Angler-Access Mitigation Program

Strawberry Aqueduct and Collection System

Final Environmental Assessment

Joint Lead Agencies

Utah Reclamation Mitigation and Conservation Commission

Bureau of Reclamation

November 1999

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Chapter 1
Purpose and Need

Introduction

Arguably one of the most complex water diversion projects ever undertaken, construction on the Central Utah Project (CUP) began in 1967, and today some features of the project are still under construction. The CUP consists of five originally authorized units, the largest being the Bonneville Unit. The Strawberry Aqueduct and Collection System (SACS), a component of the Bonneville Unit, consists of a series of pipelines, tunnels, aqueducts and reservoirs that capture water from the Colorado River Basin and divert it to the Bonneville Basin for use along the Wasatch Front (Refer to Map 1).

As originally planned in 1965, Bonneville Unit reservoirs would inundate about 40 miles of stream habitat and an additional 240 miles on ten streams would be adversely impacted by altered stream flows resulting from project operations. The ten streams impacted by the construction and operation of SACS are shown on Map 1. Only 6,500 acre feet of Project Water was committed for instream flows; and the bulk of this water was required on Rock Creek to satisfy Indian Deferral Agreement commitments.[1] It was estimated that 73 percent of the adult trout habitat on impacted streams would be lost as a result of constructing and operating SACS.

Following years of discussion, a mitigation program was developed for SACS. To mitigate those impacts, several key agreements were made, and legislation enacted identifying mitigation measures summarized as follows:[2]

To protect and retain 50 percent of the pre-CUP trout habitat in the four largest streams affected by SACS (Rock Creek, West Fork, Currant Creek and middle and lower Strawberry River):

- Instream flows of 44,400 acre-feet of CUP water would be provided annually, in addition to 10,500 acre-feet annually of spills and bypasses (refer to Map 1).

To compensate for the remaining 50 percent loss:

- Additional water rights would be acquired or otherwise provided for instream flows to supplement the 44,400 acre-feet of water.

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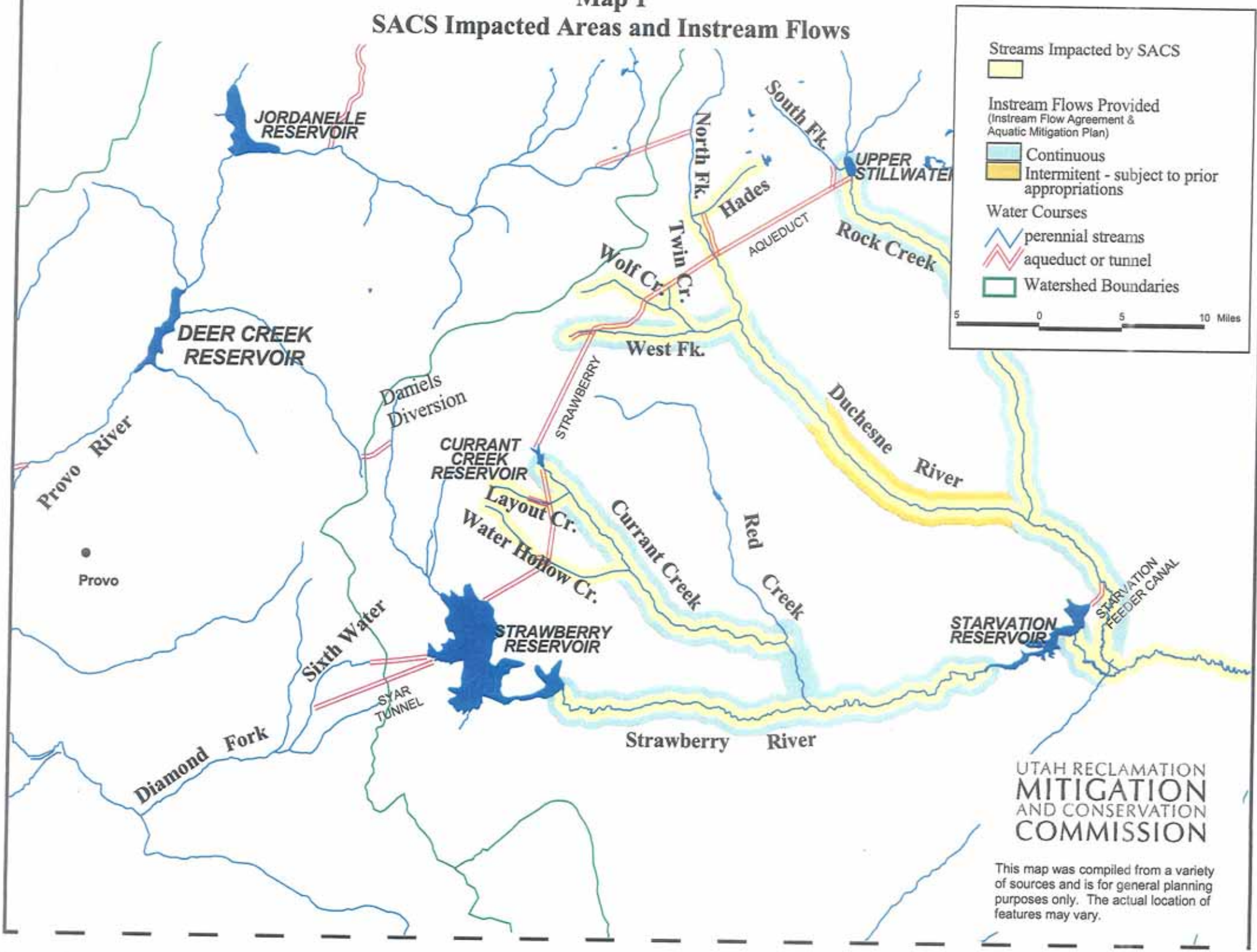
[1]The Indian Deferral Agreement required a minimum flow of 25 cfs at USFS/Ute Reservation boundary on Rock Creek. A flow of 25 cfs is equivalent to approximately 18,250 acre feet per year. Therefore the degree to which natural flows on Rock Creek needed to be supplemented with Project Water to meet the minimum flow of 25 cfs, determined the amount of Project Water available for other rivers. In most years there would have been only a small amount of Project Water , if any, available for instream flows in other rivers. Releases from Soldier Creek dam on Strawberry Reservoir would have been reduced to only a couple of cfs compared to an average summer flow of 26 cfs in recent years, following development of mitigation programs for SACS.

[2]Refer to Appendix 1 for a summary of CUP mitigation measures including: The 1980 Streamflow Agreement and 1990 Amendment, The 1988 **Aquatic Mitigation Plan**, The 1987 **Wildlife Mitigation Plan**, The 1987 **Wetland Mitigation Plan**, The 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit and the Central Utah Project Completion Act -- Public Law 102-575, October 1992.

Map 1
SACS Impacted Areas and Instream Flows



UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

This map was compiled from a variety of sources and is for general planning purposes only. The actual location of features may vary.

- Angler access would be acquired where instream flows were provided and in some instances, where stream habitat improvements were made, to replace lost angling opportunities. Fifty-one miles of angler access was identified.

- Instream habitat improvements and habitat protection and management would be provided on approximately 84 miles of streams in the Bonneville Unit Area, including many reaches identified for public access acquisition.

- Trout egg-taking station would be constructed at Strawberry Reservoir to replace a facility inundated when Soldier Creek Dam was constructed.

In addition to these measures that would provide mitigation for impacts on aquatic habitats, a terrestrial **Wildlife Mitigation Plan** and a **Wetland Mitigation Plan** identified measures that included among other things:

- Wetland and riparian woodland mitigation on SACS streams for impacts caused by construction and operation of the Municipal and Industrial (M&I) System.

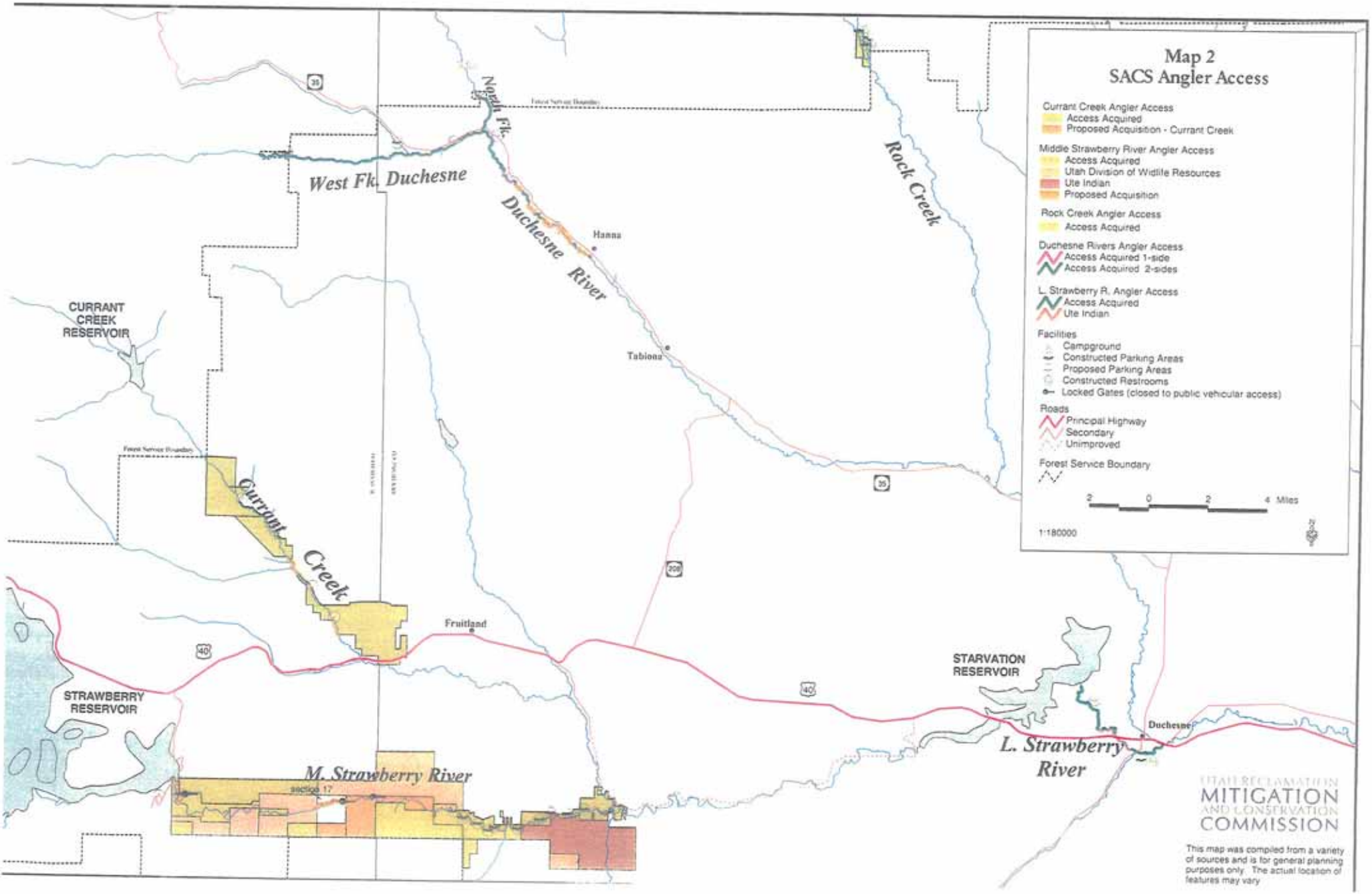
- Mitigation for terrestrial habitats impacted by Bonneville Unit features by acquiring and managing uplands for wildlife purposes.

All of these mitigation commitments have been completed or are in progress.

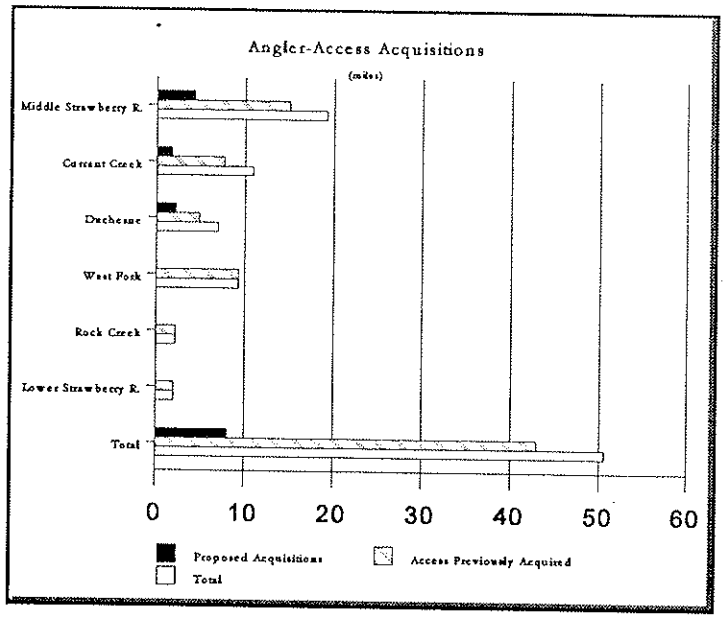
Proposed Action

The scope of this Environmental Assessment (EA) is completion of the **angler-access mitigation** commitment of SACS, the **wetland mitigation** for the M&I system and **terrestrial wildlife mitigation** of the Bonneville Unit through acquisition, habitat protection and management of the acquired properties. Approximately 42.9 of the 51 miles identified for angler-access acquisition have already been acquired as shown on Map 2, SACS Angler-Access. Approximately 26,728 acres has been acquired as terrestrial wildlife mitigation in or adjacent to the angler-access corridors. Approximately 490 acres remain to be acquired and managed to fulfill the terrestrial wildlife mitigation requirement. Approximately 126.5 acres of wetlands have been acquired in the angler-access corridors completing the wetland aquisition mitigation responsibilities.

