation measures or alternatives to avoid or reduce any disproportionate adverse impacts. We recommend involving the affected communities in developing the measures. The EPA recognizes the need for early involvement of the local communities and supports the meaningful participation of community representatives in the NEPA process.

NHPA Consultation

We recommend the USFS conduct consultation under the NHPA with the Tribes, as well as the Tribal and State Historical Preservation Offices. It has been our experience that these contacts change frequently and must be verified with each action. To ensure that consultation requirements are met, provided below are two resources which are updated and maintained online:

- The National Association of Tribal Historic preservation Officers – Find a THPO https://www.nathpo.org/thpos/find-a-thpo/; and

- The National Conference of State Historic Preservation Offices – Directory https://ncshpo.org/directory/

We recommend that an updated contact list for THPOs and SHPOs be cited in the Draft EIS to provide the public with full disclosure on the consultation requirements under the NHPA.

Enclosure 2. EPA Comments on Cove Reservoir Draft Plan EA

We are enclosing a copy of our December 22, 2020, letter providing EPA's comments on the Draft Plan EA for Cove Reservoir. The purpose for including this letter is to reiterate comments that may continue to be applicable for the NRCS to evaluate during Draft EIS development considering the NOI identification of Cove Reservoir construction as the Preferred Alternative.

July 11, 2025

Matt Hubner
NEPA Reviewer: Transportation Lead
U.S. Environmental Protection Agency Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

Submitted by email to hubner.matt@epa.gov

Subject: Preliminary Draft Biological Assessment for Cove-East Fork Virgin River Watershed Plan

Dear Mr. Huber:

On behalf of the Natural Resources Conservation Service (NRCS) we appreciate the time, effort, and expertise you provided in reviewing the Preliminary Draft Biological Assessment for the Cove-East Fork Virgin River Watershed Plan. The consideration extended by a cooperating agency to review our documents significantly improves their quality and clarity.

After a thorough review of the comments, we incorporated the content, as applicable, into the Preliminary Draft Biological Assessment. A Comment Response Table with rationale for addressing the responses is attached to this letter.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,



Emily Paris
Project Manager
Eocene Environmental Group, Inc.

CC: Derek Hamilton, NRCS

Attachment: Comment Response Table

ATTACHMENT

Comment Number	Location	Comment	Response
1	Section 2.2.1 Page 3	This point is challenging to follow, It is unclear if this is identifying that water from the Virgin River will be used to fill the proposed reservoir during the summer months? The 3rd bullet below identifies that the proposed action would comply with the 1996 ZNP agreement; however, the summary of the agreement above indicates that "Surface water diversions to new reservoirs described above shall not occur except during the period from November 1 and May 31..." This would appear to preclude summertime diversions. Alternatively, this sentence could be read to mean that water released from Cove Reservoir and conveyed through the Virgin river would be diverted by HCC? We recommend this point we worded more clearly so the reader can easily understand the project components and how they will fully comply with the ZNP Agreement.	Text has been clarified. Water would be diverted to the reservoir during the non-irrigation season, November 1 - May 31. Water releases from the reservoir would occur in the summer months for irrigation, and year-round for M&I. All water released from the proposed reservoir would be diverted from the Virgin River at the Quail Creek Reservoir Diversion.
2	Section 2.2.1 Page 3	Having an undetermined M&I water demand as part of the project does not provide a basis for the project purpose and need for 6,750 acre feet of storage. It is important to know what is actually needed and why, because the more water is diverted and stored, the higher the impacts to the aquatic environment. Having an adequately quantified need is important for determining the range of alternatives. Even though this is a BA for ESA purposes, and EPA recommends the most conservative analysis of	An array of alternatives was evaluated for the project, including a smaller (3,000 acre-foot) reservoir. This alternative would meet the project purpose and need by providing agricultural and M&I water and is evaluated in full detail in the Plan-EIS. However, the smaller reservoir has a lower benefit-cost ratio of 0.90 versus the larger reservoir at 1.09. Therefore, the 6,055-acre foot reservoir was selected as the preferred alternative. Washington County Water Conservancy

Comment Number	Location	Comment	Response
		water use to support the conclusions of this analysis (i.e., the full amount of water authorized under the ZNP Agreement), we want to ensure that the NEPA analysis for this project adequately evaluates all feasible alternatives that can meet the project purpose and need. We recommend that the gap between M&I supply and demand from Washington County be determined so that a reasonable range of alternatives to reduce that gap, including conservation and efficiencies, can be analyzed in the Draft EIS. This should be done for agricultural needs as well.	District has adopted an aggressive water conservation goal established by the State of Utah in 2019, targeting a 14 percent reduction in per capita water use by 2030 (WCWCD, 2021). The following conservation measures are already in place, and WCWCD will continue to increase water usage efficiencies wherever possible: - Reduction in system water loss - Improvements to existing water conservation rate structure - AMI Meter Installation - Weather based irrigation controller rebates - CII building retrofits/water audits - Policy compliance - Education and training - Residential leak devices/flow sensors Per USFWS regulations, the BA is only required to analyzed the Preferred Alternative; therefore the 3,000 acre-foot reservoir is not analyzed in this document.
3	Section 6.2 Page 22	Based on review of this draft BA, it is unclear if the Draft EIS will evaluate changes to water quality from proposed reservoir releases to the EFVR and in downstream critical habitat for the Virgin River chub and woundfin. As noted in the environmental baseline sections above, the Virgin River chub and woundfin have been impacted by changes to water quality as well as quantity as a result of dams, reservoirs and water diversions. The BA did not consider the	The BA and the Plan-EIS do not identify any significant changes in water quality in Virgin River chub and woundfin habitat as no new water sources would be introduced into the EFVR. The ZNP Agreement ensures that water quality would not be impacted by maintaining controlled flow rates that prevent excessive sedimentation, nutrient loading, or changes in water temperature that could degrade the river's water quality or aquatic

Comment Number	Location	Comment	Response
		impacts of the proposed reservoir(s) on water quality. This may be problematic considering the water released from a new reservoir may result in different temperature profiles immediately downstream and increased nutrient loads (as well as increased concentrations of other constituents) in the EFVR and downstream. It is unclear if these changes could result in additive degradation of the critical habitat for these species even if they are removed from the project action by 4.8 miles. Because these species are highly specialized to their habitat, it is imperative to fully comprehend the potential impacts of activities upstream, such as this project. We recommend the Draft EIS as well as this BA consider the impacts of this proposed project as well as other activities within the watershed(s) that my be forthcoming or have been established since the development of the USFWS analyses cited in this document to best determine if this project could result in further impacts to these species.	habitats. Water diverted from the EFVR would be held in the reservoir and then returned to EFVR as needed. Changes in flows would be minor as discussed in the BA. Finally, the habitat for these species is located approximately 55 river miles downstream from the proposed reservoir. Water diversions at the Quail Creek Reservoir Diversion, located above Virgin River chub and woundfin habitat, would not exceed authorized Cove Reservoir releases. Therefore, no changes in river flows in Virgin River chub and woundfin habitat would result from implementation of the proposed project. Because the species' habitat is 55 miles downstream from the proposed reservoir, no changes in water temperatures or nutrient loading is anticipated to occur within woundfin and Virgin River chub habitat. Text has been added to the BA and EIS to describe this.

August 18, 2026

Matt Hubner
NEPA Reviewer: Transportation Lead
Environmental Protection Agency Region 8
1595 Wynkoop Street
Denver, Colorado 80202

Submitted by email to hubner.matt@epa.gov, Jensen.amanda@epa.gov, and dorian.david.l@epa.gov

Subject: Environmental Protection Agency Comment Response Table for Cove-East Fork Virgin River Watershed Plan

Dear Mr. Hubner:

On behalf of the Natural Resource Conservation Service, we sincerely appreciate the time and effort that has been devoted to reviewing the Watershed Plan Environmental Impact Statement (Plan-EIS) for Cove-East Fork Virgin River Watershed Project. The collaboration and valuable feedback provided during your review have contributed significantly to improving the quality, accuracy and clarity of the document. Following a thorough review of all comments received throughout the life of the Project, we have incorporated the recommendations and revisions, as applicable, in the Plan-EIS. A Comment Response Table is attached to this letter and provides a summary of the comments reviewed, along with the response on how each comment was addressed.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,

Emily Paris
Project Manager
Eocene Environmental Group, Inc.

Attachment: Comment Response Table

ATTACHMENT

Comment Number	Location	Comment	Response
1	Scoping Comments (April 2022)	The U.S. Environmental Protection Agency Region 8 has completed a review of the Notice of Intent (NOI) for the Cove-East Fork Virgin River Watershed Plan Project Environmental Impact Statement (EIS) prepared by the USDA Natural Resources Conservation Service (NRCS). The following scoping comments were prepared in accordance with our responsibilities under the National Environmental Policy Act (NEPA). The Project purpose is identified “to increase and maintain a reliable supply of water for local agricultural use and existing storage needs, increase water conservation, and improve water delivery efficiency in the Upper Virgin Watershed…” in Kane and Washington Counties, Utah. The Project proposes three alternatives, including the No Action Alternative. The other Proposed Alternatives include the construction of Cove Reservoir and construction of an alternative reservoir site. EPA has identified the following key topics we recommend evaluating in the Draft EIS to fully understand the potential impacts to public health and the environment: (1) purpose and need, (2) alternatives, (3) water resources, (4) air resources, (5) mitigation, (6) threatened and endangered species, (7) construction and failure response, and (8) environmental justice and NHPA. We appreciate your consideration of the enclosed comments. We are providing a copy of our December 22, 2020, Cove Reservoir Environmental Assessment (EA) comment letter. These comments remain valid for the NRCS to consider as it develops the Draft EIS with Cove Reservoir construction identified as the Preferred Alternative. We value the opportunity to review and provide comments on the NOI. We look forward to working with you and will continue to provide Project assistance on the NEPA process and Clean Water Act (CWA) Section 404 guidelines related to the development of the Draft EIS. If further explanation of our comments is desired, please contact me at (303) 312-6500 or hubner.matt@epa.gov or Philip Strobel, Branch Chief, at (303) 312-6704 or strobel.philip@epa.gov.	Substantial text changes have been made since publication of the Draft Plan-EA. Many of these changes address concerns identified by EPA comments. No text changes are necessary for this comment. We have reviewed the EPA December 22, 2020, Environmental Assessment comment letter and have responded to the comments contained in that letter. No additional text changes are necessary.
2	Scoping Comments (April 2022)	(1) Purpose and Need We are pleased to see a better-defined purpose and need statement and the inclusion of an additional alternative in the NOI. We reiterate some of the following information to aid the NRCS in development of the EIS. The previous Cove Reservoir Environmental Assessment (EA) and current NOI documents indicate this Project will require a Clean Water Act Section 404 permit for impacts to aquatic resources. For the purpose of complying with both the CWA and NEPA, EPA recommends ensuring that the purpose and need statement is broad	The Purpose and Need Section of the Plan-EIS has been revised to include the concerns identified in this comment. Additionally, alternatives analyzed in the Plan-EIS are detailed in Section 4.2. Those alternatives eliminated from detailed study

