



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

May 27, 2016

Regulatory Division (SPK-1992-50255)

Sanpete Water Conservancy District  
Attn: Mr. Edwin Sunderland  
90 West Union Street  
Manti, Utah 84642

Dear Mr. Sunderland:

This letter concerns the Sanpete Water Conservancy District's proposed Narrows Dam and Reservoir project. An application package was initially submitted on January 19, 2016. The project area is located 9 miles east of Fairview, Utah, on State Road 31, on or near Gooseberry Creek, in portions of Sections 24 and 25, Township 13 South, Range 5 East, and western portions of Sections 19 and 30, Township 13 South, Range 6 East, Sanpete County, Utah.

After review of the comments and concerns related to your application and in response to our Public Notice Number SPK-1992-50255 for your proposed project, we have determined that development of the proposed project has the potential to cause significant adverse effects to the quality of the human environment. Your proposed project would result in direct impacts to approximately 5 miles of perennial headwater stream channels of Gooseberry and Fish Creeks and 72 acres of adjacent wetlands and unquantified indirect impacts to streams and wetlands, in addition to their associated fish and wildlife habitats. The Bureau of Reclamation (BOR) completed a Final Environmental Impact Statement (FEIS) in November of 2012 and a subsequent Record of Decision (ROD) was issued in January of 2013. However, we have remaining concerns with the adequacy of this FEIS relative to the Corps' Regulatory Program.

We have determined that the alternatives analysis contained in the BOR's FEIS is insufficient to satisfy the requirements of a reasonable range of alternatives under NEPA and to meet the requirements of the Section 404(b)(1) guidelines. In addition the specifics of the project's purpose and need remain unclear and problematic. Further, the analysis of many of the public interest review and 404(b)(1) factors that the Corps would evaluate under NEPA is insufficient or absent altogether in the FEIS. Some important data used to establish baseline conditions and for the alternatives impacts analysis ranges from 8 to more than 20 years old, which will require updating. Finally, new information

concerning state-sensitive and federally-listed species not considered in the FEIS has become available since the ROD was signed. Therefore, pursuant to the National Environmental Policy Act, we will need to prepare a Supplement to the BOR's FEIS that appropriately addresses the above concerns before we can make a permit decision for your project.

As stipulated in 40 CFR 1506.5(c), Federal agencies may use third party contracts to prepare an EIS. The term "third party contract" refers to contractors paid by the applicant but selected and directed by the agency. The information obtained by third-party contract must be consistent with the Corps' statutory requirements to take a hard, objective look at public interest and environmental factors. As such, the third-party contractor must provide unbiased and acceptable information which can be used as the basis for making a permit decision.

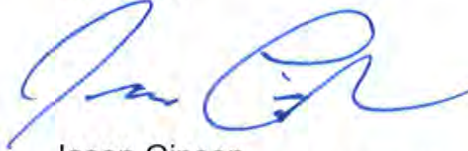
In order to initiate this EIS process, you shall identify 3 qualified contracting firms to act as the Corps third party contractor. When selecting the potential contractors, characteristics the Corps will consider include, but are not limited to the following:

1. Experience working in the area of the proposed project
2. Experience with Section 404 of the Clean Water Act
3. Experience with NEPA, including writing Draft and Final EISs, specifically Draft and Final EISs for the Corps Regulatory Program
4. Experience working on the specific type of project being proposed (i.e. water supply, dam construction). Some specific disciplines necessary for the Corps contractor team include:
  - a) Structural/Geotechnical Engineering
  - b) Economics
  - c) Hydrology
  - d) Fisheries Biology
  - e) Geo-fluvial Morphology
  - f) Water Quality
  - g) Wetlands/Riparian Biology
  - h) Water Rights

This assessment would be used to identify the experience of all individuals on the team and not just the experience of the firm. Once you have identified three qualified contracting firms, please identify your preferred firm for the Corps to consider. As a note, it is generally not acceptable to include a firm currently under contract to you so as to avoid any conflict of interest or perceptions thereof.

Please contact us if you would like to schedule a meeting to further discuss the details of our decision and the process for moving forward. Refer to identification number SPK-1992-50255 in any correspondence concerning this project. If you have any questions, please contact Jason Gipson at the Bountiful Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at [Jason.A.Gipson@usace.army.mil](mailto:Jason.A.Gipson@usace.army.mil), or telephone at 801-295-8380 x14. For more information regarding our program, please visit our website at the following link: [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,



Jason Gipson  
Chief, Utah/Nevada Branch  
Regulatory Division

cc:

Bob Thomas, Bio-West, Inc. ([bthomas@bio-west.com](mailto:bthomas@bio-west.com))

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