The U.S. Bureau of Reclamation (Reclamation) and the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) propose to acquire access to the remaining 8.1 miles of access, and provide management and protection of all acquired properties thereby completing the mitigation commitments. Environmental compliance on prior acquisitions is complete and on file at Reclamation's Provo Area Office. The chart below shows the angler-


Map 2
SACS Angler Access
Currant Creek Angler Access
Access Acquired
Proposed Acquisition - Currant Creek
Middle Strawberry River Angler Access
Access Acquired
Utah Division of Widlife Resources
Ute Indian
Proposed Acquisition
Rock Creek Angler Access
Access Acquired
Duchesne Rivers Angler Access
Access Acquired 1-side
Access Acquired 2-sides
L. Strawberry R. Angler Access
Access Acquired
Ute Indian
Facilities
Campground
Constructed Parking Areas
Proposed Parking Areas
Constructed Restrooms
Locked Gates (closed to public vehicular access)
Roads
Principal Highway
Secondary
Unimproved
Forest Service Boundary
2 0 2 4 Miles
1:180000
West Fk. Duchesne
North Fk.
Duchesne River
Rock Creek
Hanna
Tabiona
CURRANT CREEK RESERVOIR
Currant Creek
Fruitland
STRAWBERRY RESERVOIR
M. Strawberry River
section 17
STARVATION RESERVOIR
Duchesne
L. Strawberry River
35
40
208
UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION
This map was compiled from a variety of sources and is for general planning purposes only. The actual location of features may vary

access mitigation commitment, accomplishments through Fall 1999, and proposed acquisitions under the Proposed Action.



Roles and Responsibilities

In 1992 as part of the Central Utah Project Completion Act (CUPCA), Congress established the Mitigation Commission to "coordinate the implementation of the mitigation and conservation provisions of this Act among the Federal and State fish, wildlife, and recreation agencies." The Act requires completion of the angler-access and stream corridor program and provides funding authorizations for additional angler-access acquisitions as recommended by the Mitigation Commission.

CUPCA transferred the responsibility to plan, fund and coordinate fish and wildlife mitigation measures from Reclamation to the Mitigation Commission. However, Reclamation retains its other authorities, including the authority to acquire lands for the angler-access program in coordination with the Mitigation Commission. Reclamation and the Mitigation Commission are joint-lead agencies for NEPA compliance and implementation of the angler-access program.

Under the Proposed Action and all alternatives, the Utah Division of Wildlife Resources (UDWR) will provide long-term operation and maintenance of the angler-access corridors except on Forest System lands where operation and maintenance will be done by the U.S. Forest Service (Forest Service). The UDWR, Forest Service and U.S. Department of the Interior, Central Utah Project Completion Office (Interior) are cooperating agencies.

Purpose and Need

Significant progress has been made since the Bonneville Unit mitigation programs were initiated in the late 1980's. However, Map 2 show numerous gaps in angler access. If left unaddressed, these gaps will compromise the ability to meet the following purpose and need for the project.

- To mitigate, in part, for the impacts to stream fisheries and associated angling opportunities on Uinta Basin streams from the construction and operation of

SACS. The identified streams have historically been some of the most productive trout streams in the State of Utah.[3]

- To complete the angler-access mitigation commitments identified in the **Aquatic Mitigation Plan**, the 1988 Definite Plan Report for the Bonneville Unit (1988 DPR) and CUPCA. Approximately 8.1 miles remain to be acquired.

- To facilitate the completion of the wooded riparian mitigation and terrestrial wildlife habitat (especially deer and elk) mitigation responsibilities for the M&I System identified in the 1987 **Wildlife Mitigation Plan** and the wetland mitigation responsibilities for the M&I System identified in the 1987 **Wetland Mitigation Plan**. Approximately 490 acres remain to be acquired.

- To restore, protect and enhance the health and function of riparian and aquatic ecosystems.

- To provide the public and managers with contiguous access to reaches of identified rivers.

- To establish management guidelines for the angler-access corridors (allowable uses, access points, signing, parking, fencing, law enforcement etc.).

- To provide the appropriate level of facilities to meet public use requirements (toilets and parking areas).

Decisions to be Made

The decision that Reclamation and the Mitigation Commission will make from this EA is how to complete the angler-access acquisition and corridor management program on Currant Creek, West Fork Duchesne River (West Fork), North Fork Duchesne River (North Fork), Duchesne River, Rock Creek and the middle and lower Strawberry Rivers. Angler-access acquisition and the corridor management program will complete mitigation commitments and responsibilities for the Duchesne-Strawberry river drainage identified in the 1988 **Aquatic Mitigation Plan**, the 1988 DPR, 1987 **Wildlife Mitigation Plan**, 1987 **Wetland Mitigation Plan** and CUPCA and provide restoration, protection and enhancement of riparian and aquatic ecosystems. Consideration will be given to the interest in lands to be acquired for each river reach (fee title, perpetual easement, etc.), and management of acquired corridors (management goals, allowable uses, access points, signing, parking, fencing, facility development etc.).

For the purposes of this EA, the angler-access corridors are defined as follows:

[3]Report to the Governor of Utah from Forest Service, Utah Division of Wildlife Resources, U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation dated May 1979.

Duchesne River	From the town of Hanna (south section line of Section 11, Township 1 S, Range 8W, Uinta Meridian) upstream approximately 7 miles to the confluence with the West Fork.
North Fork	From the confluence of the North Fork and West Fork upstream approximately 1.85 miles.
West Fork	From the confluence with the Duchesne River upstream approximately 9.3 miles.
Rock Creek	Approximately 2.2 river miles in Sections 5 and 8, Township 1N 6W, Uinta Meridian.
Currant Creek	From approximately 1 mile north of Highway 40 upstream approximately 9.4 miles to the Forest Service boundary.
Middle Strawberry River	From approximately the confluence of Red Creek and the Strawberry River at the Pinnacles upstream approximately 19.25 miles to Soldier Creek Dam.
Lower Strawberry River	From the confluence of the Duchesne River and the Strawberry River upstream approximately 5.4 miles to Starvation Dam.

Management Objectives and Operating Agreements

As with prior acquisitions, it is the intent of Reclamation and the Mitigation Commission to transfer the interests acquired, both fee title and perpetual easement, to the UDWR or the Forest Service. Prior to the transfer of title to UDWR, Reclamation agreed to develop the acquired lands for management purposes, which include boundary surveys, fencing, signing, construction of parking areas, and habitat improvement measures. Upon completion of the management developments, the UDWR agreed to provide long-term operation, maintenance and management of the acquired property rights and associated facilities at their own cost. Reclamation's management development responsibilities were transferred to the Mitigation Commission upon enactment of CUPCA. Properties acquired within the exterior boundary of Forest System lands will be managed by the Forest Service.

Prior to the transfer of property rights, UDWR, Forest Service, Reclamation and the Mitigation Commission will develop Operating Agreements that describe in detail the management goals and objectives for the angler-access corridors and other mitigation properties. The first such Operating Agreement was the January 1995 Strawberry River Wildlife Management Area Operating Agreement. Similar management agreements will be prepared for the Duchesne, West

Fork, North Fork, Currant Creek [4] and lower Strawberry River that are consistent with this EA. The 1995 Strawberry River Wildlife Management Area Operating Agreement will be amended to address additional properties to be acquired as described in this EA.

Public Scoping and Issues

A Scoping Notice was mailed to approximately 134 individuals and organizations on September 5, 1997, to solicit comments and concerns from the public and interested organizations. Twelve letters of comment were received and one individual provided comments in person. A draft EA or Executive Summary of the EA was sent to 156 individuals and organizations on July 31, 1998. Forty-nine comment letters were received. This final EA incorporates changes made to the document based on comments to the draft. Responses to comment letters are included in Chapter 5. The following issues were raised during scoping and are addressed in the EA.

Socioeconomics

Private property and property rights are an issue with Wasatch and Duchesne County and to landowners who may be impacted by the Proposed Action. Private property owners are concerned that providing public access to their private property will infringe upon the privacy they now enjoy and increase theft, vandalism, noise, litter, and risk of fire to their properties. Duchesne County believes private property and property rights should be protected from Federal, State and County encroachment and a "no-net-loss" of private lands policy has been established by Duchesne County. Duchesne County is presumably concerned about the impact land acquisition would have on the County's tax base as well as the general distribution of land ownership in the county. Duchesne County acknowledges the right of property owners to dispose of private property to any willing purchaser, including Federal or State agencies.

Resource Protection

Restoring and protecting the resource capabilities of the angler-access corridors was an issue raised by several commentors. Some believe that historic land use and current grazing practices have impacted fisheries and riparian ecosystems, and that measures should be implemented to provide restoration and enhancement to protect the taxpayers' investment in acquiring and managing angler-access corridors. Other related comments include protecting the quality of the fisheries from increased angler use, stream habitat improvements, impacts on river banks from high flows, protecting threatened and endangered and sensitive species, and maintaining the visual quality of the angler-access corridors.

Management

Several commentors were concerned about how angler-access corridors were going to be managed (e.g. how appropriate law enforcement, trash collection, and sanitation would be provided and how these costs would be funded).

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[4] Completed land acquisitions on Currant Creek will meet angler-access mitigation responsibilities contained in the 1988 **Aquatic Mitigation Plan** along with riparian mitigation responsibilities identified in the 1987 **Wildlife Mitigation Plan** and wetland mitigation responsibilities identified in the 1987 **Wetland Mitigation Plan**. A Management Plan for the terrestrial wildlife management objectives was developed in 1988 but an Operating Agreement identifying aquatic mitigation goals and objectives has not been completed.

Issues Not Pertinent to the Decisions

Several comments were raised that were either outside the scope of this analysis or suggested actions that would not meet the purpose and need for the project. These issues are discussed below.

Issue The EA should justify how angler-access reaches were prioritized and whether or not possibilities exist to redirect acquisition efforts?
Response The angler-access mitigation program and corridor management implement portions of the mitigation measures outlined in the 1988 **Aquatic Mitigation Plan**, the 1987 **Wildlife Mitigation Plan**, and the 1987 **Wetland Mitigation Plan**. These plans represent agreement among UDWR, U.S. Fish and Wildlife Service (FWS), Reclamation, the Central Utah Water Conservancy District (CUWCD) and the United States Congress as to appropriate mitigation measures for the impacts from the construction and operation of SACS and the M&I System. The rivers identified for angler-access acquisition in the **Aquatic Mitigation Plan** are those rivers most heavily impacted by SACS and are the focus of this action. A discussion of the **Aquatic Mitigation Plan**, the **Wildlife Mitigation Plan**, and the **Wetland Mitigation Plan** can be found in Appendix 1.

Issue One commentor was concerned that regulations be established to protect fish and wildlife against mistreatment.
Response The UDWR is responsible for the management of fish and wildlife resources within the State. State laws (Sections 23-20-4 and 23-20-4.5 of the Utah State Code Annotated) address the wanton destruction of protected wildlife and fish.

Issue One commentor was concerned that high flows on the Duchesne River are eroding stream-banks and the angler-access corridor.
Response Stream bank stability, fish habitat, and the condition of the riparian habitats are all issues of concern. However, the primary purpose of the angler-access acquisitions on the Duchesne River is to provide angler access. In most cases, the angler-access easement moves with the centerline of the river.

Stream habitat protection and enhancement are identified in easement agreements on a case-by-case basis, and are undertaken in cooperation with the landowner. The scope of this analysis does not include how flows are controlled for instream water rights or downstream water users. Therefore, this issue was not addressed in the EA.

Issue One commentor suggested that the costs and benefits of acquiring property in fee title versus perpetual easement be analyzed.
Response The management objectives of each river reach are the driving factors that determine the proposed method of acquisition rather than the cost of acquisition. On the Strawberry River and Currant Creek, the management objectives are not only to provide angler access but also to provide restoration and protection of aquatic ecosystems. In these instances, fee title acquisition provides Reclamation and the Commission the ability to control of land uses necessary to

achieve these objectives and meet the mitigation responsibilities outlined in the **Aquatic Mitigation Plan, Wetland Mitigation Plan and Wildlife Mitigation Plan**. On the Duchesne River, the primary management objective is to provide angler access. This objective can be achieved by acquisition of perpetual easements. The cost of an easement is generally 75% to 95% of the cost of fee title acquisition. This difference in cost is not as an important consideration as the management objectives when determining the method of acquisition and therefore a cost benefit analysis was not completed.

Issue It was suggested that easements or fee title acquisitions be acquired only on a willing-seller basis.
Response By acquiring properties only on a willing-seller basis, the Mitigation Commission, Reclamation and Interior could not assure that the purposes and project needs described on page 3 would be met. The ability to provide contiguous access, restoration and protection to aquatic, riparian and wetland resources would be compromised because of the limited ability to manage conflicting land uses within the river corridor. Therefore under each alternative, the necessary easements and/or fee title ownership would be acquired by the Federal government. All reasonable attempts to complete acquisitions on a willing-seller basis would be made. Condemnation would be used to acquire critical properties to achieve the purpose and need for the project only after all other efforts to acquire angler access or other required mitigation values were unsuccessful. If condemnation is used to acquire property, fee title only will be obtained.

Issue One commentor was concerned that the angler-access corridors could lead to increased human/bear conflicts and ultimately bear mortalities.
Response Historically, encounters between humans and black bears have been uncommon in the project area. Camping and related activities that would provide a food source to black bears would tend to increase the risk of bear/human interactions. Camping is not an activity that would be allowed under any of the alternatives, and encounters with bears and bear mortalities should not be affected by any of the alternatives.

Issue Two commentors noted that the remote location of the middle Strawberry River would make it difficult for anglers to fish for a good portion of the day without being provided access to nearby camping facilities.
Response One of the primary management objectives on the middle Strawberry River is to protect and restore the biological diversity and productivity of riparian ecosystems. Camping in the angler-access corridor is not compatible with this objective. Dispersed camping opportunities are available on nearby Forest System lands in Timber Canyon, and developed camping opportunities are available from private enterprises in Fruitland or the Forest Service on the east arm of Strawberry Reservoir. Providing developed camping opportunities in the angler-access corridor was not considered for detailed analysis.

Chapter 2
Alternatives

Introduction
This chapter presents the alternatives considered in detail or eliminated from detailed study. Table 1 on page 2-12, provides a summary comparing the components of each alternative. Table 2 on page 2-18 shows a comparison of how each alternative meets the purpose and need for the project.