Comment Number	Location	Comment	Response
		enough to encompass an appropriate range of both “reasonable” (per NEPA) and “practicable” (per CWA Section 404) alternatives to meet the basic (i.e., underlying) project purpose, including the proposed action and other available water supply and management options. A broad purpose and need statement allows for the analysis of a range of water supply alternatives without eliminating less environmentally damaging alternatives that may be considered practicable under the CWA Section 404 implementing regulations (e.g., water conservation and identification of existing nearby water supply sources). Developing an agency-coordinated purpose and need statement is critical prior to establishing subsequent screening criteria or identification of alternatives. Efforts to develop a purpose and need statement that meets the requirements of both NEPA and CWA Section 404 can provide for a more efficient regulatory process, while the use of a narrow project purpose to determine the scope of studies has the potential to result in the need to prepare additional NEPA documentation to meet NEPA and CWA Section 404 requirements. When creating the Project purpose and need statement, we recommend that the Draft EIS describe the quantity of water that is needed above the current supply and the reasoning behind the need. The NOI Preferred Alternative identifies two different volumes for Cove Reservoir, which could be considered two independent alternatives should the impacts vary. Important considerations further include identifying project participants and recent growth projections (e.g., per State Demographer information) in the demand analysis and documenting existing use by each entity utilizing consistent methodology (e.g., gallons per day or gallons per capita). It is informative to describe current community master planning build-out scenarios (i.e., recreational, industrial, residential, or agricultural development plans) and boundaries and estimate demand for these scenarios. If available, it is also helpful to provide similar community-type demand estimates or ranges for comparison purposes. We also recommend quantifying potential reductions to current demand through the implementation of water resource infrastructure improvements and conservation measures within both the description of need and the proposed Project alternatives.	are discussed in Section 4.3. Nonstructural alternatives are discussed in Section 4.2.3. Substantial text changes have been made since publication of the Draft Plan-EA. Many of these changes address concerns identified by EPA comments. No text changes are necessary for this comment.
3	Scoping Comments (April 2022)	**(2) Project Alternatives** For an alternative to be practicable, it must be reasonably available or obtainable and may include options beyond the authority of the lead agency. To assure that an alternative is permittable, it is essential that the	The suggestions provided by this comment have been responded to and are discussed in the Plan-EIS. Alternatives analyzed in the

Comment Number	Location	Comment	Response
		Draft EIS include a range of alternatives with the goal of avoiding and minimizing impacts to waters of the U.S. while meeting the basic purpose of the action. We recommend that the Draft EIS summarize the regulatory criteria and processes utilized to develop the reasonable and practicable alternatives, including any environmental, logistical, technological, and cost criteria applied to identify and screen potential alternatives. Details of the reasoning used to screen or eliminate alternatives is valuable for understanding the decision process. As required by regulation, the rationale must be consistent with the practicability definition and criteria outlined in the preamble language of the CWA 404(b)(1) Guidelines (40 CFR § 230.10). EPA recommends exploring a suite of structural and non-structural options to meet the underlying project purpose when considering a range of alternatives. A combination of non-structural and structural components could serve to meet the basic project purpose, and together may reflect a practicable alternative that is potentially less damaging than a single larger structural option. For example, assess to what extent the need for supplemental water supply could be reduced or resolved through conservation and for any remaining need, if it could be partially or fully met through temporary or permanent agreements for use of agricultural water rights, drought time water use restrictions, water reuse, conjunctive use of groundwater and surface water supplies, alternative development of additional storage, alternative storage sites within the basin, purchase of other water rights that may be less damaging to aquatic resources, blending raw water, regulating development in a service area, or a combination of these ideas. Because non-structural options (e.g., conservation, water rights leasing) may individually contribute less towards meeting the Project purpose than structural options (e.g., new or expanded reservoir storage), we recommend designing screening criteria so that these non-structural components are not eliminated solely on the basis of their potentially smaller individual contributions to meeting the Project purpose and need.	Plan-EIS are detailed in Section 4.2. Those alternatives eliminated from detailed study are discussed in Section 4.3. Nonstructural alternatives are discussed in Section 4.2.3. Alternative dam site locations are restricted by the Zion National Park Agreement of 1996 which drives this project. The Cove Reservoir site is one of the sites approved in the Agreement. Substantial text changes have been made since publication of the Draft Plan-EA. many of these changes address concerns identified by EPA comments. No text changes are necessary for this comment.
4	Scoping Comments (April 2022)	**Baseline Environmental Conditions** When evaluating effects of alternatives, we recommend using existing environmental conditions as the baseline for comparison of impacts across all alternatives, including the No-action Alternative. Comparing the alternatives to existing conditions is important for understanding and quantifying each Alternative's impacts and potential benefits. This is	The existing environmental resource baseline is clearly identified in Section 3 of the Plan-EIS. (Affected Environment: Current and Future Conditions). It is made clear in

Comment Number	Location	Comment	Response
		especially true when there are environmental protections in place that are based on current conditions or special designations of downstream waterbodies such as the Wild and Scenic designation of the Virgin River in Zion National Park. EPA recommends that the NEPA analysis compare and present impacts to resources against the existing conditions baseline using a consistent method to measure project impacts on these critical resources for all alternatives. We recommend that NRCS consider the following when defining baseline conditions: • Verify whether historical data (e.g., data 5 years or older) are representative of current conditions. • Provide a detailed hydrologic analysis in diverted waterways and storage areas to adequately assess the Project's potential biological and geomorphic impacts. At a minimum, include wet, average, and dry year analyses at a daily time-step. Also consider potential influences of temperature and precipitation trends on future hydrology. • Include resources directly impacted by the Project footprint within the geographic scope of analysis (i.e., reservoir locations and pipeline, canal and road routes), as well as the resources indirectly (or secondarily) impacted by the Project. These indirectly impacted areas may include downstream segments, source streams where water diversions will occur and any other resource areas which may be affected by changes in water management or operations.	Section 3 text that this information serves as a baseline for impact analysis. Historical data identified in the Plan-EIS are relevant to current conditions. Wet, average, and dry years have been identified (see Water Model and other Reports prepared for the Plan-EIS) and applied to the impact analysis. Direct and indirect impacts have been identified. No additional text changes are required.
5	Scoping Comments (April 2022)	**(3) Water Resources** Analysis of Water Supply Reliability We recommend including information on safe yields from streams and groundwater, water demand, and drought management. Reviewing previously conducted studies by the Institute for Water Resources of the Corps of Engineers may be useful (See "An Evaluation of the Risk of Water Shortages in the Lower Peninsula, Virginia," Revised Report, August 15, 2001, IWR Special Study, U.S. Army Corps of Engineers). An evaluation of potential influences of climate change on the proposed Project is also a valuable component for assessing water supply reliability. The Utah Department of Natural Resources has made projections on climate change attributed changes to annual temperatures and precipitation over the next century that would apply to the Project area (Khatri, K.B. and Strong, C., 2020 Climate Change, Water Resources, and Potential Adaptation Strategies in Utah. Utah Department of Natural Resources, https://water.utah.gov/water-	The yields from streams and groundwater and been analyzed. No changes in groundwater is anticipated. A certain amount of EFVR stream flow would be diverted to the proposed reservoir during winter months but returned to the stream as needed. In compliance with an Executive Order, climate change discussions have either been removed from the Plan-EIS or modified to climate variations. No additional text changes are required.

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		data/water-reports/). Climate change influences on the Project may translate into modified design and operational assumptions for determining resource supplies, system demands, system performance requirements, and operational constraints (Brekke, L.D., Kiang, J.E., Olsen, J.R., Pulwarty, R.S., Raff, D.A., Turnipseed, D.P., Webb, R.S., and White, K.D., 2009 Climate change and water resources management – A federal perspective: U.S. Geological Survey Circular 1331, p.65). We recommend including an analysis of how climate change vulnerabilities have been incorporated into alternative selection and design in the Draft EIS and if or what additional work may be needed to address these points in the future within the watershed.	
6	Scoping Comments (April 2022)	**Water Quality Impacts** Should the Project modify water resources through operational changes, construction activities, placement of new infrastructure, increased diversion of water, or introduction of new water sources, we recommend the Draft EIS include an analysis of water quality that evaluates the following areas: • Current and post-project water quality at a critical flow condition and expected changes to assimilative capacity or permit limits for any National Pollutant Discharge Elimination System (NPDES) or state discharge permits downstream of the diversion or impoundment. This analysis should include: o A comparison of current water quality, post-project water quality, and the applicable water quality standard (i.e., nutrient loads and temperature changes downstream in the East Fork Virgin River); o The utilization of state methods to assess water quality and determine water quality-based effluent limits; o An account of changes in background water quality for water quality modeling and determinations of assimilative capacity; o Water quality impairments per State CWA Section 303(d) lists, draft or established Total Maximum Daily Loads (TMDLs) and potentially affected dischargers; o Details of any water quality-limited segments within the affected area; o Source Water Protection Areas and an explanation of how the Project will be consistent with Source Water Protection planning measures; o Direct or indirect effects from the proposed borrow pit(s) on BLM land; and o Potentially affected water treatment providers and possible changes to treatment processes.	Potential impacts to surface and ground water were analyzed in the Plan-EIS. The current status of EFVR water quality is described in Section 3.2.2.2. Section 5.2.2.2 identified potential impacts to water quality resulting from project development. No construction would occur within the EFVR/ No pollutants would enter the EFVR as a result of construction activities. Changes in flow during project operation would be minor and not affect water quality. Use of the borrow pits would not affect the EFVR. Coordination with the Utah Division of Water Quality has occurred throughout the Plan-EIS development process. No additional text changes are required.

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7	Scoping Comments (April 2022)	**Groundwater** In assessing the potential impacts of an alternative on groundwater systems in the region of the Project site, EPA recommends that the Draft EIS examine the potential for changes in the volume, storage, flow and quality of ground water through data obtained from ground water resource characterization efforts and ground water use. Projected construction, operation, or maintenance of a project and its associated infrastructure may have significant impact on groundwater resources. EPA therefore recommends highlighting potential impacts to: • Spring and seep emergences and their associated discharge rates and quality; • Regional subsidence associated with groundwater withdrawal; • Sensitive aquifers, sole source aquifers, drinking water well yield and quality; and • Regional aquifer quality, aquifer quality near potential underground storage areas, and areas of groundwater/surface water exchange. EPA recommends the NEPA analysis identify and discuss how groundwater will be protected or impacted by project activities and any changes in the system that may result from the implementation of an alternative. If the Project will impact groundwater, we recommend the analysis consider mitigation measures that: • Avoid impacts on groundwater; • Limit the degree or magnitude of impacts on groundwater; • Reduce impacts by long-term maintenance operations; • Repair or restore groundwater resources; and/or • Compensate for groundwater impacts by replacement or substitution. The EPA recommends the NEPA analysis include: • A list of Best Management Practices (BMPs) that will be required to protect water resources; • A discussion of the circumstances under which the BMPs would be applied (e.g., proximity to surface water resources, presence of erosive soils, slope, sensitive aquifers, spring emergences, etc.); and • An explanation of how NRCS or another government entity would ensure that the BMPs would be monitored to ensure timely and correct implementation.	Groundwater was a concern identified during scoping. However, it was determined that there would be no measurable change to ground water resources resulting from Project development. It is further made clear that all federal, state, and local laws/regulations pertaining to pollution and contamination of the environment would be followed to prevent pollution of surface water, groundwater, soil, and air with any hazardous materials. No additional text changes are necessary.
8	Scoping Comments (April 2022)	**Streamflow** EPA recommends that the analysis of each alternative, with respect to the affected stream system(s), account for alterations of streamflow quantity and subsequent impacts to aquatic life. In order to understand Project	A Water Model has been developed for the Proposed Project. It has been determined that any changes in streamflow

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		effects on streams, include in the analysis any stream resources in the immediate Project area, downstream of the Project area, and any areas that would be affected by inundation, diversions, or operational modifications within the scope of the impact analysis. For the impact analysis we recommend selecting reaches based upon their representativeness of geographic scope and the type of modification. To ensure that critical resources are considered and the scope of analysis is appropriate, we recommend conducting interagency coordination when selecting stream reaches. For example, it would be valuable to include consideration of species recovery areas, recreational areas, critical habitat for threatened or endangered species, Wild and Scenic designated segments, segments impaired per Section 303(d) of the CWA, segments for which TMDLs have been established, receiving waters for permitted dischargers, and source water protection areas for surface water intakes. We also recommend considering stream impacts regionally within the context of the cumulative analysis portion of the review. If an alternative will alter in-stream flow quantity, we recommend that the Draft EIS include analysis of the following: • Quantify any existing diversions into or out of the water sources affected by the Project; • Present and compare pre- and post-project flows as characterized in Table 1 on the next page. • Assess impacts to the flow regime with an emphasis on the implications of changes to channel complexity, channel maintenance, aquatic habitat availability, and life history adaptations which includes; and, • Assess the cumulative effect to streams of past diversions, project diversions, and any reasonably foreseeable future diversions.	would be minor. As a result, it has been determined that threatened or endangered species (and their habitat), recreation areas, wild and scenic rivers, etc. would not be significantly affected. Close consultation with USFWS has been maintained throughout the Plan-EIS development process. Present and post-project flows have been identified in the Water Model. Cumulative effects to the EFVR have been determined to be minor. No additional text changes are necessary.
9	Scoping Comments (April 2022)	Include analysis of the following: - SEE TABLE OF FLOW METRICS • Impacts to stream morphology and sediment transport due to reservoir construction/expansion, changes in stream flow, or changes in land use including: o Identify affected riffle-pool complexes; and o Assess impacts from pre- and post-project flows to sediment transport, channel maintenance and channel complexity. • Impacts to resident fish species and invertebrate assemblages which includes: o Baseline data regarding functional species composition, diversity,	The issues identified in this comment have been analyzed and discussed in the Plan-EIS as appropriate. Because only minor changes in EFVR streamflow are anticipated, impacts would not rise to the level requiring in depth analysis of some of the issues identified here. For example, it is not anticipated that there would be any changes in stream