Alternative Not Considered in Detail
Construct a Pedestrian Trail Around Private Cabin Lot Owners
Property owners in the South ½ of Section 17 and the North ½ of Section 20, T 4S R 9W, Uintah Special Meridian, on the middle Strawberry River (hereinafter referred to as Section 17) suggested that a public corridor be provided through their property, but away from the river, to access upstream reaches of the river that are in public ownership. The proposed trail would not provide direct public access to the river through this 1-mile reach. This alternative was considered, but eliminated from detailed analysis, because it would not meet the purpose and need of providing contiguous access to the river and would limit the ability to provide restoration and protection of riparian and wetland resources. However, the Modified Proposed Action was developed, in part, to include measures that minimize the impacts that could occur under the Proposed Action in this 1-mile section. These include: installing a new gate approximately 1 mile east of the existing location and prohibiting public vehicular access beyond that point, acquiring a perpetual easement instead of fee title to parcels in this 1-mile section, and installing privacy fencing and/or planting vegetation, at the property owners discretion, that would provide a barrier between the river and private cabins.

Proposed Action
Duchesne River
Management Objectives
The primary management objective under the Proposed Action for the Duchesne River is to provide the public angling opportunities similar to the conditions that were impacted by construction and operation of the SACS. Under the Proposed Action, measures to restore, protect and preserve riparian and aquatic ecosystems would be limited to those required to protect the investment of public funds that have been expended on acquiring angler access. This could include, but is not limited to, the installation of instream habitat improvement measures or cattle exclosure fencing where grazing impacts have either degraded the health of riparian and aquatic systems or reduced long-term bank stability.

Miles of Acquisition and Acquisition Type
Under the Proposed Action, Reclamation and the Mitigation Commission would seek to acquire a perpetual easement on an additional 1.4 miles of angler access on both sides of the river and an additional 0.75 miles on one side. This would provide approximately 7 contiguous miles of access to both sides of the river, from the town of Hanna upstream to

the confluence with the West Fork and North Fork. Acquisition of property rights would be through perpetual easements in most cases, although fee title may be acquired in limited areas for parking areas and restrooms, or at the request of the landowner.

Management and Facilities

The UDWR would maintain a level of law enforcement necessary to assure acceptable compliance with all public-use laws and regulations pertinent to the property. The UDWR would install regulatory and interpretive signing necessary to manage public use. Approximately four day-use only parking areas would be constructed and would range in capacity from approximately 4 to 8 vehicles. Two vault toilets would be provided and maintained by the UDWR or the Forest Service depending upon their location. Facilities would be constructed to blend with the natural surroundings.

West Fork

Management Objectives

The West Fork is relatively undeveloped and provides habitat for Colorado River cutthroat trout, a 'conservation species'.[5] Under the Proposed Action, the primary management objective for the West Fork is to provide angler access and enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems. Reclamation and the Mitigation Commission would work with present landowners to establish grazing practices more compatible with these objectives.

Miles of Acquisition and Acquisition Type

Approximately 9.3 miles of contiguous angler access have been acquired on both sides of the West Fork from the Forest Service boundary downstream to the confluence with the North Fork and the Duchesne River. No additional acquisitions of stream length would occur.

Management and Facilities

The Forest Service and UDWR would provide the appropriate level of law enforcement and signing. Due to the conservation objectives for the pure-strain Colorado River cutthroat trout, the UDWR has set special fishing regulations for the West Fork, and recommended that parking be limited to minimize impacts on the species from angling pressure. Two parking areas have been constructed with a capacity of approximately three to six vehicles each. One more parking area of similar size would be constructed under the Proposed Action. One vault toilet would be provided and maintained by the UDWR or the Forest Service. Facilities would be constructed to blend with the natural surroundings.

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[5] A conservation species is any wildlife species or subspecies, except those species currently listed under the Endangered Species Act as Threatened or Endangered, that meets the state criteria of Endangered, Threatened or of Special Concern, but is currently receiving sufficient special management under a Conservation Agreement developed and/or implemented by the state to preclude its listing above. In the event that the conservation agreement is not implemented, the species will be elevated to the appropriate category.

North Fork

Management Objectives

Management goals on the North Fork are similar to the Duchesne River with a focus primarily on providing angling opportunities.

Miles of Acquisition and Acquisition Type

Approximately 1.85 miles of contiguous angler access have been acquired on both sides of the North Fork of the Duchesne from the confluence with the North Fork and West Fork upstream. No additional acquisitions would occur as part of the Proposed Action.

Management and Facilities

The Forest Service and UDWR would provide the appropriate level of law enforcement and signing. One parking area would be installed on Forest Service property approximately 1.25 miles upstream from the confluence with the West Fork. Restroom facilities are available at Aspen Campground, adjacent to the North Fork approximately 3 miles upstream from the confluence with the West Fork. Another restroom is proposed at the Stockmore Ranger Station. Construction of parking areas on Forest System lands would require Forest Service approval.

Middle Strawberry River

Management Objectives

The middle Strawberry River from Soldier Creek Dam to about 1 mile upstream of Strawberry Pinnacles is one of the few remaining undeveloped riparian ecosystems in the region. The primary management objectives on this section of the middle Strawberry River are to provide the highest level of protection to the biological productivity and diversity of the riparian and aquatic ecosystem and to provide angling opportunities. Stream habitat improvement measures have been installed on selected public reaches of the river. Additional improvements may be considered based on reducing or eliminating adverse land use practices in the riparian corridor. Impacts caused to wetlands and big game habitat by construction of the M&I System are being and will be mitigated on or near the middle Strawberry River Corridor. These mitigation commitments are identified in the **Wetland Mitigation Plan** and the **Wildlife Mitigation Plan** (See Appendix 1).

Public angler access to the property would be maintained in a primitive condition to preserve the wild setting and angling experience. Any additional improvements or developments would be the minimum necessary and would protect wildlife habitat from increases in recreation use. All livestock grazing would be restricted. The primary objective of future livestock grazing, if any, will be the enhancement of wildlife values and habitat quality. Natural expansion of beaver in areas where such expansion does not compromise necessary facilities or conflict with other specific wildlife or habitat goals would be encouraged. Construction of new roads would be prohibited, and all vehicular use would be limited to existing roads and designated parking areas. Roads that are currently closed to the public would remain closed to the public. Existing spur roads will be evaluated on an individual basis and effectively closed or obliterated as deemed

necessary for habitat protection. Change applications would be filed on appurtenant water rights for fish and wildlife purposes as appropriate.

Miles of Acquisition and Acquisition Type

Approximately 15 miles of angler access have been acquired in fee title on the middle Strawberry River from Soldier Creek Dam to about 1 mile upstream of the Strawberry Pinnacles (photo 1). Approximately 4.25 miles of the river are privately owned. Under the Proposed Action, Reclamation and the Mitigation Commission would acquire the remaining 4.25 miles of river reach and adjacent uplands in fee title. The minimum acquisition on the middle Strawberry River would be approximately 1,769 acres which includes approximately 490 acres of upland habitat needed to complete the terrestrial wildlife mitigation responsibilities of the **Wildlife Mitigation Plan**. Only as a last resort would condemnation be used to acquire the minimum acquisition. An additional 611 acres could be acquired on a willing seller basis for a total acquisition of approximately 2,380 acres.

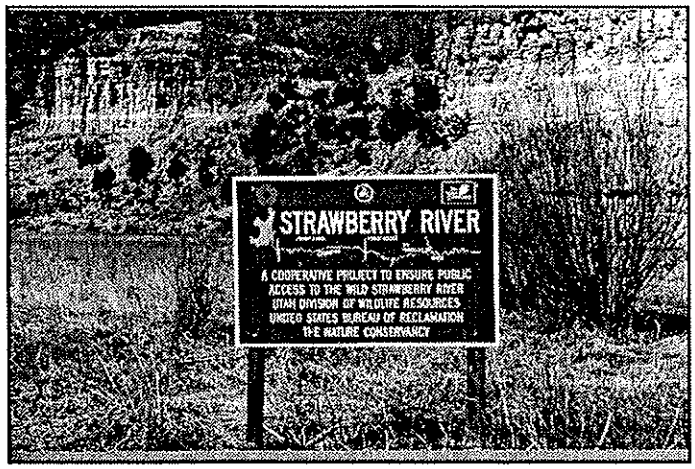

Photo 1 - Strawberry River Wildlife Management Area (Soldier Creek Dam to near the Strawberry Pinnacles).

Approximately 1 river mile of the 4.25 lies in Section 17. This 1- mile section has been divided into 8 lots. Under the Proposed Action, a corridor would be acquired in fee title extending approximately 30' from both sides of the edge of the river or to the canyon wall whichever is less, about 9 acres total. Existing permanent dwellings, if any, within the 30' corridor would only be acquired on a willing seller basis. Otherwise the width of the corridor would be reduced near any existing structures to avoid acquisition of the existing permanent dwellings. Lands adjacent to the 30' corridor would be considered for acquisition on a willing seller basis only, potentially amounting up to approximately 620 acres.

The remaining 3.25 river miles of private property in sections 14, 15 and 16 Township 4 S Range 9 W, Uintah Special Meridian, would be acquired in fee title, approximately 1,769 acres. The 1,769 acres would complete the angler-access mitigation responsibilities on the middle Strawberry River as well as the remaining 490 acre terrestrial wildlife mitigation responsibility of the **Wildlife Mitigation Plan**.

Approximately 1/3 mile of stream flows through Ute Tribal land in Section 21 Township 4 S Range 8 W, Uintah Special Meridian. Access to this short section of river would not be acquired as part of the Proposed Action. This section of river would be open to the public for fishing by purchasing the appropriate permits and licenses from the Ute Tribe. Otherwise, the public would be required to use the county road right-of-way that borders the river to by-pass the 1/3 mile of river on tribal land. Appropriate signing would be installed to identify the boundary.

Photo 2 - Typical Parking Area, Strawberry River and Other River Reaches

Management and Facilities

The UDWR would provide an appropriate level of law enforcement, and regulatory and interpretive signing commensurate with other similar areas. Signing in Section 17 would alert the public that access through the 1-mile section is through private property, that private property must be respected, and would clearly delineate the boundary of the angler-access corridor. Parking areas have been constructed at ten locations on previously acquired properties (photo 2). Primitive conditions will be maintained to preserve the wild setting and angling experience. Additional improvements or developments would be the minimum necessary and will protect wildlife habitat from increases in recreation use. Toilet facilities would be provided and maintained by the UDWR that include two vault toilets. Facilities would be constructed to blend with the natural surroundings.

Currant Creek

Management Objectives

Management objectives for Currant Creek are similar to those for the middle Strawberry River. Under the Proposed Action, Currant Creek would be managed to provide angling opportunities and enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems. Impacts caused to wetlands by construction of the M&I System are being and will be mitigated by enhancing wetlands along Currant Creek. This mitigation commitment is identified in the **Wetland Mitigation Plan**. Large blocks of land have already been acquired in fee title and perpetual easement, and in some instances transferred to the UDWR. However, where access has only been acquired on one side of the stream or where easements do not restrict incompatible uses, resource management opportunities to protect resources are severely limited. Additional acquisitions on

Currant Creek would focus in these areas where access has only been provided on one side of the stream and on gaps in contiguous access.

Miles of Acquisition and Acquisition Type

Approximately 7.7 miles of angler access on both sides and 0.9 miles on one side have been acquired on Currant Creek. Under the Proposed Action, Reclamation and the Mitigation Commission would acquire an additional 0.8 miles of angler access on both sides and 0.9 miles on one side of the river from approximately 1 mile north of Highway 40 to the Forest Service boundary. The minimum acquisition on Currant Creek would be approximately 23 acres. Only as a last resort would condemnation be used to acquire the minimum acquisition. Up to 600 acres could be acquired on a willing seller basis. After implementation of the Proposed Action, 9.4 miles of contiguous angler access would be open to the public. Acquisitions would be in fee title.

Management and Facilities

The UDWR would provide the appropriate level of law enforcement and signing. Parking areas would be limited to approximately four sites along the 9-mile reach. Toilet facilities would be provided and maintained by the UDWR that would include two vault toilets. Facilities would be constructed to blend with the natural surroundings.

Map 2 shows the minimum acquisition of a 50' corridor measured from the edge of both sides of the river extending outward, approximately 23 acres. Based on existing land ownership patterns, the maximum acquisition would be approximately 600 acres.

Rock Creek

Management Objectives

Management objectives for Rock Creek are similar to those for the middle Strawberry River and Currant Creek. Under the Proposed Action, Rock Creek would be managed to provide angling opportunities and enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems. Enhancement of existing wetlands adjacent to the river is required by the **Wetland Mitigation Plan**.

Miles of Acquisition and Acquisition Type

Approximately 2.2 miles was acquired by Reclamation for fish and wildlife mitigation, and no additional acquisitions would occur. Title 505(e) of CUPCA requires this parcel of land be transferred from Reclamation to the Forest Service.

Management and Facilities

The UDWR and the Forest Service would provide the appropriate level of law enforcement, and regulatory and interpretive signing commensurate with other similar areas. Two restrooms have been constructed in the angler-access corridor. Facilities will be maintained by the Forest Service.

Lower Strawberry River

Management Objectives

Management objectives for the lower Strawberry River are the same as those described for the Duchesne River. Under the Proposed Action, the lower Strawberry River would be managed to provide public angling opportunities similar to those available before the construction and operation of the SACS.

Miles of Acquisition and Acquisition Type

Approximately 3.9 miles of perpetual easements have been acquired. Approximately 1.5 miles in Section 2 and 3 T 4S R 5W are Ute Tribal lands. The reach of river located on Ute Tribal lands would be open to the public for fishing by purchasing the appropriate permits and licenses from the Ute Tribe.

Management and Facilities

The UDWR would maintain a level of law enforcement necessary to assure acceptable compliance with all public-use laws and regulations pertinent to the property. The UDWR would install regulatory and interpretive signing necessary to manage public use. One restroom has been constructed by Reclamation adjacent to the river near the town of Duchesne which is managed by Duchesne City and one additional parking area has been constructed at the northwest corner of the Highway 191 and Strawberry River crossing. One additional parking area and restroom facility would be constructed approximately 0.6 miles downstream of Starvation Dam on the east side of the Strawberry River.

No Action Alternative

Approximately 42.9 of the 51 miles identified for angler-access acquisition in the **Aquatic Mitigation Plan** have already been acquired. Under the No Action Alternative, no additional acquisitions would be made, but prior acquisitions would be managed for public access and habitat protection and restoration values. Law enforcement would be provided, parking areas constructed, and resource management strategies implemented. As a consequence, the No Action Alternative requires a certain amount of action with regard to management of the existing corridors.