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		evenness, abundance, and, for macroinvertebrates, %EPT (Ephemeroptera, Plecoptera, and Trichoptera) and some characterization of flow preference. EPA's rapid bioassessment protocol, or a state specific method, may be used to describe baseline habitat quality; o Characterization of shifts in species composition, impacts to less tolerant species, and changes in functional composition between current baseline and post-project environment; o Impacts to physical habitat, including availability, heterogeneity, connectivity, and long term habitat maintenance; o Consideration of multiple metrics or factors that influence habitat such as loss of flushing flows, reduced floodplain connectivity, temperature, and changes to ecologically significant flows; o Analysis of aquatic resource impacts, which integrate any results from flow, stream morphology and water quality analyses; • Impacts associated with reservoir construction/expansion and subsequent inundation and include quantification of lost aquatic and riparian habitat areas and impacts of conversion from lotic to lentic habitat types; and • A description of mitigation measures for potentially adverse impacts to stream resources and aquatic life.	morphology. riffle-pool complexes, channel complexity, macroinvertebrates, etc. Because the reservoir would be constructed off stream, no impacts are anticipated to any aquatic or riparian resources during construction. In depth analyses of resident fish species and other rare species are contained in the Plan-EIS. Substantial text changes have occurred since publication of the Draft Plan-EA. No additional text changes are necessary.
10	Scoping Comments (April 2022)	The protection and restoration of wetlands and riparian areas is a high priority. These resources increase landscape and species diversity, support many species of wildlife, and are critical to the protection of water quality and designated beneficial water uses. To illustrate effects to wetlands in the area, we recommend that the Draft EIS specifically include the following analyses or descriptions: • Description of impacts under individual or nationwide permits authorizing the discharge of fill or dredge materials to waters of the U.S.; • Clear maps, including wetland delineation and regional water features; • Wetland delineation and descriptions, including ecological function analysis if there is any potential that an alternative will cause impacts;	Wetlands and riparian areas have been identified in the Plan-EIS and potential impacts have been analyzed in section 3.2.2.4 and section 5.2.4. The preferred alternative would impact approximately 0.274 acres of jurisdictional wetlands and/or waters of the U.S. Impacts to riparian vegetation are discussed in Section 3.2.4.7 and

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		• Analysis of the direct, indirect, and cumulative impacts to all wetlands in the geographic scope, including impacts to wetlands from changes in hydrology even if these wetlands are spatially removed from the construction footprint. Include in the analysis the indirect impacts to wetlands from loss of hydrology from water diversion/transfers and the cumulative impacts to wetlands from future development scenarios based on population and growth estimates; • Detailed analysis of potentially adverse impacts to aquatic resources from reasonably foreseeable development; • Impacts associated with infrastructure and reservoir construction/expansion and subsequent inundation with a quantification of lost aquatic and riparian habitat areas • Specific and scientifically-derived evidence to support downstream increases to riparian habitat resulting from reservoir development as described in the EA; and • An evaluation of specific mitigation requirements and BMPs applicable for construction, maintenance, and reclamation activities to prevent adverse impacts to aquatic resources downslope of the Project site. We recommend that the Draft EIS demonstrate that the destruction, degradation, and modification of all wetlands, both jurisdictional and non-jurisdictional, is being avoided and minimized on federal land as outlined in EO 11990. It is the responsibility of NRCS to comply with EO 11990 for impacts on federal lands if any of the project alternatives cross into the surrounding BLM lands. This would involve mapping all wetlands within the project site, including springs and seeps, and assuring all avoidance measures are incorporated into the Project. If non-jurisdictional wetlands on federal lands are going to be impacted, offsetting mitigation efforts will also need to be incorporated.	Section 5.4.7. Consultation with the USACE has been ongoing throughout the life of the project and is documented throughout the Plan-EIS. No text changes are required. .
11	Scoping Comments (April 2022)	**(4) Air Resources** Protection of air quality is important to address in the Draft EIS. We recommend that the amount of stationary, mobile, and non-road source emission activities associated with construction, including hazardous air pollutants, be quantified and disclosed. We recommend evaluating and disclosing any air quality impacts and if necessary, identifying mitigation steps that will be taken to minimize associated adverse impacts. Components to be presented in the documentation include the existing air quality conditions in the Project vicinity, and an assessment of any impacts on National Ambient Air Quality Standards, Prevention of Significant Deterioration standards, and air quality related values or Air	Air Quality is discussed in detail in the Plan-EIS, particularly potential impacts that could occur during construction. No impacts are anticipated during operational or maintenance activities. It was determined that due to the short construction duration and the implementation of best management practices, no state or federal air quality

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		Quality Related Values. Also, to be addressed are particulate emissions from construction and ongoing operation of maintenance or access roadways.	standards would be violated. Section 3.2.3 discusses the current air quality of the Project area and Section 5.3 address potential impacts to air quality resulting from project development. No additional text changes are necessary.
12	Scoping Comments (April 2022)	**(5) Mitigation** EPA recommends that each alternative in the Draft EIS identify appropriate mitigation where impacts to water quality, air quality, stream morphology, or aquatic life are expected. The higher the uncertainty surrounding project impacts, the more emphasis there should be on providing mitigation details (including adaptive management) to assure protection of resources. At a minimum, include the following mitigation information in the Draft EIS: • Identify the entity responsible for implementing each mitigation commitment; • Define a mitigation effectiveness monitoring plan, including baseline monitoring if data are lacking; • Define specific management decision points based upon protecting the minimum desired environmental conditions (thresholds) in the Project area which would trigger modification or improvement actions; • Identify funding sources to sustain mitigation commitments. • Establish mechanisms for public disclosure of the analysis and management decisions; and • Ensure that mitigation details presented are consistent with the 2008 Rule on Compensatory Mitigation for Losses to Aquatic Resources for related impacts if a CWA 404 permit will be required.	Appropriate mitigation has been incorporated as part of the proposed action. Additionally, best management practices and applicant committed conservation measures have been included in the Plan-EIS. Impact analysis assumes that all these measures will be incorporated into Project development.
13	Scoping Comments (April 2022)	**(6) Special-Status and Threatened and Endangered Species** The Project area contains special status species, including the Virgin River chub and woundfin species at Pah Tempe Hot Springs, as well as the southwestern willow flycatcher. EPA recommends engaging the U.S. Fish and Wildlife Service (FWS) as early in the analysis as possible to assure that the proposed alternatives responsibly account for or are in compliance with the following: • River restoration, flow and channel modifications, wetlands, and habitat fragmentation regarding species' habitat requirements; • Migratory Bird Treaty Act;	Consultation has been maintained with USFWS throughout the Plan-EIS development process. The USFWS IPaC site was accessed to identify listed species and migratory birds that may occur within the Project area. A biological assessment has been prepared and is in the process of

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		• A management plan for surrounding land uses (e.g., pesticide, nutrient, weed, and recreation management), for new reservoir construction alternatives; and To best inform decision-makers and the public, we recommend the Draft EIS: • Summarize the status and trends of the Project area for threatened, endangered, and sensitive (TES) species and potential suitable habitat acreage; • Disclose of any impacts to TES species and habitat resources (including habitat fragmentation) associated with the proposed Project; • Include design criteria, mitigation, and monitoring measures developed in coordination with the FWS and State to ensure the proposed Project and resulting development do not negatively impact habitat for migratory birds, bald eagles, or other species; and • Any FWS recommendations to reduce potential impacts to TES species from the proposed Project.	being submitted to USFWS. Identification and analysis of listed threatened, endangered, and other sensitive plant and animal species are found in Sections 3.2.4 and 5.4. Other USFWS related discussions are found in Sections 6.5.1.1, 7.1.2 and in Table 7.1. No additional text changes are required.
14	Scoping Comments (April 2022)	**Invasive species** The EPA recommends that the Draft EIS analyze the Project's potential to increase the spread of invasive species. Invasive species in aquatic environments [i.e., zebra (Dreissena polymorpha) and quagga (Dreissena bugensis) mussels, tamarisk (Tamarix spp.), New Zealand mudsnail (Potamopyrgus antipodarum), and rusty crayfish (Orconectes rusticus)] have been documented across the United States and may apply to any new lands being converted into additional water storage. If the Project has the potential to facilitate spread of invasive species, we recommend evaluation of the impacts to Special-Status and TES species as well as incorporating measures to prevent or mitigate those effects.	Invasive plant and animal species are identified and discussed in the Plan-EIS. Invasive species are identified in Section 3.2.4.5 and 3.2.4.7 and potential invasive species impacts are discussed in Section 5.4.5. No additional text changes are required.
15	Scoping Comments (April 2022)	**Proposed Alternative Construction** We recommend including specific information about water resource storage construction so that anticipated impacts can be considered when selecting between alternatives. These details include a description of the following factors: • Structural specifications, materials, and locations; • Anticipated support facilities including pipelines, canals, structural yards, maintenance buildings and roads, construction camps and materials sites; • Anticipated temporary land use locations; • Sensitive plant and animal life in the construction area; and • Topography, geology, and surficial hydrology in the vicinity of each	Specific information regarding construction, support facilities and locations, and temporary land use locations (e.g. borrow pits) locations have all been added to the Plan-EIS discussion (See Section 4.2.2.1). Sensitive plant and animal species that may occur within the Project area are also identified and analyzed (See Sections 3.2.4 and 5.4). Visual

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		structure. Based on these criteria, we recommend choosing structure locations and aesthetics for each alternative in cooperation with the municipalities of Kane and Washington Counties and any other relevant state or federal land managers.	resources are discussed and analyzed in Sections 3.2.5.4 and 5.5.4. No additional text changes are required.
16	Scoping Comments (April 2022)	**Failure Response** We recommend the Draft EIS include an evaluation of potential adverse impacts from the structural failure of the potential constructed water storage alternatives. This evaluation should include potential adverse impacts to surface waters, public or private water supplies, human health, economics, vegetation, and wildlife. In this part of the analysis, it would be useful to discuss the probabilities and likely frequencies of different types and volumes of potential failure events over the life of each alternative and we expect that this information will be useful in determining future emergency transportation corridor locations.	Potential structural failure response discussion is included in the Plan_EIS. The discussion includes identification of inundation zones, number of homes, other building, agricultural areas, and roads that would be at risk have all been identified.
17	Scoping Comments (April 2022)	**(8) Environmental Justice and National Historic Preservation Act (NHPA)** According to our review of EJ Screen data (https://www.epa.gov/ejscreen), there are people of color, low-income and indigenous communities within the geographic scope of the planning area. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations – applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government – sets expectations for a whole government approach to advancing equity for all. Consistent with these executive orders and CEQ's Environmental Justice Guidance Under NEPA (available along with other environmental justice resources at https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act), the EPA recommends the Draft EIS: • Identify communities described above within the geographic scope of the impact area, including the sources of data and a description of the methodology and criteria utilized; and • Document meaningful engagement of such communities with respect to NRCS's decisions on the reservoir selection and Watershed Plan. In particular, and consistent with the Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, we recommend initiating Tribal Consultation. We also recommend discussing the role in	Current guidance (Executive orders 14148, 14173, and 14151) prohibits an Environmental Justice discussion in the Plan-EIS; therefore, that discussion has been removed from the document. Consultation between the Natural Resources Conservation Service (NRCS), Individual Tribal Nations, Utah State Historic Preservation Officer (SHPO) regarding compliance with Section 106 of the National Historic Preservation Act has occurred. See Sections 3.2.5.1 and 5.5.1 for details. No text changes are required.