Duchesne River

Management Objectives

The primary management objective on the Duchesne River would be the same as the Proposed Action recognizing the limitations and difficulties in management of the corridor with numerous "gaps" in acquisition.

Miles of Acquisition and Acquisition Type

Approximately 4.85 miles of angler access has been acquired on both sides of the river and approximately 0.75 miles on one side. Under the No Action Alternative, no additional acquisitions would occur.

Management and Facilities
Same as the Proposed Action.

West Fork

Management Objectives
Same as the Proposed Action.

Miles of Acquisition and Acquisition Type
Approximately 9.3 miles of contiguous angler access have been acquired on both sides of the West Fork from the Forest Service boundary downstream to the confluence with the North Fork. No additional acquisitions would occur.

Management and Facilities
Same as the Proposed Action.

North Fork

Management Objectives
Same as the Proposed Action.

Miles of Acquisition and Acquisition Type
Approximately 1.85 miles of contiguous angler access have been acquired on both sides of the North Fork of the Duchesne from the confluence with the North Fork and West Fork upstream, and no additional acquisitions would occur as part of the Proposed Action.

Management and Facilities
Same as the Proposed Action.

Middle Strawberry River

Management Objectives
The management objectives would be similar to the Proposed Action, recognizing the limitations and difficulties in management of noncontiguous ownership to the river corridor. Enhancement and protection of existing wetlands adjacent to the river, required by the **Wetland Mitigation Plan**, would be more difficult to accomplish.

Miles of Acquisition and Acquisition Type
Approximately 15 miles of angler access have been acquired in fee title on the middle Strawberry River from Soldier Creek Dam to the Pinnacles. Under the No Action Alternative, no additional acquisitions would occur leaving a 4.25-mile "gap" between reaches where public access has been acquired.

Management and Facilities
Similar to the Proposed Action except one parking area that would have been constructed on acquired properties would not be constructed. The gate on the east boundary of Section 17 would remain in its present location.

Currant Creek

Management Objectives
The management objectives would be similar to the Proposed Action, recognizing the limitations and difficulties in management of noncontiguous ownership to the river. Enhancement and protection of existing wetlands adjacent to the river, required by the **Wetland Mitigation Plan**, would be more difficult to accomplish.

Miles of Acquisition and Acquisition Type
Approximately 7.7 miles of angler access on both sides and 0.9 miles on one side have been acquired on Currant Creek. Under the No Action Alternative, no additional acquisitions would occur leaving "gaps" between reaches where public access has been acquired.

Management and Facilities
Same as the Proposed Action.

Rock Creek

Management Objectives
Under the No Action Alternative, the management objectives would be the same as the Proposed Action.

Miles of Acquisition and Acquisition Type
Approximately 2.2 miles was acquired by Reclamation for fish and wildlife mitigation and will be transferred to the Forest Service. No additional acquisitions would occur.

Management and Facilities
Same as the Proposed Action.

Lower Strawberry River

Management Objectives
Under the No Action Alternative, the management objectives would be the same as the Proposed Action.

Miles of Acquisition and Acquisition Type
No additional acquisitions would occur.

Management and Facilities
Same as the Proposed Action.

Modified Proposed Action

The Modified Proposed Action is the same as the Proposed Action except on the middle Strawberry River and Currant Creek. Under the Modified Proposed Action, several changes have been made to minimize the potential impact on land owners that could occur under the Proposed Action.

Middle Strawberry River

Management Objectives

Same as the Proposed Action

Miles of Acquisition and Acquisition Type

Same as the Proposed Action except acquisition of a perpetual easement would be an acceptable alternative to fee title acquisition in the 1-mile reach in Section 17. The easement would provide a corridor 30' wide on both sides of the river that the public could access for the purpose of fishing. The easement would restrict land uses that are inconsistent with the protection and enhancement of riparian and aquatic resources in the corridor. Examples of such inconsistent uses include construction of permanent dwellings, livestock grazing, clearing and harvesting of riparian trees and vegetation, use of pesticides and herbicides. The easement would allow for site-specific resource protection measures that may include among other things, instream habitat improvements, fencing of sensitive vegetation, and noxious weed control. Fencing and/or privacy vegetation would be installed and planted by the Commission, only upon the request and approval of the landowners, where permanent dwellings are within 50 feet of the rivers edge, in order to minimize the impacts on the privacy of landowners and to lessen the threat of vandalism and theft on private properties.

In addition, a new gate would be installed approximately 1 mile to the east (downstream) of the existing gates' present location. A small parking area would be constructed at this site and the road would be closed to the public beyond this point. The road would remain open to cabin lot owners, although they would be responsible for road maintenance west of the gate. The purpose for this change is to increase the distance between the public parking area and the 8 cabin lots. It is believed that increasing this distance would reduce casual public use of the river corridor in Section 17 and thereby reduce potential impacts from public use.

Under this alternative, only if all reasonable attempts to acquire fee title or a perpetual easement on a willing seller basis fail, then condemnation will be used to acquire the corridor in fee title.

Management and Facilities

Same as the Proposed Action

Currant Creek

Management Objectives
Same as the Proposed Action

Miles of Acquisition and Acquisition Type
Same as the Proposed Action except acquisition of a perpetual easement would be an acceptable alternative to fee title acquisition. The easement would provide a corridor 50' wide on each side of the river that the public could access for the purpose of fishing. The easement would restrict land uses that are inconsistent with the protection and enhancement of riparian and aquatic resources. Examples of such inconsistent uses include construction of permanent dwellings, livestock grazing, clearing and harvesting of riparian trees and vegetation, use of pesticides and herbicides. The easement would allow for site-specific resource protection measures that may include among other things, instream habitat improvements, fencing of sensitive vegetation, and noxious weed control.

Under this alternative, only if all reasonable attempts to acquire fee title or a perpetual easement on a willing seller basis fail, then condemnation will be used to acquire the corridor in fee title.

Management and Facilities
Same as the Proposed Action

Lower Strawberry River, Rock Creek, West Fork, North Fork, Duchesne River

Management Objectives
Same as the Proposed Action.

Miles of Acquisition and Acquisition Type
Same as the Proposed Action.

Management and Facilities
Same as the Proposed Action

The alternatives are summarized in Table 1.

Table 1
Summary of Alternatives

Management Objectives

	Proposed Action	No Action	Modified Proposed Action
Duchesne River	Provide angler-access opportunities. Measures necessary to restore, protect and preserve riparian and aquatic ecosystems would be limited to those required to protect the investment of public funds on angler-access opportunities.	Same objectives as Proposed Action recognizing the limitations and difficulties in management of noncontiguous access to the river corridor.	Same as the Proposed Action.
West Fork	Manage to provide angler access and enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems. Work with landowners to modify existing grazing practices to be more compatible with these objectives. Change applications filed on appurtenant water rights to the property for fish and wildlife purposes.	Same as the Proposed Action.	Same as the Proposed Action.
North Fork	Same as the Duchesne River.	Same as the Proposed Action.	Same as the Proposed Action.

	Proposed Action	No Action	Modified Proposed Action
Middle Strawberry River	Manage to provide the highest level of protection, restoration and enhancement to the biological productivity and diversity of the riparian and aquatic ecosystem. Maintain public angler access in a primitive condition to preserve the wild setting and angling experience. All livestock grazing would be restricted. Future livestock grazing, if any, limited to the enhancement of wildlife values and habitat quality. New road construction prohibited. Vehicular use limited to existing roads and dedicated parking areas. Existing spur roads evaluated on an individual basis and effectively closed or obliterated as necessary for habitat protection. Change applications filed on appurtenant water rights to the property for fish and wildlife purposes.	Same objectives as Proposed Action recognizing the limitations and difficulties in management of noncontiguous ownership to the river corridor.	Same as the Proposed Action, except acquisition of a perpetual easement would be an acceptable alternative to fee title acquisition in Section 17. The perpetual easement would allow public access to the river corridor and would restrict certain land uses and development. A new gate would be installed approximately 1 mile to the east (downstream) of the existing gate's present location. The road beyond this point would remain open to cabin lot owners as a thoroughfare to access their property. The road would also be open for authorized administrative purposes.
Currant Creek	Same as the middle Strawberry River.	Same objectives as Proposed Action recognizing the limitations and difficulties in management of noncontiguous ownership to the river corridor.	Same as the Proposed Action, except acquisition of a perpetual easement would be an acceptable alternative to fee title acquisition. The perpetual easement would allow public access to the river corridor and would restrict certain land uses and developments.
Rock Creek	Same as the middle Strawberry River.	Same as the Proposed Action.	Same as the Proposed Action.
Lower Strawberry River	Same as the Duchesne River	Same as the Proposed Action	Same as the Proposed Action

Miles of Acquisition											
	Prior Acquisitions		Proposed Action			No Action			Modified Proposed Action		
	Both Sides	One Side	Both Sides	One Side	Total (includes prior acquisition)	Both Sides	One Side	Total	Both Sides	One Side	Total (includes prior acquisitions)
Duchesne River	4.85	.75	1.4	.75	7	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
West Fork	9.3	0	0	0	9.3	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
North Fork	1.85	0	0	0	1.85	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Middle Strawberry River	15	0	4.25 (1,769 - 2,380 acres)[6]	0	19.25	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Currant Creek	7.7	.9	.8 (23 - 600 acres)	.9	9.4	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Rock Creek	2.2	0	0	0	2.2	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Lower Strawberry River	3.9	0	0	0	3.9	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action
Total	44.8	1.65	6.45	1.65	52.9[7]	0	0	Same as prior acquisitions	Same as the Proposed Action	Same as the Proposed Action	Same as the Proposed Action

[6]Includes 490 acres for terrestrial wildlife mitigtion.

[7]Total includes 1.9 miles on the Lower Strawberry River, already in Federal ownership, and not identified for acquisition in the 1988 **Aquatic Mitigation Plan** (52.9 miles - 1.9 miles = 51 miles).

Acquisition Type[8]			
	Proposed Action	**No Action**	**Modified Proposed Action**
Duchesne River	Perpetual easement with limited fee title acquisitions for parking and restrooms	No additional acquisitions	Same as the Proposed Action
West Fork	No additional acquisitions	No additional acquisitions	Same as the Proposed Action
North Fork	No additional acquisitions	No additional acquisitions	Same as the Proposed Action
Middle Strawberry River	Fee Title	No additional acquisitions	Same at the Proposed Action, except acquisition of a perpetual easement would be an acceptable alternative to fee title acquisition in Section 17.[9]
Currant Creek	Fee Title	No additional acquisitions	Same at the Proposed Action, except acquisition of a perpetual easement would be an acceptable alternative to fee title acquisition.[10]
Rock Creek	No additional acquisitions	Same as the Proposed Action	Same as the Proposed Action
Lower Strawberry River	No additional acquisitions	Same as the Proposed Action	Same as the Proposed Action

[8] Fee title acquisition is the purchase of all rights and interest in a parcel of land. An easement is the purchase of only certain rights that will encumber the property in perpetuity, such as an easement to allow the public access for fishing.

[9] Only if all reasonable attempts to acquire either fee title or perpetual easements on a willing-seller basis are unsuccessful, Reclamation and the Mitigation Commission would need to complete the project through condemnation. If condemnation is used, properties would be acquired in fee title.

[10] ibid

Facilities and Management					
	Proposed Action			No Action	Modified Proposed Action
	Parking	Toilets	Administration		
Duchesne River	4	2	UDWR	Same as the Proposed Action	Same as the Proposed Action
West Fork	3 (2 already constructed)	1	UDWR/FS	Same as the Proposed Action	Same as the Proposed Action
North Fork	1	2 (includes one constructed at Aspen Campground)	UDWR/FS	Same as the Proposed Action	Same as the Proposed Action
Middle Strawberry River	12 (10 already constructed)	2	UDWR	Same as the Proposed Action with one less parking area.	Same as the Proposed Action
Currant Creek	4	2	UDWR	Same as the Proposed Action	Same as the Proposed Action
Rock Creek	2	2 (already constructed)	UDWR/FS	Same as the Proposed Action	Same as the Proposed Action
Lower Strawberry River	2 (1 already constructed)	2 (1 already constructed)	UDWR	Same as the Proposed Action	Same as the Proposed Action

Table 2
Comparison of Alternatives to Purpose and Need

Purpose and Need / Alternative	Complete Angler-Access Mitigation Through Additional Acquisitions	Complete Wildlife and Wetland Mitigation Responsibilities for Bonneville Unit, Cup	Provide Contiguous Access	Restore, Protect, Enhance Riparian and Aquatic Systems	Establish Management Guidelines and Identify Appropriate Uses	Provide Appropriate Level of Infrastructure to Manage Public Use (Toilets, Parking).
Proposed Action	Yes, for middle Strawberry River, Currant Creek, and the Duchesne River. Requirement already completed for West Fork and lower Strawberry River. Not applicable North Fork.	Completes Wildlife Mitigation Acquisition with 490 acres on m. Strawberry river. Completes Wetland and Wildlife Mitigation with management and protection on m. Strawberry River, Currant Creek and Rock Creek.	Yes, all corridors.	Middle Strawberry River, Currant Creek and Rock Creek.	Yes	Yes
Modified Proposed Action	Same as the Proposed Action	Same as the Proposed Action.	Same as the Proposed Action	Same as the Proposed Action	Yes	Yes
No Action	No	Yes, Rock Creek. Compromised by not having ownership of the entire river corridor on middle Strawberry River, Currant Creek and limited rights on West Fork.	No	No	Yes	Yes

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Chapter 3
Affected Environment

Introduction
This chapter describes those physical, biological, and social elements of the environment which may be affected by the alternatives.

Setting and History
The recent history of the Uinta Basin is based on livestock, agriculture and extractive industries. These uses are still important to local economies, and the project area has retained this rural, pastoral character. The middle Strawberry River, Currant Creek, North Fork, upper reaches of the West Fork and Rock Creek are in more primitive settings with few noticeable impacts from human habitation. The Duchesne River and lower Strawberry River are in a more rural setting with the sites and sounds of human activities more noticeable. The largest communities in the vicinity of the project area are the small communities of Duchesne, Fruitland, Tabiona and Hanna. A more detailed description of the history of the area is provided in Appendix 2.