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		the decision-making process of the tribes and individuals in whose beneficial interest the land is held in trust and notifying the Tribal Historic Preservation Officer if cultural or historical artifacts are found in the Project area (see comment below for more information). • Assess environmental justice and other socioeconomic concerns for any people of color, low-income, and indigenous communities, including: o A discussion of the potential direct, indirect and cumulative environmental impacts of the proposed Project on the health of these communities, with consideration of any existing disproportionate impacts being experienced (e.g., if this Project would adversely impact water quality, aquatic ecosystem functions or air quality); o An evaluation of the socioeconomic impacts to the local communities, including the potential for any additional burden placed on local communities' abilities to provide necessary public services and amenities (e.g., reservoir construction affecting existing recreational, spiritual or small business uses for communities and individuals that utilize the East Fork Virgin River. Further, creation of a new major recreation area may place a financial burden on marginalized communities if costs to use the lake are prohibitive to their use by these populations); and o A determination of whether and how there may be disproportionately high and adverse human health or environmental effects, including cumulative impacts, associated with the proposed Project on the identified communities. • Identify mitigation measures or alternatives to avoid or reduce any disproportionate adverse impacts. We recommend involving the affected communities in developing the measures. The EPA recognizes the need for early involvement of the local communities and supports the meaningful participation of community representatives in the NEPA process.	
18	Scoping Comments (April 2022)	**NHPA Consultation** We recommend the USFS conduct consultation under the NHPA with the Tribes, as well as the Tribal and State Historical Preservation Offices. It has been our experience that these contacts change frequently and must be verified with each action. To ensure that consultation requirements are met, provided below are two resources which are updated and maintained online: • The National Association of Tribal Historic preservation Officers – Find a THPO https://www.nathpo.org/thpos/find-a-thpo/, and	See response to comment 17 above. Consultation between the Natural Resources Conservation Service (NRCS), Individual Tribal Nations, Utah State Historic Preservation Officer (SHPO) regarding compliance with Section 106 of the National Historic Preservation Act has occurred. See Sections 3.2.5.1

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		• The National Conference of State Historic Preservation Offices – Directory https://ncshpo.org/directory/ We recommend that an updated contact list for THPOs and SHPOs be cited in the Draft EIS to provide the public with full disclosure on the consultation requirements under the NHPA.	and 5.5.1 for details. No text changes are required.
19	Scoping Comments (April 2022)	**Enclosure 2. EPA Comments on Cove Reservoir Draft Plan EA** We are enclosing a copy of our December 22, 2020, letter providing EPA's comments on the Draft Plan EA for Cove Reservoir. The purpose for including this letter is to reiterate comments that may continue to be applicable for the NRCS to evaluate during Draft EIS development considering the NOI identification of Cove Reservoir construction as the Preferred Alternative. The U.S. Environmental Protection Agency Region 8 has reviewed the USDA Natural Resource Conservation Service's November 25, 2020, Draft Plan Environmental Assessment (EA) for the Cover Reservoir Watershed Project. The NRCS has prepared a Draft Plan EA primarily to address summer agricultural irrigation shortages for nearby farms in the watershed. The Draft Plan EA identifies two alternatives for consideration; the Preferred Alternative to construct a dam at the Cove Reservoir site with a 6,055 acre-feet storage capacity and the No Action alternative. In accordance with our responsibilities under the National Environmental Policy Act (NEPA), we are providing the following comments on purpose and need, water quality and aquatic resources, as well as general feedback for consideration as you move into the next phase of NEPA development.	The comments from the December 22, 2020, letter have been reviewed and responded to. An additional alternative (a 3,000 acre-foot reservoir) has been added to the Plan-EIS for analysis. No additional text changes are necessary.
20	Scoping Comments (April 2022)	**Project Purpose and Need:** The Draft Plan EA identifies that the primary purpose of the project is to capture high winter flows in storage in order to fulfill the need to provide additional water to irrigators during low-flow summer months. The ancillary purposes of this project based on the preferred alternative selection are to create recreation opportunities, relocate and upgrade the Glendale hydroelectric power plant, and generate consistent summer flows to enhance downstream habitat for threatened and endangered species. The Draft Plan EA discusses alternatives that were considered but screened out, leaving construction of a new dam at the Cove Reservoir site as the single preferred action. Because the Draft Plan EA identifies that Cove Reservoir will likely require a Clean Water Act (CWA)	See response to Comment #2. Additionally, a 3,000-acre-foot reservoir alternative has been added to the Plan-EIS for analysis. See response to Comment #2. Additionally, a 3,00-acre-foot reservoir alternative has been added to the Plan-EIS for analysis. The Plan-EIS clearly identifies the status of project site land purchases by KCWCD. No

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		Section 404 individual permit for impacts to waterbodies in the proposed reservoir footprint, we recommend that 404 processes and NEPA be merged to increase efficiency. As such, 404 permitting requires that all feasible alternatives be evaluated to determine that the selected alternative is the least environmentally damaging practicable alternative (LEDPA). Our review indicates at least one feasible alternative that would provide approximately 3,000 acre-feet of storage was screened out from evaluation in the Draft Plan EA due to cost, and other alternatives, including non-construction actions (e.g. conservation and modified irrigation practices), were not considered as they did not meet water storage requirements of the purpose and need. We recognize that some alternatives were screened out due to unfavorable conditions, but we recommend that all feasible alternatives be evaluated if they can meet the primary goal of providing additional water needs for existing agriculture activity in the project area. Providing this information will increase the efficiency of CWA 404 permitting in addition to completing a robust analysis for NEPA purposes. We recommend that discussions on purpose and need clearly indicate that the Cove Reservoir location has already been purchased by the Kane County Water Conservation District (proponent). It is not immediately clear in the documentation how the existing land acquisition is factored in the alternatives screening cost evaluation. This information will be relevant for CWA 404 permitting and determining if the preferred alternative is the LEDPA.	additional text changes are necessary.
21	Scoping Comments (April 2022)	**Water Quality and Aquatic Resources:** Cove Reservoir would utilize diversion of peak flows from the East Fork Virgin River (East Fork) during winter to fill the pool. The East Fork is classified by the State of Utah as a Category 1 high functioning surface waterbody under its antidegradation policy and is currently assessed as unimpaired. As such, activities in or near the waterbody that could result in degradation should be scrutinized and avoided. The Draft Plan EA determines that no change in water quality would occur as a result of Cove Reservoir. Our review of the Draft Plan EA resulted in the following observations that we recommend be addressed to evaluate that determination: •The Draft Plan EA identifies that the diversion and retention of water in	The impact analysis in the Plan-EIS is a significant upgrade fromthe analysis in the draft Plan-EA. No construction activities would occur near the EFVR, and it is not anticipated that any water quality degradation would occur. A Water Model developed for the Proposed Project has been prepared. It has been determined that changs in water

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		Cove Reservoirwill provide a beneficial use due to annual releases of up to 882 acre-feet downstream toprotect federally-listed Virgin River chub and woundfin species at Pah Tempe HotSprings. Additionally, the Draft Plan EA identifies the potential for increased riparianhabitat growth to benefit the listed southwestern willow flycatcher. The Draft Plan EAstates that “up to” 882 acre-feet will be discharged but does not elaborate on what criteriawill be established to determine flows aside from the agreement between the proponentand Zion National Park to not exceed certain flows rates. We recommend the document analyze and discuss the potential for adverse effects on listed (state and federal) and non-listed species. We further recommend the document outline whether beneficial flows would be curtailed due to a priority to meet irrigation needs should there be a drought year (or years) and the reservoir does not fill to capacity. As both irrigation and storage and beneficial flows are identified as project purposes, we recommend that the document identify if they will have equal weight. Recreation is also a project purpose, and the document should address ability to meet recreational needs under similar conditions and identify if specific purposes will outweigh others should conditions occur where the pool cannot be filled during the high flows season. •The Draft Plan EA does not analyze or discuss the possibility of nutrients or other potential constituents that could accumulate in the reservoir and be released downstream. We recommend evaluating soils and land uses upgradient of the reservoir location to assist in anticipating potential water quality issues. Due to the sensitive and protected nature of the East Fork, we recommend that identification and anticipation of any potential impairments in the East Fork resulting from the reservoir be evaluated so they can be fully disclosed, mitigated or avoided.	flows would be minor. The Plan-EIS text has been updated to more clearly discuss potential impacts to listed threatened and endangered species located downstream from the proposed reservoir site. Consultation with the USFWS has been maintained throughout the Plan-EIS development process and a biological assessment has been prepared. No impacts to non-listed rare species are expected to occur. The Plan-EIS analysis, based on Water Quality studies prepared for the Project, does not anticipate that any impairments to water quality would occur
22	Scoping Comments (April 2022)	•The Cumulative Effects section (4.4.2.2.) identifies that Jackson Flat Reservoir and the proposed Cove Reservoir would collectively provide irrigation water for Kane County agriculture. The Draft Plan EA introduction identifies in section 1.4 that there is currently no water storage structure available for irrigators in the area, but this information appears to contradict that. It is unclear from this section how the water from both sources will be collectively utilized. For clarity, we recommend the document elaborate on this collective use and how it is factored in the water needs projections. If there are plans to combine and convey water from both reservoirs, we recommend the document analyze the potential in-reservoir and downstream water quality effects that could occur if	Text has been updated to make clear that the two reservoirs are not inter-connected and serve different areas of Kane County. There is currently no water storage structure available for the Long Valley portion of Kane County. One purpose and need of this action is to provide water storage capability for the Orderville and Mt. Carmel

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		water is shared between reservoirs. If the reservoirs are independently utilized, that clarification will be beneficial to avoid confusion.	agricultural areas of Kane County.
23	Scoping Comments (April 2022)	•The Draft Plan EA highlights that the reservoir will increase water quality in the East Fork by retaining some sediments from high water or flash flood events. It is unclear in the Draft Plan EA if there are anthropogenic sources of increased sediment or if the sediment is part of the natural regime of the watershed. For clarification, we recommend that the document identify if the capturing of sediments will alleviate anthropogenic influences on sediment loads in the watershed and East Fork or if the capture of sediments may alter the natural sediment regime. •The Draft Plan EA identifies that construction activity will require traffic at crossings of the East Fork. We appreciate the proponent's construction BMPs to mitigate impacts to the waterbody, and strongly encourage investigation of any alternate routes that could further minimize or avoid, if possible, directly impacting the East Fork.	No significant anthropogenic sources for sediment have been identified. Sediment in the EFVR most often comes from significant weather events resulting in flash floods as discussed in the Plan-EIS. No additional access to the two borrow pits that would avoid the EFVR are available. One access has a concrete base and the other is a well define access road. Sediment resulting from using these access points would be minor. This is addressed in the Plan-EIS. No additional text changes is necessary.
24	Scoping Comments (April 2022)	•Recreation is identified as one of the project purposes. We note that the project area is in proximity to Lake Powell and other state reservoirs that provide recreation opportunities. These reservoirs, especially Lake Powell, provide education, inspections, and requirements to prevent introduction of quagga and zebra mussel invasive species into the reservoirs. We recommend that the proponent identify and commit to measures to avoid introduction of invasive species by recreational watercraft usage of the reservoir. This is especially important due to the high quality of the downstream water and federally-listed species in addition to the maintenance of the irrigation and power-generating infrastructure associated with the project.	Invasive plant and animal species are identified and discussed in the Plan-EIS. Invasive species are identified in Section 3.2.4.5 and 3.2.4.7 and potential invasive species impacts are discussed in Section 5.4.5. BMPs have been identified and would be implemented during construction and operation to prevent the spread of invasive species in compliance with Executive Order 13112. A fish management plan would also be developed to address the potential invasion of quagga mussels. No additional text changes are necessary.
25	Scoping Comments	•The Draft Plan EA identifies that the beneficial summer flows would increase riparian habitat for the southwestern willow flycatcher. This	No new riparian habitat is anticipated from project

Comment Number	Location	Comment	Response
	(April 2022)	statement implies certainty of a benefit. Due to the flash flood regime of the watershed, the document would benefit the reader with an analysis and discussion as to whether potentially new habitat growth would remain established in the downstream environment. If the habitat is not sustainable the beneficial impact may not be as effective as the Draft Plan EA proposes	development. The BA text now states that changes in stream flows in southwestern willow flycatcher habitat resulting from project development would be minor and would not alter riparian vegetation beyond that which has been occurring for several years. Additionally, it should be noted that the EFVR riparian vegetation is adapted to flash flooding that has been occurring for years. No changes in flash flood occurrence or intensity is anticipated.
26	Scoping Comments (April 2022)	The Draft Plan EA identifies the development of an approximately 4.1-acre recreation area. We recommend that BMPs be incorporated to prevent water quality impacts from disturbance and impacts to the watershed, reservoir and surrounding are by increased recreational activity. The maps (Figures 1-2 and 1-3) would benefit from the inclusion of the jurisdictional waterbodies in relationship to the proposed infrastructure. If any of the comments above warrant additional analysis and discussion (i.e. collective use of Jackson Flat and Cove Reservoirs), maps of the involved infrastructure and waterbodies would be useful for the reviewers. Lastly, due to the general unknowns regarding the impacts (positive and negative) to the East Fork immediately downstream of the reservoir project infrastructure, the waterbody Category 1 designation, downstream federally-listed species, and proximity to the Wild and Scenic designated segment of the Virgin River in Zion National Park, we recommend that the NRCS work with the proponent and other stakeholders (particularly ZNP, USFWS and the State of Utah) to develop a monitoring plan to ensure the high functioning nature of the East Fork and Virgin River is maintained should the Preferred Alternative be selected.	It is not anticipated that any impacts on water quality would result from activity associated with the project recreation facilities. No OHV use would be authorized. Access to the reservoir would be by a concrete boat ramp. No additional jurisdictional water bodies are located within the Project area. Downstream impacts have been clearly identified and analyzed including potential impacts to threatened and endangered fish species, wild and scenic rivers, etc. No surface disturbance would occur outside of the proposed reservoir site and changes in streamflow would be minor. Therefore, no significant downstream impacts are anticipated. Impact analysis has been reviewed and upgraded following publication of the Draft

Comment Number	Location	Comment	Response
			Plan-EA. No additional text changes are necessary.
27	Biological Assessment Comments (July 2025)	This point is challenging to follow, It is unclear if this is identifying that water from the Virgin River will be used to fill the proposed reservoir during the summer months? The 3rd bullet below identifies that the proposed action would comply with the 1996 ZNP agreement; however, the summary of the agreement above indicates that "Surface water diversions to new reservoirs described above shall not occur except during the period from November 1 and May 31..." This would appear to preclude summertime diversions. Alternatively, this sentence could be read to mean that water released from Cove Reservoir and conveyed through the Virgin river would be diverted by HCC? We recommend this point we worded more clearly so the reader can easily understand the project components and how they will fully comply with the ZNP Agreement.	Text has been clarified. Water would be diverted to the reservoir during the non-irrigation season, November 1 - May 31. Water releases from the reservoir would occur in the summer months for irrigation, and year-round for M&I. All water released from the proposed reservoir would be diverted from the Virgin River at the Quail Creek Reservoir Diversion.
28	Biological Assessment Comments (July 2025)	Having an undetermined M&I water demand as part of the project does not provide a basis for the project purpose and need for 6,750 acre feet of storage. It is important to know what is actually needed and why, because the more water is diverted and stored, the higher the impacts to the aquatic environment. Having an adequately quantified need is important for determining the range of alternatives. Even though this is a BA for ESA purposes, and EPA recommends the most conservative analysis of water use to support the conclusions of this analysis (i.e., the full amount of water authorized under the ZNP Agreement), we want to ensure that the NEPA analysis for this project adequately evaluates all feasible alternatives that can meet the project purpose and need. We recommend that the gap between M&I supply and demand from Washington County be determined so that a reasonable range of alternatives to reduce that gap, including conservation and efficiencies, can be analyzed in the Draft EIS. This should be done for agricultural needs as well.	Additional detail on the M&I need in Washington County has been added to the Project purpose and need under Section 2.2.3. Potential impacts to listed species are fully analyzed in the Plan-EIS and BA. The Preferred Alternative would meet the project purpose and need by providing agricultural and M&I water and is evaluated in full detail in the Plan-EIS. Therefore, no text changes are necessary. The Washington County Water Conservancy District has adopted an aggressive water conservation goal established by the State of Utah in 2019, targeting a 14 percent reduction in per capita water use by 2030 (WCWCD, 2021). The following conservation measures are already in place, and WCWCD will continue to increase water

Comment Number	Location	Comment	Response
			usage efficiencies wherever possible: - Reduction in system water loss - Improvements to existing water conservation rate structure - AMI Meter Installation - Weather based irrigation controller rebates - CII building retrofits/water audits - Policy compliance - Education and training - Residential leak devices/flow sensors Per USFWS regulations, the BA is only required to analyzed the Preferred Alternative; therefore the 3,000 acre-foot reservoir is not analyzed in this document.
29	Biological Assessment Comments (July 2025)	Based on review of this draft BA, it is unclear if the Draft EIS will evaluate changes to water quality from proposed reservoir releases to the EFVR and in downstream critical habitat for the Virgin River chub and woundfin. As noted in the environmental baseline sections above, the Virgin River chub and woundfin have been impacted by changes to water quality as well as quantity as a result of dams, reservoirs and water diversions. The BA did not consider the impacts of the proposed reservoir(s) on water quality. This may be problematic considering the water released from a new reservoir may result in different temperature profiles immediately downstream and increased nutrient loads (as well as increased concentrations of other constituents) in the EFVR and downstream. It is unclear if these changes could result in additive degradation of the critical habitat for these species even if they are removed from the project action by 4.8 miles. Because these species are highly specialized to their habitat, it is imperative to fully comprehend the potential impacts of activities upstream, such as this project. We recommend the Draft EIS as well as this BA consider the impacts of this proposed project as well as other activities within the watershed(s) that my be forthcoming or have been established since the development of the USFWS analyses cited in this document to best determine if this project could result in further impacts to these species.	The BA and the Plan-EIS do not identify any significant changes in water quality in Virgin River chub and woundfin habitat as no new water sources would be introduced into the EFVR. Changes to water quality are discussed in detail in Sections 3.2.2.2 and Section 5.2.2. The ZNP Agreement ensures that water quality would not be impacted by maintaining controlled flow rates that prevent excessive sedimentation, nutrient loading, or changes in water temperature that could degrade the river's water quality or aquatic habitats. Water diverted from the EFVR would be held in the reservoir and then returned to EFVR as needed. Changes in flows would be minor as discussed in the Plan-

Comment Number	Location	Comment	Response
			EIS and BA. Finally, the habitat for these species is located approximately 55 river miles downstream from the proposed reservoir. Water diversions at the Quail Creek Reservoir Diversion, located above Virgin River chub and woundfin habitat, would not exceed authorized Cove Reservoir releases. Therefore, minor changes in river flows in Virgin River chub and woundfin habitat would result from implementation of the proposed project. Because the species' habitat is 55 miles downstream from the proposed reservoir, no changes in water temperatures or nutrient loading is anticipated to occur within woundfin and Virgin River chub habitat. Due to the anticipated minor changes in water flows in the EFVR, no loss or alteration of adjacent riparian vegetation that provides habitat for threatened and endangered species would occur. Text has been added to the BA and EIS.

BLM Coordination

IN REPLY REFER TO: LLUTP020000

February 17, 2026

Re: Comments on BLM Preliminary Draft Watershed Plan - Environmental Impact Statement for Cove-East Fork Virgin River Watershed Project

Please see the following comments regarding the Draft Watershed Plan -EIS for Cove -East Fork Virgin River Watershed Project.

Page 28 of the Biological Assessment (4.2.3 Environmental Baseline) mentions that activities such as livestock grazing, timber cutting, and energy development do not occur within the Parunuweap Canyon WSA and Zion National Park portion of the Action area. However, BLM land in this area is a permitted grazing allotment where livestock grazing can occur.

Sincerely,

Whit Bunting
Field Office Manager
Bureau of Land Management, Kanab Office

August 18, 2026

Whit Bunting
Kanab Field Office Manager
Bureau of Land Management
669 S. Hwy 89A
Kanab, Utah 84 741

Submitted by email to lchurch@blm.gov and tbanks@blm.gov

Subject: Bureau of Land Management Comment Response Table for Cove-East Fork Virgin River Watershed Plan

ATTN: Kanab Field Office Manager

On behalf of the Natural Resource Conservation Service, we sincerely appreciate the time and effort that has been devoted to reviewing the Watershed Plan Environmental Impact Statement (Plan-EIS) for Cove-East Fork Virgin River Watershed Project. The collaboration and valuable feedback provided during your review have contributed significantly to improving the quality, accuracy and clarity of the document. Following a thorough review of all comments received, we have incorporated the recommendations and revisions as appropriate in the Plan-EIS. A Comment Response Table is attached to this letter and provides a summary of the comments reviewed, along with the response on how each comment was addressed.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,

Emily Paris
Project Manager
Eocene Environmental Group, Inc.

Attachment: Comment Response Table

ATTACHMENT

Comment Number	Location	Comment	Response
1	Biological Assessment; Section 4.2.3 Page 28	Page 28 of the Biological Assessment (4.2.3 Environmental Baseline) mentions that activities such as livestock grazing, timber cutting, and energy development do not occur within the Parunuweap Canyon WSA and Zion National Park portion of the Action area. However, BLM land in this area is a permitted grazing allotment where livestock grazing can occur.	Text has been corrected to remove the mention of livestock grazing as requested.

PLPCO Coordination

State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Director

October 17, 2024

Submitted via electronic mail: derek.hamilton@usda.gov, bparker@eocene.com, *and* EParis@eocene.com

Derek Hamilton
Water Resource Coordinator
USDA-NRCS
125 South State Street – Room 4010
Salt Lake City, UT 84138

Emily Paris
Project Manager
Eocene Environmental Group
Reno, NV 89503

Subject: **Cove Reservoir -East Fork Virgin River Watershed Project EIS – Admin Draft Chapters 1 and 2 Comments**

Dear Mr. Hamilton and Ms. Paris:

The State of Utah (State), through the Public Lands Policy Coordinating Office (PLPCO), appreciates the opportunity to review and provide Cooperating Agency comments on the draft chapters 1 and 2, which cover the watershed planning background and the purpose and need for the proposed project. The State has provided comments previously. Those comments are incorporated herein by reference. While a comprehensive assessment is contingent upon review of the complete Plan-EIS (Chapters 3-8), the State is grateful that, based on its initial review and prior communications, the State's concerns appear to be accurately addressed in these initial chapters. In collaboration with the Utah Division of Wildlife Resources (DWR) and the Division of Water Resources (DWRe), the State offers the following comments for your consideration.

Priority water right dates and subsequent impacts must comply with state water law. The State appreciates particularly the recognition of this project's significance for water resource

management in Long Valley and Hurricane. The potential for enhanced agricultural efficiency and strategic water use planning is a critical benefit for the region. Furthermore, the State commends the acknowledgment of recreation as a component of the plan, recognizing its contribution to the economic development of these communities.

Division of Wildlife Resources

In addition to the objective of complying with the Zion National Park Water Right Settlement of 1996, DWR encourages coordination with the Virgin River Program. The program includes efforts to protect native species and their habitat while ensuring the availability of the recreational and consumptive water required for the growing human population in the Virgin River Basin.

One of the long-term benefits identified in the EIS is "added recreation opportunities for Kane County and the surrounding communities." If the establishment of a community fishery is considered, the State recommends coordination with DWR's Southern Region Aquatic Manager, Mike Hadley.

If you have wildlife resource questions, please contact the DWR's Impact Analysis Biologist in our Cedar City office, Jessica Kinross, at jessicavan@utah.gov or 435-691-2372.

The State anticipates reviewing Chapters 3 through 8 and requests to be kept informed of any recommendations from other cooperating agencies.