Socioeconomics
The angler-access corridors straddle Wasatch County and Duchesne County. However, the economic and demographic conditions of Duchesne County better describe the socioeconomic conditions of the project area. Wasatch County seats the fast growing and robust economies of Midway and Heber City that are not typical of the conditions found in the project area. Therefore, the economic conditions of Duchesne County are used as a baseline to compare alternatives.

The population of Duchesne County is 14,376 (1998) and has sustained an average annual growth rate of 1.6 percent during the 1990's, lower than the State average of 2.3 percent. Duchesne County has a relatively young median age, 25 years, compared to the rest of the State. By 2020, a projected 18,890 people will live in the county, an average annual increase of 1.25 percent. Duchesne County's unemployment rate, 6.4 percent (1998), is the third highest in the State. The county has a per capita income of $15,239 significantly lower than the State average of $20,185 (1997). The government sector is responsible for the largest share of Duchesne County's 1997 employment, at 35 percent. Agriculture and wholesale and retail trade are also significant major industries. Agricultural production in Duchesne County occurs on nearly 400,000 acres of land, held in 733 farms. Duchesne is a major producer of oats; other crops include barley, corn, wheat, and hay. The county has the third largest cattle inventory in the State.[11]

[11] State of Utah, Office of Planning and Budget, 1999.

Land held in the name of the United States amounts to 536,968 acres in Wasatch County and 969,398 acres in Duchesne County. This is 69.5 percent and 46.6 percent of the total land ownership in the counties respectively.

Riparian Vegetation, Wetlands and Fisheries

Currant Creek

The headwaters of Currant Creek are in the southeastern foothills of the Uinta Mountains, about 20 miles southeast of Heber City and 10 miles northeast of Strawberry Reservoir. The upper watershed is a mixture of coniferous forest and grassland. Elevations rise from 7,500 feet to about 10,000 feet and mean annual precipitation ranges from about 20 to 30 inches. As Currant Creek flows southeast, it descends into the Uinta Basin. In the lower watershed elevations range between about 6,500 ft and 9,000 feet. Precipitation in the lower watershed ranges from about 10 to 20 inches annually and vegetation cover becomes a sparse mixture of grasses, sagebrush, and desert shrubs and trees. The valley floor of Currant Creek is covered with willows, cottonwood trees, and grasses. There are 26.6 acres of wetlands within the angler-access corridor on properties already acquired that are managed and protected as mitigation for the construction and operation of the M&I System as required by the **Wetland Mitigation Plan**. There are approximately 165 acres of riparian woodlands within the angler-access corridor that are managed and protected as mitigation for the construction and operation of the M&I System as required by the **Wildlife Mitigation Plan**.

Geologic formations in Currant Creek are generally comprised of sandstones and shales, which cause a fine sediment load. Sediment deposition in the upper reaches of Currant Creek have been reduced because of deposition and containment within Currant Creek Reservoir. About 1-mile downstream from Currant Creek Reservoir, the stream enters a canyon with walls of resistant conglomerate. After leaving this canyon (below Little Red Creek), the stream traverses through Tertiary Age Uinta Formation deposits to its confluence with the middle Strawberry River. The Uinta Formation consists of interbedded sandstones and shales. Because of sparse vegetation cover in the lower watershed, erosion from the shales significantly adds to the sediment load of the lower stream reaches. Where the stream abuts the valley walls, large boulders of more resistant sandstones appear in the stream.

Natural conditions of streamflow hydrology have been substantially modified by operation of Currant Creek Reservoir and diversions from Currant Creek and tributary streams. In the upper reaches below Currant Creek Dam, flow is entirely a product of releases from the reservoir. Releases are made to the stream to meet downstream water right and instream flow obligations. Since reservoir operation began in 1982, the greatest peak discharge immediately below the reservoir has been 136 cfs recorded June 21, 1998. This resulted from cessation of diversions to the Strawberry Aqueduct and Collection System resulting from Strawberry Reservoir filling for the first time. Mean daily discharge is 18 cfs, with typical flows in the project area averaging about 10 cfs during the winter months. The controlled releases are limited to approximately 23 cfs from April through September in an average year. Flows can be anticipated to be higher than

these historic averages until the M&I system becomes fully operational now that Strawberry Reservoir has filled.

Fish population monitoring was conducted in 1987, '90, '94 and '98. These studies indicate a considerable variation in species composition and population trend. Flannelmouth suckers, bluehead suckers and mountain suckers were collectively more abundant near U.S. Highway 40 than trout species, however, over the years their numbers have been decreasing. Trout numbers at the sampling stations increase going upstream. Brown trout have become the most abundant trout species at all stations.[12] Cutthroat trout are most abundant at the upper stations, but have decreased in number as the numbers of brown trout increased. Based on the 1998 population estimates, brown trout comprise approximately 92 percent of the game fish populations, cutthroat 17 percent and rainbows less than 1 percent.

Rock Creek

The Rock Creek drainage headwaters are at 11,000 ft, on south-facing slopes of the Uinta Mountains. From its headwaters, Rock Creek flows in a south to southeasterly direction for approximately 30 miles until it converges with the Duchesne River. Mean annual precipitation ranges from about 20 to 30 inches per year over the watershed. The headwaters of Rock Creek originate in Precambrian Age quartzite along the crest of the Uinta Mountains. The Rock Creek valley was cut by glaciers and stream action. Because of the hard character of sediment derived from the watersheds' geologic formations, fine material load in the stream is not significant.

Most of the reaches below the Upper Stillwater Dam have a gradient range from less than 1 percent to 5 percent, with low-to-moderate entrenchment and moderate sinuosity. Vegetation in the upper reaches of Rock Creek are largely coniferous forests, with a healthy riparian community of willows. Downstream vegetation becomes more sparse and includes sagebrush, grasses, and desert shrubs and trees, as well as willows, conifers, and/or aspen in the riparian areas. This change in vegetation is loosely associated with a reduction in stream gradient and entrenchment and a modest increase in sinuosity. The relatively good cover throughout the watershed provides a vegetative buffer, which has helped reduce fine particle loading. There is an 85.1-acre wetland complex within the angler-access corridor on Rock Creek that is managed and protected as partial mitigation for the construction and operation of the M&I System as required by the **Wetland Mitigation Plan**.

Flows in Rock Creek have been regulated since November 3, 1987 by Upper Stillwater Reservoir. The CUP diversions reduce flow in the creek below the reservoir. Since May 1988, streamflow diverted from the South Fork of Rock Creek at Docs' Diversion has further reduced flow into Rock Creek. Historically, peak discharge on Rock Creek occurred in June with flows averaging 730 cfs above the South Fork confluence. Since reservoir completion, June streamflows below the dam have averaged 140 cfs. Below the South Fork confluence, mean annual streamflow in Rock Creek has dropped from 175 cfs to 60 cfs.

[12] Currant Creek Fish Population Analysis For the Bonneville Unit, CUP; February, 1995.

Fish populations were sampled on Rock Creek in 1987, '88, '89, '92, and '96. Brook trout and brown trout represented the bulk of the game fish, comprising approximately 42% and 38% of the estimated game fish populations respectively. Rainbows comprised approximately 20% of the population. Brook trout are more prevalent in the upper reaches of Rock Creek downstream of Upper Stillwater Reservoir. Mountain whitefish abundance in 1996 was the lowest that has been recorded. There was a general decline in the abundance of mountain whitefish during 1989, 1992 and 1996 monitoring efforts. Additional information is needed to determine the reason for the decline, but neither water quality nor competition appear to be contributing factors.

West Fork

The headwaters of the West Fork of the Duchesne River are located about 12 miles southeast of Heber City, at an elevation of approximately 10,000 feet. The stream converges with the mainstem of the Duchesne River approximately 7 miles northwest of Hanna. Like the upper Currant Creek watershed which it borders, the West Fork Duchesne River originates in Jurassic Age sandstones, limestones, and shales. The more resistant sandstone and limestone formations provide the cobble and boulder-size substrate in the stream. Fine material load in the stream originates from shales and claystones. Most of the riparian areas abutting the West Fork are well vegetated with willows and/or coniferous forest, although some reaches continue to experience heavy impacts from livestock grazing.

Headwaters of the West Fork originate as a v-shaped channel typical of steep mountainous terrain. In the project area, the gradient ranges from 1 to 4 percent, and the channel is characterized as a step-pool channel with boulder and cobble substrate. In some sections above the Vat Diversion, bedrock outcrops control or constrict the channel, producing a lower sinuosity than would likely develop in this gradient. Sinuosity increases as the river nears the Vat Diversions and the channel gradient decreases to less than 2 percent.

The Vat Diversion supplies water from the West Fork Duchesne River into the SACS tunnel above the confluence with Wolf Creek. Summer flows in the West Fork of the Duchesne River are largely dependent on calls for irrigation water and instream flow bypasses. Flow in the stream has been reduced dramatically by the operation of the Vat Diversion, which began operation in March 1986. On the West Fork above the confluence with Wolf Creek, mean annual streamflow has gone from a pre-diversion 50 cfs to a post diversion 20 cfs. Average daily flows during May, the month typically having highest runoff, are about 45 cfs immediately below the diversion and 60 cfs above Wolf Creek. Low flows occur between December and February and range from about 6 cfs at the upper end to 12 cfs at the lower end of the basin.

Fish population surveys were conducted on the West Fork Duchesne and Duchesne Rivers in 1988 and 1991. Of the eight sampling sites, brown trout were the most abundant species collected at all stations except the uppermost station on the West Fork. Populations downstream of the Knight Diversion were extremely limited. Based on the 1995 survey, brown trout comprise approximately 73% of the game fish population estimate, cutthroat about 26% and rainbow about 1%. Brown trout are more common through the middle and lower stations while cutthroat trout were the predominant species on the uppermost sampling site on the West Fork.

North Fork

The North Fork headwaters are on south-facing slopes of the Uinta Mountain Range at an elevation of about 10,500 feet. Prior to the confluence with the West Fork, about 16 miles from the headwaters, the North Fork flows are regulated by the Duchesne Diversion Tunnel. This tunnel transports water to the upper Provo River drainage, and forms part of the water supply for the Provo River Project (Deer Creek Reservoir). Additional tributaries including East Fork, Shale Creek, Iron Mine Creek, Hades Creek and Swift Creek increase the stream's flow downstream. Mean annual precipitation ranges from 10 to 20 inches per year in the lower portion of the basin to 30 inches near the headwaters. The drainage basin is forested with conifers and alders, with aspen and cottonwoods also common. The primary land uses in the watershed are agriculture, both crop production and grazing.

Stream flows are affected by diversion structures and irrigation operations. Peak flows typically occur in June, while base flows occur from September through February. At the upper end of the project area, peak flows average about 200 cfs and increase to 370 cfs at the lower end. Winter flows range from about 20 cfs at the upper end to 40 cfs at the lower portion of the project area.

The stream is generally characterized as being moderately entrenched and sinuous in the project area with gradients between 1 and 4 percent. The floodplain broadens at Hades Creek and sinuosity increases.

Duchesne River

The mainstem of the Duchesne River is formed by the confluence of the West Fork and North Fork at an elevation of about 7,000 feet. The river flows in a southeasterly direction through a broad flat valley and the communities of Hanna and Tabiona. The river channel is generally sinuous with gradients of 1 percent or less. Flows are affected by the Vat Diversion of the West Fork, the Duchesne Diversion Tunnel on the North Fork and by numerous smaller diversions for private canals or irrigation companies. Lands adjacent to the river have historically been used for livestock and agricultural purposes, and these uses remain active. Cottonwoods are common along the river reach in the project area where they have not been cleared for settlement and other activities. Recreational housing is increasing along this corridor.

Middle Strawberry River

The middle Strawberry River in the project area flows from Soldier Creek Dam at an elevation of 7,360 to just above the confluence with Red Creek at 6,060 feet. Stream gradients are relatively low in the project area with moderate to low entrenchment and moderate sinuosity. Boulder and cobble substrates are common in all reaches. Silt deposits are the dominant substrate just upstream from the confluence with Willow Creek. Vegetation in the middle Strawberry River drainage consists of some conifers and willow, as well as grasses and sedges. The lower segments of the river feature large stands of cottonwoods and box elder. Approximately 78 acres are classified as wet meadow, 14.76 acres of which consist of emergent wetland habitat. The 14.76 acres of emergent wetland habitat is managed and protected as mitigation for the construction and operation of the M&I System under the **Wetland Mitigation Plan**. There are approximately 237 acres of riparian woodlands within the angler-access corridor that are

managed and protected as mitigation for the construction and operation of the M&I System as required by the **Wildlife Mitigation Plan**.

Operation of Soldier Creek Dam has resulted in very consistent average daily flows of approximately 26 cfs between the months of July and September. Base flows occur between October and March, and typically range from 12 to 14 cfs. Since 1985, when a previously constructed smaller dam was breached, the highest recorded flow at this location was 210 cfs recorded August 1998. This resulted from cessation of diversions to the Strawberry Aqueduct and Collection System resulting from Strawberry Reservoir filling for the first time on June 21, 1998. Flows can be anticipated to be higher than these historic averages until the M&I system becomes fully operational now that Strawberry Reservoir has filled.

The middle Strawberry River is classified as a Class 1 fishery from the confluence with Red Creek upstream to the Wasatch County line. The fishery is classified as a Class II fishery from the Wasatch County line to Soldier Creek Dam.[13] Fish population monitoring was conducted in 1976, '80, '85, '89, '93 and '97 showing the following results. Brown trout are generally the predominant game fish species in the middle Strawberry River comprising approximately 75 percent of the game fish populations based on 1997 sampling. Brook trout are however the predominant species in the upper reaches of the river from Soldier Creek Dam downstream approximately 1 mile. The abundance of game fish generally increased between 1976 and 1980 and significantly decreased between 1980 and 1985 presumably due to high river flows in 1983 and 1984. Game fish regained most of their lost abundance in 1989 and returned to 1980 abundance levels in 1993 with only a minor decrease in 1997.