Division of Water Resources

From page nine of the report, one of the objectives of this project is "to maximize sustainable economic development." One of the biggest issues for the Virgin River Watershed is that it is experiencing and will continue to experience significant water stress.

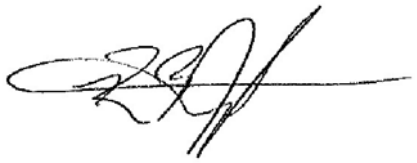
This project seeks to shore up the reliability of irrigation water to improve crop production. From an agricultural engineering standpoint, whenever you increase crop production, you also consume more water which will increase the water stress in this area. Another competing objective is to provide "M&I water for Washington County".

The conflict between agricultural water use and municipal demand has often been solved in the Washington County Water Conservancy District by purchasing the water rights of the agricultural users which may be the ultimate result some years hence for the water users proposing this project. When agricultural water rights are purchased in an area whose economy is dependent on that agricultural production, the economy of that area often suffers.

The State would like to express concern regarding the significant delays in communication between cooperating agencies on this project. The extended periods without updates were not explained to the State, leading to concerns regarding the Natural Resources Conservation Service's (NRCS) commitment to this initiative. The State kindly requests more consistent and transparent communication moving forward to ensure effective collaboration.

Thank you for the opportunity to participate in this important project. Call to discuss any further questions or concerns.

Sincerely,



Redge B. Johnson
Director

State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Director

May 8, 2025

Submitted via electronic mail: *derek.hamilton@usda.gov* *and* *EParis@eocene.com*

Derek Hamilton
Water Resources Coordinator
USDA-NRCS
125 South State Street – Room 4010
Salt Lake City, UT 84138

Emily Paris
Project Manager
Eocene Environmental Group
444 South Main Street, Suite A6
Cedar City, UT 84720

Subject: **Cove-East Fork Virgin River Watershed Project EIS – Preliminary Draft Biological Assessment**

Dear Mr. Hamilton and Ms. Paris:

The state of Utah (State), through the Public Lands Policy Coordinating Office (PLPCO), appreciates the opportunity to review and submit comments on the Cove-East Fork Virgin River Watershed Environmental Impact Statement (EIS) project's *Preliminary Draft Biological Assessment*. In collaboration with the Utah Division of Wildlife Resources (DWR), the State submits the following comments for your consideration.

Utah Division of Wildlife Resources

To ensure woundfin and Virgin River chub populations are not adversely affected, continued coordination between the DWR, Washington County Water Conservancy District (WCWCD), and program partners is critical to ensure water requirements for these species are met in downstream critical habitat.

In the Water Model Report: Cove Reservoir by Alpha Engineering Draft Revised 3-1-2023, it describes the release of water from the reservoir to WCWCD as follows:

> "An analysis was completed to determine the downstream effects to the East Fork of the Virgin River at Springdale as a result of the project, specifically analyzing water release from Cove Reservoir downstream to the WCWCD *during June, July, and August*. The following are modeled stream stage and width changes expected as a result of changes in winter diversion of water and *summer release.*"

This conflicts with the statement in the Biological Assessment on page 3 in 2.2.2, where it states, "[w]ater committed to Washington County for irrigation and MR purposes could be released any time during the year to meet demand, but *would most likely be during the fall and winter months*." DWR requests clarification on this issue as the summer release of water described in the report would be more beneficial to native fish, in particular, the Virgin spinedace, than water released during the fall and winter months.

In Table 2 on page 8, reference is made to the Utah Sensitive Species List. The Utah Sensitive Species List was repealed on October 1, 2020. DWR recommends referencing the Utah Wildlife Action Plan (WAP), which serves as Utah's guiding document for the conservation of native species. The WAP identifies species of greatest conservation need (SGCN), key habitats, and threats to those habitats and SGCNs. Utah encourages parties to use the WAP in their environmental planning, as it provides a conservation framework to prevent future listings under the ESA. The 2025-2035 WAP is replacing the 2015- 2025 WAP and will include updated species of greatest conservation need when published in the near future.

Additionally, DWR notes the following in Table 2:

- Speckled dace (*Rhinichthys osculus*) should be added to the list.
- Desert sucker's scientific name was recently changed to *Pantosteus clarkii.*
- Prairie rattlesnakes are typically not found in this area.
- The Wildlife Habitat Analysis Tool is now available and allows users to produce a report for species occurrence and wildlife habitats, including updated species of greatest conservation need status. We encourage the project to include information from the new tool.

Recent surveys by the DWR found the following distribution for Virgin River chub, which could be updated throughout the document to include:

"The Virgin River, upstream of the La Verkin Creek confluence, supports abundant Virgin River chub populations. Virgin River chub have also colonized habitat upstream of Pah Tempe Springs since the establishment of population maintenance flows below Quail Creek Diversion and currently occupy habitat between Pah Tempe Springs and the Quail Creek Diversion. Virgin River chub distribution currently extends upstream to the old diversion structure in Timpoweap Canyon (2 miles upstream from Pah Tempe Springs, and 4 miles upstream from the La Verkin Creek confluence)."

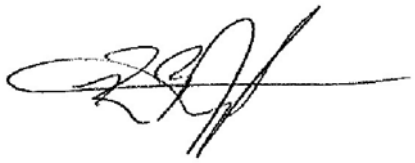
Woundfin distribution should also be updated to include the following:

"Woundfin regularly occupy habitat upstream of the La Verkin Creek confluence, and their distribution extends upstream to the Hurricane Hydro Electric Plant inflow approximately 1.6 miles upstream of the La Verkin Creek confluence."

If you have wildlife resource questions, please contact Jessica Kinross, the DWR's Impact Analysis Biologist at DWR's Cedar City office, at jessicavan@utah.gov or 435-691-2372.

Thank you for the opportunity to review the *Preliminary Draft Biological Assessment* and submit comments. Call to discuss any further questions or concerns.

Sincerely,



Redge B. Johnson
Director

July 11, 2025

Sindy Smith
RDCC Coordinator
Utah Public Lands Policy Coordinating Office
1594 W N Temple St., STE 320
Salt Lake City, UT 84116

Submitted by email to sindysmith@utah.gov

Subject: Preliminary Draft Biological Assessment for Cove-East Fork Virgin River Watershed Plan

Dear Ms. Smith:

On behalf of the Natural Resources Conservation Service (NRCS) we appreciate the time, effort, and expertise you provided in reviewing the Preliminary Draft Biological Assessment for the Cove-East Fork Virgin River Watershed Plan. The consideration extended by a cooperating agency to review our documents significantly improves their quality and clarity.

After a thorough review of the comments, we incorporated the content, as applicable, into the Preliminary Draft Biological Assessment. A Comment Response Table with rationale for addressing the responses is attached to this letter.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,

Emily Paris
Project Manager
Eocene Environmental Group, Inc.

CC: Derek Hamilton, NRCS

Attachment: Comment Response Table

ATTACHMENT

Comment Number	Location	Comment	Response
1	General Comment	To ensure woundfin and Virgin River chub populations are not adversely affected, continued coordination between the DWR, Washington County Water Conservancy District (WCWCD), and program partners is critical to ensure water requirements for these species are met in downstream critical habitat.	We appreciate DWR's expertise and will continue to coordinate with them as the project continues. No text change is required for this comment.
2	Section 2.2.2 Page 3	In the Water Model Report: Cove Reservoir by Alpha Engineering Draft Revised 3-1-2023, it describes the release of water from the reservoir to WCWCD as follows: "An analysis was completed to determine the downstream effects to the East Fork of the Virgin River at Springdale as a result of the project, specifically analyzing water release from Cove Reservoir downstream to the WCWCD during June, July, and August. The following are modeled stream stage and width changes expected as a result of changes in winter diversion of water and summer release." This conflicts with the statement in the Biological Assessment on page 3 in 2.2.2, where it states, "[w]ater committed to Washington County for irrigation and MR purposes could be released any time during the year to meet demand, but would most likely be during the fall and winter months." DWR requests clarification on this issue as the summer release of water described in the report would be more beneficial to native fish, in particular, the Virgin spinedace, than water released during the fall and winter months.	Text has been clarified. Irrigation water would most likely be released during the summer months of June, July, and August, whereas M&I water would most likely be released during the fall and winter months. The water model only evaluates irrigation water, as the yearly amount of M&I water would be determined based on demand. Washington County has emphasized the need for flexibility in water timing to reduce losses in transport. Regardless of timing, all releases would be in compliance with the ZNP Agreement.

Comment Number	Location	Comment	Response
3	Page 8 Table 2	In Table 2 on page 8, reference is made to the Utah Sensitive Species List. The Utah Sensitive Species List was repealed on October 1, 2020. DWR recommends referencing the Utah Wildlife Action Plan (WAP), which serves as Utah's guiding document for the conservation of native species. The WAP identifies species of greatest conservation need (SGCN), key habitats, and threats to those habitats and SGCNs. Utah encourages parties to use the WAP in their environmental planning, as it provides a conservation framework to prevent future listings under the ESA. The 2025-2035 WAP is replacing the 2015- 2025 WAP and will include updated species of greatest conservation need when published in the near future.	Text change has been made as requested. The Utah Wildlife Action Plan is now referenced and the term Utah Sensitive Species List has been deleted.
4	Page 8 Table 2	Speckled dace (*Rhinichthys osculus*) should be added to the list.	The speckled dace has been added to the Table as requested.
5	Page 8 Table 2	Desert sucker's scientific name was recently changed to *Pantosteus clarkii*.	Change in scientific name has been made as requested.
6	Page 8 Table 2	Prairie rattlesnakes are typically not found in this area.	Prairie rattlesnake has been deleted from the Table as requested.
7	Page 8 Table 2	The Wildlife Habitat Analysis Tool is now available and allows users to produce a report for species occurrence and wildlife habitats, including updated species of greatest conservation	The Wildlife Habitat Analysis Tool is now being used for the Cove Reservoir BA and the Plan-EIS.

Comment Number	Location	Comment	Response
		need status. We encourage the project to include information from the new tool.	
8	General Comment	Recent surveys by the DWR found the following distribution for Virgin River chub, which could be updated throughout the document to include: “The Virgin River, upstream of the La Verkin Creek confluence, supports abundant Virgin River chub populations. Virgin River chub have also colonized habitat upstream of Pah Tempe Springs since the establishment of population maintenance flows below Quail Creek Diversion and currently occupy habitat between Pah Tempe Springs and the Quail Creek Diversion. Virgin River chub distribution currently extends upstream to the old diversion structure in Timpoweap Canyon (2 miles upstream from Pah Tempe Springs, and 4 miles upstream from the La Verkin Creek confluence).”	Text has been updated to reflect this recent information.
9	General Comment	Woundfin regularly occupy habitat upstream of the La Verkin Creek confluence, and their distribution extends upstream to the Hurricane Hydro Electric Plant inflow approximately 1.6 miles upstream of the La Verkin Creek confluence.	Text has been updated to reflect this recent information.

State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Director

February 17, 2026

Submitted via electronic mail: derek.hamilton@usda.gov *and* EParis@eocene.com

Derek Hamilton
Water Resources Coordinator
USDA-NRCS
125 South State Street – Room 4010
Salt Lake City, UT 84138

Emily Paris
Project Manager
Eocene Environmental Group
444 South Main Street, Suite A6
Cedar City, UT 84720

Subject: **Cove-East Fork Virgin River Watershed Plan Preliminary Draft EIS**

Dear Mr. Hamilton and Ms. Paris:

The state of Utah (State), through the Public Lands Policy Coordinating Office (PLPCO), appreciates the opportunity to review and submit comments on the Cove-East Fork Virgin River Watershed Plan Preliminary Draft Environmental Impact Statement (EIS). The State, as a Cooperating Agency, has submitted comments throughout the project's process. Those comments are incorporated herein by reference. In collaboration with the Utah Division of Wildlife Resources (DWR) and the Division of Water Resources (DWRe), the State submits the following comments for your consideration.

There are multiple references throughout the document to the action area, project area, planning area, and focus area. Please further define the various types of "areas" early in the document and add a general map with the polygons to improve clarity and reader comprehension.

The State, through the DWR, is a member of the Virgin River Program (VRP) and strongly supports collaborative efforts to implement actions to recover, conserve, enhance, and protect native species in the Virgin River Basin. However, identifying the VRP and compliance with the program's purposes should not be included in Section 2.1, Purpose, or 2.1.2, Project Objectives. The state requests that any mention of the VRP be concentrated within sections of the EIS related to the Endangered Species Act (ESA) and Species of Greatest Conservation Needs (SGCN), including 3.2.4.6 – Fish and Wildlife and potentially Table 3.5. This State request is based on the need to avoid the impression that there is a "compliance" component of the VRP that could take precedence over the 1996 Agreement.

3.2.4, Opportunities, the document states that this project can provide long-term benefits, including "increased water availability for local agriculture and municipal users." The DWRe interpreted this to mean that water in Kane County and Washington County may be used for M&I. The state recommends splitting this sentence into two bullet points to separate agricultural benefits in Kane County from M&I (municipal) benefits in Washington County. The anticipated uses are articulated elsewhere in the document and could be cross-referenced within the opportunities section.

4.2.2.6, Wild and Scenic Rivers, the state requests that additional language be added to the EIS surrounding the designation of the Virgin River segments. These designations were made possible by the Omnibus Public Land Management Act of 2009 (OPLMA). It is very important to state in this EIS that OPLMA included a savings clause in Sec. 1976 to ensure that the new wild and scenic river designations on the Virgin River would not conflict with the 1996 agreement. "SAVINGS CLAUSE—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ''Zion National Park Water Rights Settlement Agreement'' and dated December 4, 1996."

4.2.5.2.5, Economy, the term overcrowding is used in the context of visitor use management. Overcrowding is highly subjective. The state recommends using terms like capacity rather than overcrowding. Secretarial Order 3424, *Strengthening Coordination with Gateway Communities* (June 25, 2025), is intended to require better coordination between the National Park Service and gateway communities like Orderville, Mt. Carmel, Kanab, Rockville, Springdale, and other locations within the action area.

6.2.6.2.1.1, Monitoring Requirements, there is a reference to the 2001 MOU for monitoring after the construction of the hydro plant in Orderville. Have the terms of that 2001 MOU been satisfied, and are those terms and conditions still relevant to this EIS for monitoring compliance? The monitoring was intended to be conducted for only three years after

construction (nearly two decades ago). The State supports reasonable monitoring during and after construction of the Cove Reservoir to ensure the viability of aquatic ecosystems.

6.3, Air contains a reference to the Gould Wash Project as an example for anticipated fugitive dust. Please identify where Gould Wash is located and how its soil and activity types are similar to those identified in the project area.

6.6.1.1, Lake Powell Pipeline, this paragraph gives the impression that the Lake Powell Pipeline project is likely to be implemented. It is extremely unlikely that the Cove Reservoir would be constructed at the same time as the Lake Powell Pipeline and that they would compete for materials, fuel, and labor.

Utah Division of Wildlife Resources

The term "state-sensitive species" is used throughout the document. The Utah Sensitive Species List was repealed on October 1, 2020. The Utah Wildlife Action Plan is now the guiding document for the conservation of native species, identifying Species of Greatest Conservation Need. The DWR recommends updating references to state-sensitive species to Species of Greatest Conservation Need.

Table S.2 Environmental Impacts and the Environmental Consequences from Invasive Species in 5.4.5 only highlights impacts from invasive plants and does not address potential risks of invasive animal species. Construction of a reservoir increases the risk of non-native fish and mollusks being illegally introduced, potentially affecting downstream fish populations. These impacts should be considered in the analysis.

Additionally, under floodplain management, it should be noted that high-pulse events (i.e., flash floods) can benefit the stream and associated riparian habitat. Willows are early successional plants that benefit from disturbances such as flash floods.

The East Fork River Instream Flow MOU is referenced in 6.2.6.2.1.1 Monitoring Requirements. The DWR encourages discussion of this MOU's reference in the EIS, as discussions may provide a better understanding of the MOU's relevance to the EIS.

If you have wildlife questions, contact Jessica Kinross, Impact Analysis Biologist in our Cedar City office, at jessicavan@utah.gov or 435-691-2372.

Division of Water Resources

Background

According to DWRe's water-related land-use data, crop acreage in the project area has declined by about 300 acres since 2009. The data shows the urban area has increased by about that same acreage. Using average net crop ET, the resulting water requirement is roughly 1000 acre-feet lower than the value shown in Table 2.1, due to the area's high elevation (5460 feet above sea level), lower temperatures, and higher evapotranspiration demand. While irrigated agriculture is slowly declining, the population during that same period increased by roughly 10%, according to the Utah Division of Water Rights' public water supply data. The area's beauty and proximity to national parks are driving that increase.

The area's main economic engine is tourism. These towns serve as "gateway communities" for millions of visitors traveling along US-89. The area has seen a massive surge in unique accommodations, ranging from high-end resorts like Zion Ponderosa Ranch Resort and Zion Mountain Ranch to boutique glamping sites and vacation rentals. Local businesses such as the Thunderbird Restaurant in Mt. Carmel and various rock shops and galleries in Orderville rely heavily on seasonal tourist traffic. Companies like East Zion Adventures provide canyoneering, Jeep tours, and horseback riding, creating a significant number of local service jobs.

An evolved agriculture, also partly dependent upon tourism, is the cultural backbone of Long Valley. Cattle ranching is still a visible and active industry, with many families maintaining large tracts of land for livestock. There is a growing trend toward "Agritourism," where working farms offer farm stays, local honey, medicinal herbs, and organic produce to visitors seeking an authentic rural experience.

GridET (a Division of Water Resources Program) estimates that the proposed Cove Reservoir's average net evaporation (potential evaporation minus precipitation) would be 19.7 inches per year, as opposed to Quail Creek Reservoir’s 39.0 inches and Sand Hollow’s 40.5 inches, which makes its storage relatively efficient for downstream and local uses.

The Utah Government Office of Planning and Budget estimates the population of the service area will increase by 26% by 2050. In 2023, the area reported 303 acre-feet of municipal and industrial water use to the Division of Water Rights. Between the two water providers in the area, Orderville and Glendale, they have rights to 2,241 acre-feet per year from wells and springs. Division of Water Rights data also indicates that none of the municipal supplies in that area depend on the East Fork of the Virgin River. All of this suggests that the proposed reservoir will not benefit local municipal water providers in Long Valley.

An envisioned county-operated park at Cove Reservoir would help reduce overcrowding in nearby states and national parks. A new reservoir could support a range of water-related activities, further enhancing the area's tourism and recreation opportunities.

With agriculture's declining economic impact in the Orderville area and the significant municipal demand in Washington County, the main beneficiary of the proposed reservoir may be the population of the Washington County Water Conservancy District (WCWCD).

The farmers who remain in the local service area can benefit by producing more crops with fewer water supply shortages, resulting in slightly less water downstream. However, the WCWCD has a history and the resources to acquire rights to agricultural land in its service areas and may ultimately do so here if critical shortages are foreseen in the Washington County area. The Washington County Water Conservancy District's 40-year plan submitted to the Division of Water Rights indicates that, even with water reuse, its demand is projected to outstrip supply. The 2023 WCWCD 40-year plan projects a shortage of 61,625 to 96,722 acre-feet per year by 2060, depending on the success of conservation efforts.

If the water rights in the local service area are ultimately purchased and transferred downstream, the project's benefits to other, more dominant local economic sectors could offset potential negative impacts.

The preliminary draft EIS notes that one benefit of a reservoir is that it can capture sediment that would otherwise flow into the East Fork of the Virgin River (page vi). Given the friable and erosive nature of the area's soils and geology, it is recommended that cost-effective measures be implemented to prevent sediment from entering the reservoir and to account for sediment removal. While the report indicates that the sedimentation accumulation rate in the reservoir is expected to be low, up-front consideration of sedimentation prevention can be cost-effective.

Below is a link to a recent study on the economics of sediment management that might be worth reviewing:

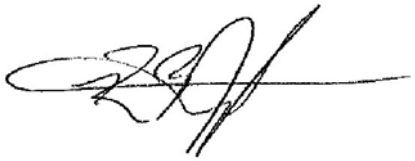
https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=12012&context=etd

In summary, the proposed Cove Reservoir would provide much-needed water for agriculture and downstream municipal uses and would be a good fit for the recreational and tourism industries. This project can benefit the local agricultural service area and tourism

industry economically while providing greater flexibility and resilience for water supplies in the downstream basin.

Thank you for the opportunity to review the *Preliminary Draft EIS* and submit comments. Please call to discuss any further questions or concerns.

Sincerely,



Redge B. Johnson
Director

August 18, 2026

Redge Johnson
Director
Public Lands Policy Coordinating Office
1594 West North Temple St., Suite 320
Salt Lake City, Utah 84116

Submitted by email to sindysmith@utah.gov

Subject: Public Lands Coordinating Office Comment Response Matrix for Cove-East Fork Virgin River Watershed Plan

Dear Mr. Johnson:

On behalf of the Natural Resource Conservation Service, we sincerely appreciate the time and effort that has been devoted to reviewing the Watershed Plan Environmental Impact Statement (Plan-EIS) for Cove-East Fork Virgin River Watershed Project. The collaboration and valuable feedback provided during your review have contributed significantly to improving the quality, accuracy and clarity of the document. Following a thorough review of all comments received, we have incorporated the recommendations and revisions in the Plan-EIS. A Comment Response Table is attached to this letter and provides a summary of the comments reviewed, along with the response on how each comment was addressed.

Please contact me directly if you have any questions about this information at (775) 296-0819 or eparis@eocene.com.

Sincerely,



Emily Paris
Project Manager
Eocene Environmental Group, Inc.

Attachment: Comment Response Table

ATTACHMENT

eocene.com
866.875.5527

Comment Number	Location	Comment	Response
1	Chapters 2 and 3, Pages 9, 33, 35	There are multiple references throughout the document to the action area, project area, planning area, and focus area. Please further define the various types of “areas” early in the document and add a general map with the polygons to improve clarity and reader comprehension.	The planning area vs. project area vs. study area vs. APE are defined in chapter 1.4. The term "action area" has been revised throughout the document to "study area". "Focus area" is not a term used in the document. A figure has been created to show the different projects areas and is included in Appendix C.
2	Chapter 2. Page 15	The State, through the DWR, is a member of the Virgin River Program (VRP) and strongly supports collaborative efforts to implement actions to recover, conserve, enhance, and protect native species in the Virgin River Basin. However, identifying the VRP and compliance with the program’s purposes should not be included in Section 2.1, Purpose, or 2.1.2, Project Objectives. The state requests that any mention of the VRP be concentrated within sections of the EIS related to the Endangered Species Act (ESA) and Species of Greatest Conservation Needs (SGCN), including 3.2.4.6 – Fish and Wildlife and potentially Table 3.5. This State request is based on the need to avoid the impression that there is a “compliance” component of the VRP that could take precedence over the 1996 Agreement.	The Virgin River Program (VRP) language has been deleted from Section 2.1 and Section 2.1.2 as requested. Language regarding the VRP discussion was not changed in Section 3.2.4.6 as requested (page 35).
3	Chapter 2. page 26	2.2.4, Opportunities, the document states that this project can provide long-term benefits, including “increased water availability for local agriculture and municipal users.” The DWRe interpreted this to mean that water in Kane County and Washington County may be used for M&I. The state recommends splitting this sentence into two bullet points to separate agricultural benefits in Kane County from M&I (municipal) benefits in Washington County. The anticipated uses are articulated elsewhere in the document and could be cross-referenced within the opportunities section.	Text has been corrected as requested.
4	Chapter 3. Page 46	3.2.2.6, Wild and Scenic Rivers, the state requests that additional language be added to the EIS surrounding the designation of the Virgin River segments. These designations were made possible by the Omnibus Public Land Management Act of 2009 (OPLMA). It is very important to state in this EIS that OPLMA included a	The information contained in this comment has been added to Section 3.2.2.6 as requested.