Lower Strawberry River

The lower Strawberry River is that section of the Strawberry River from Starvation Dam and Reservoir, at an elevation of approximately 5,560 feet, downstream approximately 4 miles to the confluence with the Duchesne River, at an elevation of 5,485 feet. Overall, the gradient of the Strawberry River in this reach is less than 1 percent, but within short segments of the river, the gradient can be between 1 to 3 percent. Flows are controlled by irrigation releases from Starvation Reservoir.

Riparian vegetation exists along most of the lower Strawberry River although agricultural activities have narrowed the riparian vegetation to a narrow strip along much of the stream. Urban development has eliminated most of the riparian vegetation within the town of Duchesne.

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[13] **Class 1** streams are the top-quality fishing waters of the state. They should be preserved and improved for fishery and similar recreational uses. These streams are generally outstanding in natural beauty and of a unique type. Productivity is such that it supports high fish populations, in good condition, of one or more species of the more desirable game fish.

Class 2 streams are of great importance to the state fishery. These are productive streams with high aesthetic value and should be preserved. Fishing and other recreational uses should be the primary considerations. Many Class 2 streams are comparable to Class 1 streams except the size.

Threatened, Endangered and Sensitive Species

The affected environments for threatened, endangered and sensitive species are described in Chapter 4, Issue 2, Page 4-15.

Cultural Resources

The affected environment for cultural resources is described in Chapter 4, Issue 2, Page 4-15.

Indian Trust Assets

The affected environment for Indian Trust Assets is described in Chapter 4, Issue 1, Page 4-7.

Chapter 4
Environmental Consequences of the Alternatives

Introduction
This Chapter analyses the environmental consequences of the alternatives, focusing on the issues identified in public scoping. For each issue, a set of questions has been formulated to facilitate the comparison of the environmental consequences for each alternative. Table 6 on page 4-21, summarizes the environmental consequences for each alternative.

As described on page 2-7, the No Action Alternative includes management of already acquired angler-access easements and mitigation properties. This includes parking and minimum facilities construction, law enforcement, and implementation of resource management strategies. Although no additional properties or easements would be acquired under the No Action Alternative, a certain amount of "action" would still occur. These actions are necessary regardless of the selection of any other alternative and represent the baseline conditions used to compare the other action alternatives.

Issue 1 Socioeconomics
This issue is described on page 1-6.

Socioeconomics Question #1
How will private landowners whose land is acquired for the project be impacted under each alternative?

Proposed Action - Socioeconomics Question #1
Duchesne River, Middle Strawberry River, Currant Creek

Impacts to individual private landowners would increase compared to the No Action Alternative as additional lands or property rights are acquired. Landowners could be impacted as the public fish the river corridor, potentially intruding on the privacy that landowners once enjoyed. Other potential impacts associated with providing public access include increased trash, human waste, and an increased threat of vandalism and theft. These impacts would be mitigated by management actions to reduce and control problems associated with public use and by providing financial compensation to the private landowners for angler-access easements or fee title acquisition. The impacts would not be in direct proportion to additional miles of acquired access as the public is already provided intermittent access to the angler-access corridor.

West Fork, North Fork, Rock Creek, Lower Strawberry River

No additional acquisitions would occur on the West Fork, North Fork, Rock Creek, or the lower Strawberry River under the Proposed Action and no additional impacts would occur compared to the No Action Alternative.

No Action - Socioeconomics Question #1

All Sections

Approximately 42.9 of the 51 miles of river reaches identified as angler-access mitigation in the **Aquatic Mitigation Plan** have already been acquired. Although no additional acquisitions would occur under the No Action Alternative, the public angler-access corridors have been established. Similar impacts, as described under the Proposed Action, would occur on those properties already acquired within the angler-access corridors. These impacts on private landowners have been mitigated by providing fencing, alternative methods of livestock watering and financial compensation. Associated impacts on other private properties that have not been acquired could also occur as the public attempt to move from one noncontiguous reach of the angler-access corridor to the next.

Modified Proposed Action - Socioeconomics Question #1

Middle Strawberry River and Currant Creek

Impacts to private landowners would be similar to the Proposed Action. However, a perpetual easement would be an acceptable form of acquisition in Section 17 on the Middle Strawberry River and on Currant Creek. If a perpetual easement is acquired, property owners would retain title to their property, potentially reducing impacts on individual property owners compared to the Proposed Action. However, in addition to allowing the public access to the river corridor, the easement would also restrict land uses that are inconsistent with the protection and enhancement of riparian and aquatic resources. Examples of such inconsistent uses include construction of permanent dwellings, livestock grazing, clearing and harvesting of riparian trees and vegetation, use of pesticides and herbicides. The easement would allow for site-specific resource protection measures that may include among other things, instream habitat improvements, fencing of sensitive vegetation, and noxious weed control. Fencing and/or privacy vegetation would be installed and planted at the discretion and/or upon approval of landowners along the river in order to minimize the impacts on the privacy and to lessen the threat of vandalism and theft on private properties.

Currant Creek, North Fork, West Fork, Duchesne, Rock Creek, Lower Strawberry River

Same as the Proposed Action.

Socioeconomics Question #2

How will the counties be impacted by each alternative with regard to changes in the counties' tax base and Federal land ownership?

Proposed Action - Socioeconomics Question #2

Duchesne River, West Fork, North Fork, Rock Creek, Lower Strawberry River

No additional acquisitions would occur on the West Fork, North Fork, Rock Creek and the lower Strawberry River, and no changes would occur to the taxes collected by the County. Acquisitions on the Duchesne River are limited to easements. It is not anticipated that the easement will change the property value

tax assessment, and no changes are anticipated to occur in the amount of property taxes collected by the county.

Angler use on the West Fork, North Fork and Rock Creek is not anticipated to increase compared to the No Action Alternative, and no additional tax revenue from the sale of food, supplies, gasoline and lodging are expected. Angler use on the Duchesne River is expected to increase moderately compared to the No Action Alternative as the public finds angling more accessible without the many "gaps" in access. Increased angler use will lead to increased sales of food, supplies, gasoline and lodging. Tax revenues are anticipated to increase as a result. Estimating the magnitude of the increase in angler use is discussed in more detail on page 4-13.

Middle Strawberry River, Currant Creek

Middle Strawberry River Approximately 4.25 river miles are proposed for acquisition on the middle Strawberry River under the Proposed Action, amounting to a minimum acquisition of approximately 1,769 acres. An additional 611 acres could be acquired on a willing seller basis, based on current land ownership patterns. There would be an annual reduction in property tax revenues collected by Wasatch and Duchesne Counties under the Proposed Action ranging from approximately $5,586 to $7,241 depending on the number of acres acquired, as these lands would no longer be eligible for property tax collection (refer to Table 3 and 4).

Currant Creek Approximately 0.8 river miles on both sides and 0.9 miles on one side are proposed for acquisition on Currant Creek under the Proposed Action, amounting to a minimum acquisition of approximately 23 acres. Up to 600 acres would be acquired on a willing seller basis, based on current land ownership patterns. There would be an annual reduction in property tax revenues collected by Wasatch County under the Proposed Action ranging from approximately $62 to $1,625 depending on the number of acres acquired, as these lands would no longer be eligible for property tax collection (refer to Table 3 and 4).

The loss in property tax revenues would be offset to some degree by an increase in sales tax revenues. Angler use on Currant Creek and the middle Strawberry River is expected to increase compared to the No Action Alternative as the public finds angling more accessible without the "gaps" in access and with more area to fish. Increased angler use will lead to increased sales of food, supplies, gasoline and lodging. Tax revenues are anticipated to increase as a result.

Federal land ownership in Wasatch County would increase between 0.47% and 0.24% depending on the acres acquired. Federal land ownership in Duchesne County would increase approximately 0.05%.[14]

Table 3
Estimated Economic Impacts - Minimum Acquisition

	Proposed Acreage Acquired	Assessed Value ($463.63/acre)[15]	Tax Assessment	PILT[16]	Net Decrease in Tax Revenues
	(a)	(b)	(c)	(d)	(e)
Middle Strawberry River					
Wasatch County					
other private property	1,280	$593,446	$5,118	$1,651	$3,467
Section 17 cabin lots	9	$4,173	$36	$12	$24
Duchesne County	480	$222,542	$2,714	$619	$2,095
Total	1,769	$820,161	$7,868	$2,282	**$5,586**
Currant Creek					
Wasatch County	23	$10,663	$92	$30	$62
Duchesne County	0	$0	$0	$0	$0
Total	23	$10,663	$92	$30	**$62**
Notes:					
Column (a)	Proposed acquisition				
Column (b)	Assessed value = (a)*$463.63				
Column (c)	Column (b)*mill levy				
Column (d)	Payment In Lieu of Taxes = (a)*$1.29				
Column (e)	Net decrease in Tax Revenues = (c)-(d)				
Land Distribution					
Federal Land Ownership	Acres	Additional Acquisitions	Percent Increase		
Wasatch County	536,968	1312	0.24%		
Duchesne County	969,398	480	0.05%		

[14] Utah Office of Planning and Budget, Table of Estimated Land Ownership by County, 1996.

[15] The approximate assessed value for property eligible for Green Belt Taxes was based on an average valuation of $463.63 per acre for Class II through IV irrigated acreage. The 1997 mill levy for Wasatch and Duchesne Counties are 0.008624 and 0.012197 respectively.

[16] Wasatch and Duchesne Counties would be eligible for Federal payments-in-lieu- of-taxes (PILT) for lands acquired at a rate of approximately $1.29 per acre per year (BLM 1997).

Proposed Action Estimated Economic Impacts - Maximum Acquisition					
	Proposed Acreage Acquired	Assessed Value ($463.63/acre)	Tax Assessment	PILT	Net Decrease in Tax Revenues
	(a)	(b)	(c)	(d)	(e)
Middle Strawberry River					
Wasatch County					
other private property	1,280	$593,446	$5,118	$1,651	$3,467
Section 17 cabin lots	620	$287,451	$2,479	$800	$1,679
Duchesne County	480	$222,542	$2,714	$619	$2,095
Total	2,380	$1,103,439	$10,311	$3,070	**$7,241**
Currant Creek					
Wasatch County	600	$278,178	$2,399	$774	$1,625
Duchesne County	0	$0	$0	$0	$0
Total	600	$278,178	$2,399	$774	**$1,625**
Notes:					
Column (a)	Proposed acquisition				
Column (b)	Assessed value = (a)*$463.63				
Column (c)	Column (b)*mill levy				
Column (d)	Payment In Lieu of Taxes = (a)*$1.29				
Column (e)	Net decrease in Tax Revenues = (c)-(d)				
Land Distribution					
Federal Land Ownership	Acres	Additional Acquisitions	Percent Increase		
Wasatch County	536,968	2500	0.47%		
Duchesne County	969,398	480	0.05%		

No Action - Socioeconomics Question #2

All Sections

No additional acquisitions would occur under the No Action Alternative and impacts on the counties' tax bases are not expected.

Modified Proposed Action - Socioeconomics Question #2

Middle Strawberry River, Currant Creek

The impact on Wasatch County's tax base would be approximately $5,562, or about $1,679 less than under the Proposed Action. It is anticipated that the easement will not change the property value tax assessment. The change in

Federal land ownership would be the same as the Proposed Acquisition (minimum acquisition), 0.24% in Wasatch County and 0.05% in Duchesne County.

Duchesne River, West Fork, North Fork, Rock Creek, Lower Strawberry River

The impacts to Wasatch and Duchesne counties' tax base would be the same as the Proposed Action.

Cumulative Impact

The cumulative impact of land acquisition on land ownership in Wasatch and Duchesne Counties is displayed in the following Table 4.

Table 4

Cumulative Impacts of Angler-Access Acquisition Property Tax Revenues and Federal Land Ownership

Prior Fee Title Acquisitions (includes wildlife mitigation, wetland mitigation and aquatic mitigation)(acres)			
	Wasatch Co.	**Duchesne Co.**	**Total**
Middle Strawberry River	4,052	6,078	10,130
Currant Creek	21,506	1,093	22,599
Rock Creek	0	315	315
West Fork Duchesne	65	0	65
Subtotal	25,623	7,486	33,109
Impact on Property Tax Revenues			
Assessed Value	11,879,591	3,470,734	15,350,326
Property Tax	102,450	42,333	144,782
PILT Payment	(33,054)	(9,657)	(42,711)
Net Decrease in Property Tax	69,396	32,676	102,072
Impact on Land Ownership			
Total Acres in County	772,736	2,078,400	
Increase in Federal Ownership (as a percent of total county acreage)	3.32%	0.36%	
Planned Fee Title Acquisition, Proposed Action (acres)(max acquisition)			
	Wasatch Co.	**Duchesne Co.**	**Total**
Middle Strawberry River	1,900	480	2,380
Currant Creek	600	0	600
Rock Creek	0	0	0
West Fork Duchesne	0	0	0
Subtotal	2,500	480	2,980

Impact on Property Tax Revenues			
Assessed Value	1,159,075	222,542	1,381,617
Property Tax	9,996	2,714	12,710
PILT Payment	(3,225)	(619)	(3,844)
Net Decrease in Property Tax	6,771	2,095	8,866
Impact on Land Ownership			
Total Acres in County	772,736	2,078,400	
Increase in Federal Ownership (as a percent of total county acreage)	0.32%	0.02%	
Total			
	Wasatch Co.	**Duchesne Co.**	**Total**
Total Acquisition (prior and proposed)	28,123	7,966	36,089
Impact on Property Tax Revenues			
Assessed Value	13,038,666	3,693,276	16,731,942
Property Tax	112,446	45,047	157,493
PILT Payment	(36,279)	(10,276)	(46,555)
Net Decrease in Property Tax	76,167	34,771	110,938
Impact on Land Ownership			
Total Acres in County	772,736	2,078,400	
Increase in Federal Ownership (as a percent of total county acreage)	3.64%	0.38%	

Socioeconomics Question #3
Indian Trust Assets

AFFECTED ENVIRONMENT

Indian trust assets are defined as legal interests in property held in trust by the United States for Indian tribes or individuals, or property that the United States is otherwise charged by law to protect. The United States has a trust responsibility to protect and maintain rights reserved by or granted to American Indians or Indian individuals by treaties, statutes and executive orders. These rights are sometimes further interpreted through court decisions and regulations. This trust responsibility requires that all Federal agencies take all actions reasonably necessary to protect this trust. As Federal agencies, the Mitigation Commission and Reclamation will carry out their activities in a manner that protects these assets and avoids adverse impacts when possible. When impacts to such assets cannot be avoided, the Mitigation Commission and Reclamation will

provide appropriate mitigation or compensation. Consultation with the Bureau of Indian Affairs has been initiated and will continue upon implementation of the selected alternative.

Proposed Action, No Action, Modified Proposed Action
All Sections

The Proposed Action, No Action, Modified Proposed Action would result in no tribally-owned lands being acquired for angler access on any of the rivers. Existing tribal uses of tribal lands in the vicinity of other lands acquired for angler access would continue. There would be no adverse impact on Indian trust assets. No mitigation for potential adverse impacts has been determined to be needed. The Mitigation Commission and Reclamation are continuing their consultation with the Bureau of Indian Affairs and Ute Indian Tribe regarding potential impacts on trust assets.

Socioeconomics Question #4
Indian Sacred Sites (Executive Order 13007) and Environmental Justice (Executive Order 12898)

Proposed Action, No Action and Modified Proposed Action
All Sections

In accordance with Executive Order 13007, Indian Sacred Sites, consultation has been initiated with the Ute Tribe to identify Indian sacred sites in the project area.

In accordance with Executive Order 12898, Environmental Justice, there are no minority or low-income populations disproportionately affected by the Proposed Action.

Issue 2 Resource Protection

This issue is described on page 1-6.

Resource Protection Question #1
To what degree would the riparian and aquatic ecosystems be protected from grazing and other incompatible land uses?

Livestock and agricultural industries are important to local economies but are not without their impacts on natural resources. Streams and their associated riparian zones are critically important to arid ecosystems. Because of their high soil moisture and fertility, riparian zones are very productive and support a large proportion of the species occurring in grassland and desert ecosystems. In some western states, up to 80 percent of all wildlife species are associated with streams and their riparian zones at some point in their life cycle.

Cattle also tend to congregate in riparian zones to avoid hot, dry environments and to take advantage of available water and forage. Cattle spend 5-30 times as much time in riparian zones

as would be expected from an upland area of similar size.[17] As a consequence, livestock grazing can damage rivers and riparian habitats and fish and wildlife species that rely on this habitat. If cattle are allowed to congregate for extended periods of time in riparian zones, grazing will reduce the cover, biomass and productivity of herbaceous and woody vegetation, simplify the structure of stream-bank vegetation and impede plant succession. Grazing can increase the area of bare ground, soil compaction and erosion while reducing water infiltration and soil fertility. Studies have shown that grazing can lead to stream downcutting, streambank loss, reduction in the number of stream meanders and quality deep pools. These effects have the tendency to increase water temperatures and turbidity. The result is a reduction in diversity, abundance and productivity of cold water fish and other aquatic life and alteration of the composition and diversity of birds and mammals. Actions that restrict intensity and season of use have been shown to reduce the impacts from livestock use. These include providing alternate water sources and installing cattle exclosure fencing.

Proposed Action - Resource Protection Question #1

Duchesne River, North Fork of the Duchesne and Lower Strawberry River

The management objectives for the Duchesne River, North Fork, and lower Strawberry River are described starting on page 2-1. In summary, these rivers would be managed as follows under the Proposed Action:

- Provide angling opportunities
- Protect the investment of public funds on angler-access opportunities

Prior acquisitions on the Duchesne River, North Fork and lower Strawberry River consist primarily of perpetual easements. Under the Proposed Action, future acquisitions on the Duchesne River would also be primarily perpetual easements. Small segments of land may be acquired in fee title to accommodate parking areas and public access facilities. Site specific analysis of impacts from construction of any facilities would be conducted upon determining the exact location of the facilities. The ability to implement resource protection measures are limited to those rights acquired in the easement. In general, acquisitions by perpetual easement allows for the installation of instream habitat improvement measures or short sections of cattle exclosure fencing where grazing impacts have degraded the health of riparian and aquatic systems or may reduce long-term bank stability. These measures will allow Federal and State resource managers to control site-specific impacts. However, the ability to control land uses throughout the length of the angler-access corridor is generally not provided. The ability to enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems is limited by incompatible land uses that may occur on adjacent private property.

[17] *Survey of Livestock Influences On Stream and Riparian Ecosystems in the Western United States*, Joy Belsky, Ph.D., Andrea Matzke, and Shauna Uselman, Oregon Natural Desert Association, April 1997.

West Fork

The management objective for the West Fork is described on page 2-2. In summary, the West Fork would be managed as follows under the Proposed Action:

- Provide angling opportunities
- Enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems
- Protect the investment of public funds to provide angling opportunities by maintaining a productive fishery.

Approximately 1-mile of the 9.3 miles of access previously acquired, is in fee title. The remaining 8.3 miles of access are easements. No additional acquisitions would occur. On the 1-mile reach of river acquired in fee title, Federal and State resource managers will restrict incompatible land uses such as grazing. On the remaining 8.3 miles of access, resource protection measures are, in general, limited to those described for the Duchesne River and the North Fork. Under the Proposed Action, Federal and State resource managers would cooperate with land owners to modify existing grazing practices to be more compatible with fish and wildlife management objectives for the West Fork.

Middle Strawberry River, Currant Creek, Rock Creek

The management objectives for the middle Strawberry River, Currant Creek and Rock Creek are described starting on page 2-3. In summary, these reaches would be managed as follows under the Proposed Action:

- Provide angling opportunities
- Protect the investment of public funds to provide angling opportunities by maintaining a productive fishery.
- Enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems
- Protect and enhance the existing wetlands and wooded riparian areas adjacent to the river as required by the **Wetland Mitigation Plan** and **Wildlife Mitigation Plan**.

Middle Strawberry River Approximately 15 miles of angler access have been acquired in fee title on the middle Strawberry River from Soldier Creek Dam to just upstream of the Pinnacles. Under the Proposed Action, 4.25 miles of river reach would be acquired in fee title. This acquisition would secure 19.25 miles of river in fee title. Fee title ownership would provide Federal and State resource managers with the ability to control land uses within the corridor, and thereby the ability to protect and preserve the riparian and aquatic ecosystems.

Any additional improvements or developments would be the minimum necessary and would protect wildlife habitat from increases in recreation use. Future livestock grazing, if any, would be limited to the enhancement of wildlife values and habitat quality. Natural expansion of beaver in areas where such expansion does not compromise necessary facilities or conflict with other specific wildlife or habitat goals would be encouraged. Construction of new roads would be prohibited, and all vehicular use would be limited to existing roads and dedicated parking areas. Private roads that are currently closed to the public would remain closed to vehicular access. Existing spur roads will be evaluated on an individual basis and effectively closed or obliterated as deemed necessary for habitat protection. Change applications would be filed on appurtenant water rights for fish and wildlife purposes as appropriate.

Currant Creek An additional 0.8 miles of angler access on both sides and 0.9 miles of angler access on one side of the river would be acquired, providing 9 miles of angler access from approximately 1-mile north of Highway 40 to the Forest Service boundary. The entire corridor would be owned in fee title on both sides of the stream allowing Federal and State resource managers the ability to control land uses within the corridor, and thereby the ability to protect and preserve the riparian and aquatic ecosystems.

Rock Creek Approximately 2.2 miles was acquired by Reclamation as a borrow source for the construction of Upper Stillwater Reservoir and is now used for fish and wildlife mitigation. No additional acquisitions would occur. Title 505(e) of CUPCA requires this tract of land be transferred from Reclamation to the Forest Service for fish and wildlife purposes. By owning fee title to the entire angler-access corridor, the Forest Service will have the ability to control land uses within the corridor, thereby the ability to protect and preserve the riparian and aquatic ecosystems.

Impacts caused to wetlands by construction of the M&I System of the Bonneville Unit will be mitigated, in part, by enhancing and protecting wetlands on the middle Strawberry River, Currant Creek and Rock Creek. The wetland acreage to be protected on the middle Strawberry River, Currant Creek and Rock Creek is 14.76, 26.6 and 85.1 acres, respectively. This mitigation commitment is identified in the **Wetland Mitigation Plan** for Jordanelle Reservoir described in the Appendix. Wetlands would be managed and protected to retain their wetland values in order to receive mitigation credits. Additional wetland mitigation credits would be sought on future acquisitions on the middle Strawberry River and Currant Creek.

Similarly, impacts to riparian vegetation from the construction and operation of the M&I System will be mitigated, in part, by protecting wooded riparian vegetation on the middle Strawberry River and Currant Creek. The wooded

riparian vegetation to be protected on the middle Strawberry River and Currant Creek is 237 and 165 acres respectively. This mitigation commitment is identified in the **Wildlife Mitigation Plan** described in the Appendix.

No Action - Resource Protection Question #1

Middle Strawberry River, Currant Creek

Under the No Action Alternative, "gaps" in fee title ownership would occur within the angler-access corridor. The ability to enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems would be limited by incompatible land uses that may occur on private property.

Duchesne River

Under the No Action Alternative, the perpetual easements that would be acquired under the Proposed Action would not occur. These easements allow Federal or State resource managers to install instream habitat improvement structures and short sections of livestock exclosure fencing. These resource protection measures would not be available to resource managers under the No Action Alternative, further limiting the ability to enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems.

West Fork, Rock Creek, North Fork, Lower Strawberry River

The miles of acquired angler access and the management objectives for these river reaches are the same under the No Action Alternative as the Proposed Action. The degree to which riparian and aquatic ecosystems would be protected from grazing and other incompatible land uses are the same as the Proposed Action.

Modified Proposed Action - Resource Protection Question #1

All Sections

Same as the Proposed Action.

Resource Protection Question #2

How would stream fisheries and other resources be impacted from increased angler use and other components of the alternatives?

Proposed Action - Resource Protection Question #2

West Fork, North Fork, Rock Creek, Lower Strawberry River

Under the Proposed Action, the management objectives for these river reaches are the same as the No Action Alternative, and no additional angler-access acquisitions would occur. Consequently, increased angler use and associated impacts are not anticipated, and impacts would be comparable to the No Action Alternative.

Middle Strawberry River, Currant Creek, Duchesne River

Estimating the amount of angler use and associated impacts due to the implementation of the Proposed Alternative is speculative. The most recent creel survey on any of the seven river reaches that are the subject of this EA, is a 1991 survey on the middle Strawberry River that showed approximately 1,192 angler days per year (Strawberry River Creel Survey).[18] This survey was conducted shortly after the property was acquired and prior to the public knowing that this stretch of river was in public ownership. Therefore, the data from this survey would underestimate the amount of use that would occur under the Proposed Action after the public was aware of the public ownerships.

It is anticipated that there will be modest increases in angler use compared to the No Action Alternative resulting from increased acquisitions (on the middle Strawberry River and Currant Creek, public access will increase 28 and 23 percent, respectively, compared to the No Action Alternative).

On the Duchesne River, angler-access acquisitions would increase by 34 percent over the No Action Alternative. The angler-access corridor would provide 7 miles of contiguous access compared to the many "gaps" in access that would occur under the No Action Alternative. It is anticipated that there will be moderate increases in angler use over the No Action Alternative.

The impact on the fishery from increased angler use over the No Action Alternative is difficult to quantify and would be speculative. Increased angler use could be mitigated by implementing size, number, season of use and tackle restrictions. These types of restrictions are already in place on the middle Strawberry River and Currant Creek. Specific decisions for future fishery management, if any, would be made by the Utah Wildlife Board and the UDWR in a separate action. If these restrictions were not imposed, then the impacts on the fishery would be proportional to the increase in angler use.

Impacts on water quality, riparian vegetation, and wetlands could also occur as more people use the angler-access corridors. It is anticipated that a small "informal" trail will develop over time as anglers walk along the river bank. This trail will often follow informal tracks already developed by livestock and wildlife traversing the river corridor. A small amount of riparian vegetation could be lost as anglers move up and down the river corridor. If it is determined through consultation with the Fish and Wildlife Service that sensitive vegetation is at risk from increased angler use, then measures would be implemented to reduce these impacts such as fencing or natural barriers to direct the public away from these areas.

[18] Strawberry River Creel Report, Utah Division of Wildlife Resources, 1992.

On the middle Strawberry River and Currant Creek , any impacts from increased angler use would likely be offset by restricting livestock grazing. By acquiring properties in fee title, the impacts from livestock trampling and foraging in riparian areas would be reduced. These past impacts are believed to outweigh the impacts from future increases in angler use.

Under the Proposed Action, toilet facilities would be provided to minimize impacts on water quality from anglers. However, impacts on water quality could occur if anglers do not utilize the provided facilities. On the middle Strawberry River and Currant Creek, livestock grazing would be restricted in the riparian corridor. The impacts on water quality from livestock use would be reduced.

No Action - Resource Protection Question #2

All Sections

The No Action Alternative is considered the baseline for of this analysis. Consequently, there is no increase in angler use or associated impacts over baseline conditions under the No Action Alternative for any of the seven river reaches.

Modified Proposed Action - Resource Protection Question #2

All Sections

The miles of acquisition and management objectives are the same as the Proposed Action. Therefore, the change in angler use and associated impacts on the fishery will be the same as the Proposed Action.[19]

Resource Protection Question #3

What types of recreation uses will be allowed and prohibited under each alternative (camping, biking etc.)?

Proposed Action, No Action, and Modified Proposed Action - Resource Protection Question #3

West Fork, North Fork, Duchesne River, Lower Strawberry River, Middle Strawberry River, Currant Creek

Where access has been acquired by **easement**, only those rights acquired in the easement will be allowed in the angler-access corridors. The only activity allowed by the angler-access easements under all the alternatives is for angling. All other activities such as camping, biking, trail construction, and motor vehicle use (except on existing public roadways) would not be allowed.

[19]The rights acquired through the easement on the 1-mile section of the middle Strawberry River would be sufficient to provide the same level of protection to the riparian corridor as the Proposed Action.

West Fork, Middle Strawberry River, Currant Creek, Rock Creek

Where access has been acquired in **fee title**, the only activities that will be allowed under all the alternatives are angling and other passive uses such as walking, wildlife observation, and photography. Uses such as camping, OHV and trail construction will not be allowed.

Resource Protection Question #4

What are the impacts to threatened and endangered species under each alternative?