Comment Number	Location	Comment	Response
		savings clause in Sec. 1976 to ensure that the new wild and scenic river designations on the Virgin River would not conflict with the 1996 agreement. “SAVINGS CLAUSE—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled ‘‘Zion National Park Water Rights Settlement Agreement’’ and dated December 4, 1996.”	
5	Chapter 5. page 79	5.2.5.2.5, Economy, the term overcrowding is used in the context of visitor use management. Overcrowding is highly subjective. The state recommends using terms like capacity rather than overcrowding. Secretarial Order 3424, *Strengthening Coordination with Gateway Communities* (June 25, 2025), is intended to require better coordination between the National Park Service and gateway communities like Orderville, Mt. Carmel, Kanab, Rockville, Springdale, and other locations within the action area.	Text changes have been made as requested. A sentence also has been added regarding Secretarial Order 3424.
6	Chapter 5. Page 78	5.2.6.2.1.1, Monitoring Requirements, there is a reference to the 2001 MOU for monitoring after the construction of the hydro plant in Orderville. Have the terms of that 2001 MOU been satisfied, and are those terms and conditions still relevant to this EIS for monitoring compliance? The monitoring was intended to be conducted for only three years after construction (nearly two decades ago). The State supports reasonable monitoring during and after construction of the Cove Reservoir to ensure the viability of aquatic ecosystems.	We agree that the monitoring requirements within this MOU have expired; therefore, the discussion has been removed from the text. A correction has also been made in Section 3.2.2.1. A discussion regarding current monitoring efforts being conducted by the KCWCD has been added to the text.
7	Chapter 5. Page 98	5.3, Air contains a reference to the Gould Wash Project as an example for anticipated fugitive dust. Please identify where Gould Wash is located and how its soil and activity types are similar to those identified in the project area.	Text has been added clarifying where the Gould Wash Project is located and how soils and anticipated air quality impacts associated with that project compare with the proposed Cove Reservoir project.
8	Chapter 5	6.6.1.1, Lake Powell Pipeline, this paragraph gives the impression that the Lake Powell Pipeline project is likely to be implemented. It is extremely unlikely that the Cove Reservoir would be constructed at the same time as the Lake Powell Pipeline and that they would compete for materials, fuel, and labor.	As requested, text has been updated to eliminate the discussion regarding potential for competition for materials, fuel, and labor between the proposed Lake Powell Pipeline and Cove Reservoir project. A sentence stating that there would be no competition

Comment Number	Location	Comment	Response
			has been added.
9	Summary 5 vii 34, 38	**UDWR**. The term “state-sensitive species” is used throughout the document. The Utah Sensitive Species List was repealed on October 1, 2020. The Utah Wildlife Action Plan is now the guiding document for the conservation of native species, identifying Species of Greatest Conservation Need. The DWR recommends updating references to state-sensitive species to Species of Greatest Conservation Need.	Text change has been made as requested. The term State sensitive species has been replaced with Species of Greatest Conservation Need.
10	General	**UDWR.** Table S.2 Environmental Impacts and the Environmental Consequences from Invasive Species in 5.4.5 only highlights impacts from invasive plants and does not address potential risks of invasive animal species. Construction of a reservoir increases the risk of non-native fish and mollusks being illegally introduced, potentially affecting downstream fish populations. These impacts should be considered in the analysis.	A paragraph discussing invasive animal species has been added to the text as requested. Text analyzing potential invasive animal impacts has also been added.
11	Chapter 5. Page 79	**UDWR.** Additionally, under floodplain management, it should be noted that high-pulse events (i.e., flash floods) can benefit the stream and associated riparian habitat. Willows are early successional plants that benefit from disturbances such as flash floods.	The information presented in this comment has been added to the text in Sections 3.2.2.3 and 5.2.3.2.
12	Chapter 2. Page 11	**UDWR**. The East Fork River Instream Flow MOU is referenced in 6.2.6.2.1.1 Monitoring Requirements. The DWR encourages discussion of this MOU’s reference in the EIS, as discussions may provide a better understanding of the MOU’s relevance to the EIS.	Please refer to response to Comment 7. Since the monitoring requirements within the MOU have expired, we have deleted it from the Plan-EIS text as suggested above. A discussion regarding current monitoring efforts being conducted by the KCWCD has been added to the text. A correction has also been made in Section 3.2.2.1.
13	General	**Division of Water Resources.** According to DWRe's water-related land-use data, crop acreage in the project area has declined by about 300 acres since 2009. The data shows the urban area has increased by about that same acreage. Using average net crop ET, the resulting water requirement is roughly 1000 acre-feet lower than the value shown in Table 2.1, due to the area's high elevation (5460 feet above sea level), lower temperatures, and higher evapotranspiration demand. While irrigated agriculture is	The information provided in this comment has been inserted into Section 3.2.5.2.5

Comment Number	Location	Comment	Response
		slowly declining, the population during that same period increased by roughly 10%, according to the Utah Division of Water Rights' public water supply data. The area's beauty and proximity to national parks are driving that increase.	
14	General	**Division of Water Resources.** The area's main economic engine is tourism. These towns serve as "gateway communities" for millions of visitors traveling along US-89.	Section 3.2.5.2.5 has been updated to include this discussion.
15	General	**Division of Water Resources.** An evolved agriculture, also partly dependent upon tourism, is the cultural backbone of Long Valley.	Text has been added to Section 3.2.5.2.5 to clarify the importance of tourism for the area.
16	General	**Division of Water Resources.** GridET (a Division of Water Resources Program) estimates that the proposed Cove Reservoir's average net evaporation (potential evaporation minus precipitation) would be 19.7 inches per year, as opposed to Quail Creek Reservoir's 39.0 inches and Sand Hollow's 40.5 inches, which makes its storage relatively efficient for downstream and local uses.	This comment (with minor editing) has been entered into Section 6.1 of the Plan-EIS.
17	General	**Division of Water Resources.** The Utah Government Office of Planning and Budget estimates the population of the service area will increase by 26% by 2050. In 2023, the area reported 303 acre-feet of municipal and industrial water use to the Division of Water Rights. Between the two water providers in the area, Orderville and Glendale, they have rights to 2,241 acre-feet per year from wells and springs. Division of Water Rights data also indicates that none of the municipal supplies in that area depend on the East Fork of the Virgin River. All of this suggests that the proposed reservoir will not benefit local municipal water providers in Long Valley.	Thank you for the additional information. You are correct, the proposed municipal water benefits from the project would be for those in Washington County. In Long Valley, water would be provided for agricultural and recreation water. The information about estimated population of Orderville and Mt. Carmel was added to Section 3.2.5.2.1.
18	General	**Division of Water Resources.** An envisioned county-operated park at Cove Reservoir would help reduce overcrowding in nearby states and national parks. A new reservoir could support a range of water-related activities, further enhancing the area's tourism and recreation opportunities.	This is currently discussed in Section 5.5.2.2. Some additional discussion has been added to Sections 5.5.2.2.5 and 5.5.2.3.5.
19	General	**Division of Water Resources.** With agriculture's declining economic impact in the Orderville area and the significant municipal demand in Washington County, the main	Additional text has been added to Section 2.2.3 to further describe the 'need' of the project for municipal water users in

Comment Number	Location	Comment	Response
		beneficiary of the proposed reservoir may be the population of the Washington County Water Conservancy District (WCWCD).	Washington County.
20	General	**Division of Water Resources.** The farmers who remain in the local service area can benefit by producing more crops with fewer water supply shortages, resulting in slightly less water downstream. However, the WCWCD has a history and the resources to acquire rights to agricultural land in its service areas and may ultimately do so here if critical shortages are foreseen in the Washington County area. The Washington County Water Conservancy District's 40-year plan submitted to the Division of Water Rights indicates that, even with water reuse, its demand is projected to outstrip supply. The 2023 WCWCD 40-year plan projects a shortage of 61,625 to 96,722 acre-feet per year by 2060, depending on the success of conservation efforts.	Additional text has been inserted into Sections 5.2.5.1
21	General	**Division of Water Resources.** If the water rights in the local service area are ultimately purchased and transferred downstream, the project's benefits to other, more dominant local economic sectors could offset potential negative impacts	Thank you for the comment. There are no current plans to purchase or transfer water rights downstream as part of the project.
22	General	**Division of Water Resources.** The preliminary draft EIS notes that one benefit of a reservoir is that it can capture sediment that would otherwise flow into the East Fork of the Virgin River (page vi). Given the friable and erosive nature of the area's soils and geology, it is recommended that cost-effective measures be implemented to prevent sediment from entering the reservoir and to account for sediment removal. While the report indicates that the sedimentation accumulation rate in the reservoir is expected to be low, up-front consideration of sedimentation prevention can be cost effective.	The Plan-EIS notes that a Stormwater Pollution Prevention Plan containing erosion and sediment control/pollutant prevention BMPs would be required and implemented. Additionally, per a study conducted by RB&G Engineering, sedimentation in the proposed reservoir would be minimal and below the NRCS threshold for evaluation. This discussion was added to Section 5.1.1.2.
23	General	**Division of Water Resources.** Below is a link to a recent study on the economics of sediment management that might be worth reviewing: https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=12012&context=etd	See response to Comment 23. A review of the referenced study did not require any text changes in the Plan-EIS. No additional text change is necessary.

Comment Number	Location	Comment	Response
24	General	**Division of Water Resources.** The proposed Cove Reservoir would provide much-needed water for agriculture and downstream municipal uses and would be a good fit for the recreational and tourism industries. This project can benefit the local agricultural service area and tourism industry economically while providing greater flexibility and resilience for water supplies in the downstream basin.	Thank you for your comment. See Section 5.5.2 in the Plan-EIS. No additional change in text is necessary.

Derek Hamilton
Water Resources Coordinator
USDA-NRCS
125 South State Street – Room 4010
Salt Lake City, UT 84138

Emily Paris
Project Manager
Eocene Environmental Group
444 South Main Street, Suite A6
Cedar City, Utah 84720

September 1, 2026

Submitted electronically: *derek.hamilton@usda.gov* *and* *EParis@eocene.com*

Subject: **Draft Watershed-Plan Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project**

Dear Mr. Hamilton and Ms. Paris:

The State of Utah (State), through the Public Lands Policy Coordinating Office (PLPCO), appreciates the opportunity to review and submit comments on the Draft Watershed-Plan Environmental Impact Statement for the Cove-East Fork Virgin River Watershed Project (EIS). The State appreciates how thoughtfully NRCS and Eocene have reviewed and incorporated our ongoing comments as a Cooperating Agency. In collaboration with the Utah Division of Wildlife Resources (DWR), the State submits the following comments for your consideration.

On page 139, Table 5.10, *Summary and Comparison of Alternatives*, the project objective is to "comply with the ZNP Water Right Settlement of 1996." Alternative 1 (no action alternative) states that "Alternative 1 would meet this project objective." It is the position of the State that the no-action alternative would **not** meet this project objective since the reservoir in question is one of the core conditions of the 1996 agreement.

Also on page 139, the total predicted cost for Alternative 2 is listed at $34,233,000 rather than $39,730,000.

Utah Division of Wildlife Resources

The terms “state sensitive fish” and “state sensitive species” are found on pages XV, 117, 125, and 162. The state’s sensitive species list was repealed by the legislature in 2020; therefore, the reference to sensitive species is no longer relevant and should be replaced with the Species of Greatest Conservation Need identified in the Utah Wildlife Action Plan. Virgin spinedace and flannelmouth sucker are species under conservation agreements. Desert sucker is a species of greatest conservation need.

For in-stream work or crossings within the wetted channel, please contact Christian Edwards, Native Aquatic Biologist, at the DWR’s Washington County Field Office at 435-216-6924, as soon as possible but at least 5 business days before the start of any construction activities that will impact the channel so the DWR can assess and move fish if needed.

If you have other wildlife resource questions, please contact Jessica Kinross, Impact Analysis Biologist at DWR’s Southern Region Office, at 435-691-2372.

Thank you for the opportunity to provide comments. The State looks forward to continuing to participate in this process. Please call to discuss any further questions or concerns.

Sincerely,



Redge Johnson
Director, Public Lands

Plan-EIS Comment Response Matrix Placeholder

Plan-EIS Comments Received Placeholder