Proposed Action, No Action, Modified Proposed Action - Resource Protection Question #4

All Sections

A Biological Assessment was prepared and reviewed by the FWS. The biological assessment found that the Proposed Action may affect but would not likely adversely affect any Federally listed threatened, endangered or candidate species or their habitats as a result of the project. Impacts on the following candidate, threatened or endangered species were considered:

Bonytail Chub (*gila elegans*) Status: Endangered
Colorado Squawfish (*Ptychocheilus lucius*) Status: Endangered
Humpback Chub (*Gila cypha*) Status: Endangered
Razorback Sucker (*Xyrauchen texanus*) Status: Endangered
Bald eagle (*Haliaeetus leucocephalus*) Status: Threatened
Peregrine falcon (*Falco peregrinus*) Status: Endangered
Mountain Plover (*Charadrius montanus*) Status: Candidate
Uinta Basin Hookless Cactus (*Sclerocactus glaucus*) Status: Threatened
Ute Ladies' -tresses (*Spiranthes diluvialis*) Status: Threatened
Canada lynx *(lynx canadensis)* Status: Candidate

The Biological Assessment concluded that the Proposed Action would not adversely affect threatened, endangered and candidate species or the habitats on which they rely. The Proposed Action would complete the Angler Access mitigation responsibilities of the 1988 **Aquatic Mitigation Plan** and establish a management framework that would facilitate the protection and enhancement of riparian woodland and wetlands acquired in fulfillment of the 1987 **Wildlife Mitigation Plan** and 1987 **Wetland Mitigation Plan**. The impacts of site specific activities, such as the construction of vault toilets and parking areas, will be addressed and evaluated upon selection of specific sites. The Biological Assessment is available upon request from the Mitigation Commission.

Resource Protection Question #5

What are the impacts to cultural resources under each alternative?

The Mitigation Commission has initiated consultation with the State Historic Preservation Officer and the National Advisory Council on Historic Preservation and will develop a cultural resource survey plan to locate all potential sites within the angler access corridor. This plan would be implemented prior to the construction of any facilities or transfer of property out of Federal Ownership.

AFFECTED ENVIRONMENT

Middle Strawberry River On the middle Strawberry River angler-access corridor, the Simmons Ranch complex was entered on the National Register of Historic Places on March 20, 1992 (photo 3). There is a potential for other sites eligible for listing to occur in the corridor.

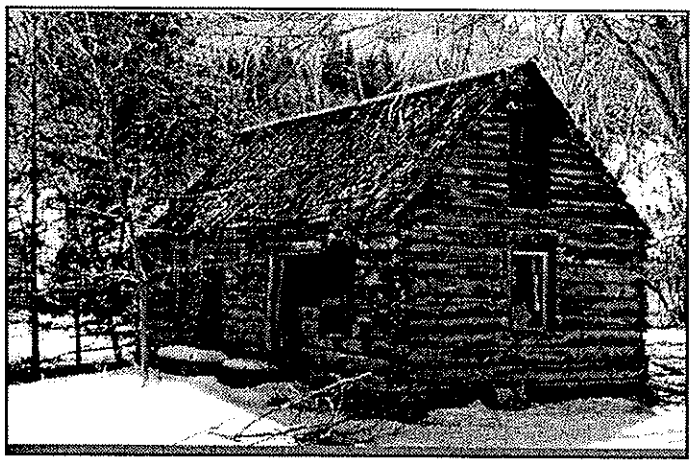

Photo 3 - Main Structure of the Simmons Ranch Complex, Strawberry River Wildlife Management Area

Proposed Action - Resource Protection Question #5

Middle Strawberry River, Duchesne River and Currant Creek

The Proposed Action would result in a moderate increase in angler use within the angler-access corridors on the middle Strawberry River, Duchesne River and Currant Creek. This increase in use could increase the threat of impacts on cultural resources by innocent, yet curious, members of the public or by direct acts of vandalism. On the middle Strawberry River and Currant Creek, additional acquisitions in fee title would occur under the Proposed Action. Cultural resources on these properties would receive a higher level of protection by law in Federal ownership than under private ownership. Site specific analysis of impacts from the construction of any facilities would be conducted upon determining the exact location of potential facilities to avoid impacting cultural resources if possible.

West Fork, North Fork, Rock Creek, Lower Strawberry River

Under the Proposed Action, the management objectives for these river reaches are the same as the No Action Alternative, and no additional angler-access acquisitions would occur. Consequently, increased angler use and associated impacts on cultural resources are not anticipated compared to the No Action Alternative.

No Action - Resource Protection Question #5

All Sections

There would be no increase in angler use under the No Action Alternative and no associated impacts on cultural resources. Cultural resources on private properties

on the middle Strawberry River and Currant Creek would not be afforded the same level of protection under Federal law if they remain in private ownership.

Modified Proposed Action - Resource Protection Question #5

All Sections

The impacts on cultural resources are similar to the Proposed Action. On a 1-mile section of the middle Strawberry River and Currant Creek, properties may be acquired by easement as an alternative to fee title acquisition. Cultural resources on these properties, if any, would not be afforded protection under Federal law if they remain in private ownership.

Cumulative Impacts

Prior acquisition of lands in fee title have increased the land acreage under Federal ownership. Cultural resources on these properties receive a higher level of protection under Federal ownership compared to private ownership.

Prior acquisitions and the completion of the Wolf Creek Summit road improvement project will lead to increased angler use. Impacts on cultural resources from anglers would increase proportionally.

Resource Protection Question #6

What is the impact on visual resources of these facilities?

All Alternatives - Resource Protection Question #6

Middle Strawberry, North Fork, West Fork, Rock Creek

The angler-access corridors in these sections are in a relatively primitive setting with only occasional sights and sounds of human development. Any facility development will detract from this setting. Because facilities would be constructed to blend with the natural surroundings, the visual impact would be reduced.

Duchesne River and Lower Strawberry River

The angler-access corridors in these sections are in a rural setting with sights and sounds of human development common. Because facilities would be constructed to blend with the natural surroundings, the visual impact would be reduced.

Issue 3 Management

Several commentors were concerned regarding how angler-access corridors were to be managed. They wanted to know how appropriate levels of law enforcement and sanitation would be provided and how these requirements would be funded.

Management Question #1

Who will manage each river reach under each alternative?

Background The UDWR is bound by State law to provide management of fish and wildlife resources within the State. In addition, Reclamation and the UDWR entered into an agreement in 1992 where it was agreed that the angler-access corridors would be transferred to the UDWR. This agreement requires the development of an Operating Agreement that outlines the specific management goals and objectives of the corridor and the specific tasks to be completed to achieve these goals. Under the agreement, Reclamation was financially responsible for the initial development of the corridors, which includes such items as fencing, surveys and construction of parking areas and restrooms. This responsibility was transferred to the Mitigation Commission with the passage of CUPCA. The UDWR would provide long-term operation, maintenance and management of the corridors at their own cost. The Forest Service would provide long-term operation, maintenance and management where the angler-access corridors fall within the exterior boundary of Forest System lands. A similar agreement for the development and operation of facilities would need to be negotiated between the Forest Service and the Mitigation Commission. The Wasatch and Duchesne County Sheriff Departments would provide law enforcement within their jurisdiction and authority, as they currently do.

Proposed Action Management Question #1

Duchesne River, Middle Strawberry River, Currant Creek

The UDWR would provide the appropriate level of law enforcement, and regulatory and interpretive signing under the Proposed Action. Under the Proposed Action, trespass and conflict between private and public parties would occur less frequently compared to the No Action alternative as a result of contiguous access being provided to the river corridor. This would tend to decrease the demand for law enforcement compared to the No Action Alternative. A moderate increase in angler use is expected under the Proposed Action. That would tend to increase the demand for law enforcement compared to the No Action Alternative. Consequently, the requirement for law enforcement and management are not expected to increase significantly compared to the No Action Alternative.

North Fork, West Fork, Rock Creek, Lower Strawberry River

The UDWR (and the Forest Service where the angler-access corridors fall within the boundary of Forest System lands), would provide the appropriate level of law enforcement, and regulatory and interpretive signing commensurate with other similar areas. The requirement for law enforcement and management are not expected to increase significantly compared to the No Action Alternative.

No Action Management Question #1

All sections

Same as the Proposed Action.

Modified Proposed Action Management Question #1

All sections

Same as the Proposed Action.

Management Question #2
What are the relative capital and operation and maintenance costs of the planned facilities?

The estimated cost of acquisitions, facilities (capital costs) and operation and maintenance for each alternative is summarized in Table 5.

Table 5
Total Costs

	West Fork	North Fork	Duchesne	Middle Strawberry	Currant Creek	Rock Creek	Lower Strawberry	Total
Proposed Action								
Acquisition Costs	0	0	301,212	3,332,000	840,000	0	0	4,473,212
Capital Costs	45,314	2,264	89,231	88,628	142,656	1,250	41,139	410,482
subtotal	45,314	2,264	390,443	3,420,628	982,656	1,250	41,139	**4,883,694**
Annual O&M	14,571	9,571	19,571	19,571	19,571	9,571	19,571	112,000
Modified Proposed Action								
Acquisition Costs	0	0	301,212	2,554,436	216,000	0	0	3,071,648
Capital Costs	45,314	2,264	89,231	88,628	142,656	1,250	41,139	410,482
subtotal	45,314	2,264	390,443	2,643,064	358,656	1,250	41,139	**3,482,130**
Annual O&M	14,571	9,571	19,571	19,571	19,571	9,571	19,571	112,000
No Action								
Acquisition Costs	0	0	0	0	0	0	0	0
Capital Costs	45,314	2,264	85,806	72,900	78,956	1,250	41,139	327,629
subtotal	45,314	2,264	85,806	72,900	78,956	1,250	41,139	**327,629**
Annual O&M	14,571	9,571	19,571	19,571	19,571	9,571	19,571	112,000

Table 6
Summary of Environmental Consequences

	Proposed Action	No Action	Modified Proposed Action
Issue No. 1 Socioeconomics			
Socioeconomics Question #1 **How will private landowners who have land or property rights acquired for the project be impacted under each alternative?**			
Duchesne River, Middle Strawberry River and Currant Creek	Potential impacts to private landowners would increase compared to the No Action Alternative as additional acres of access are acquired. Landowners could be impacted as the public fish the river corridor, potentially intruding on the privacy that landowners once enjoyed. Other potential impacts associated with providing public access include increased trash, human waste, and an increased threat of vandalism and theft. These impacts would be mitigated by management actions to reduce and control public nuisance problems and by providing financial compensation to the private landowners for property rights acquired.	Approximately 42.9 of the 51 miles of river identified as angler-access mitigation in the **Aquatic Mitigation Plan** have already been acquired. Although no additional acquisitions would occur under the No Action Alternative, the public angler-access corridors have been established. Similar impacts as described under the Proposed Action would occur on those properties already acquired within the angler-access corridors. These impacts on private landowners have been mitigated by providing fencing, alternative methods of watering and financial compensation. Associated impacts on other private properties that have not been acquired could also occur as the public attempt to move from one noncontiguous reach of the angler-access corridor to the next.	Similar to the Proposed Action except on a 1-mile section of the middle Strawberry River and Currant Creek where impacts could potentially be reduced by acquiring access by easement rather than fee title. Property owners would retain ownership to the property, although allowable uses of the property would be restricted. Additional measures would also be implemented to reduce impacts from the public such as installing a new gate and privacy fencing and/or privacy vegetation.
West Fork, North Fork, Rock Creek	No additional acquisitions or impacts would occur compared to the No Action Alternative.	Same as the Proposed Action.	Same as the Proposed Action.

	Proposed Action	No Action	Modified Proposed Action
Socioeconomics Question #2 **How will the County be impacted by each alternative with regard to changes in the counties tax base and Federal land ownership in the County?.**			
Duchesne River, West Fork, North Fork, Rock Creek	No additional fee title acquisitions would occur on the West Fork, North Fork, Duchesne River and Rock Creek, and no changes would occur to property taxes collected by the County. Angler use on the West Fork, North Fork and Rock Creek is not anticipated to increase compared to the No Action Alternative, and no additional tax revenue from the sale of food, supplies and gasoline is expected. Angler use on the Duchesne River is expected to increase compared to the No Action Alternative as the public finds angling more accessible without the many "gaps" in access and with more areas to fish. Increased angler use will lead to increased sales of food, supplies, gasoline and lodging. Tax revenues are anticipated to increase as a result.	No additional acquisitions would occur under the No Action Alternative, and no impacts on the County's tax base are expected.	Property taxes collected under Modified Proposed Action are the same as the Proposed Action.

	Proposed Action	No Action	Modified Proposed Action
Middle Strawberry River, Currant Creek	The net decrease in property tax revenue from acquisition of lands on the middle Strawberry River would range from approximately $5,586 to $7,241 depending on the acreage acquired. The net decrease in property tax revenue from acquisition of lands on Currant Creek would range from approximately $62 to $1,625 depending on the acreage acquired. Angler use on the middle Strawberry River and Currant Creek is expected to increase compared to the No Action Alternative as the public finds angling more accessible without the "gaps" in access and with more areas to fish. Increased angler use will lead to increased sales of food, supplies, gasoline and lodging. Tax revenues are anticipated to increase as a result. The increase in Federal land ownership in Wasatch County would range from 0.24% to 0.47% depending on the acreage acquired. The increase in Federal land ownership in Duchesne County would be approximately 0.05%.	No impacts on the counties' tax base are expected.	*Strawberry River* The net decrease in property tax revenue from acquisition of lands on the middle Strawberry River would be approximately $5,562 or about $1,679 less than the Proposed Action. *Currant Creek* There would not be a decrease in property tax revenues in Wasatch and Duchesne Counties if the properties are acquired by conservation easement. The increase in Federal land ownership in Wasatch County would be 0.24%. The increase in Federal land ownership in Duchesne County would be the same as the Proposed Action.

	Proposed Action	No Action	Modified Proposed Action
Issue No. 2 Resource Protection			
Resource Protection Question #1 **To what degree would the riparian and aquatic ecosystem be protected from grazing and other incompatible land uses?**			
Duchesne River, Lower Strawberry River and North Fork	Limited by incompatible land uses that may occur on private property.	*Duchesne River* Further limited compared to the Proposed Action because fewer easements would be acquired. *North Fork, Lower Strawberry River* Same as the Proposed Action.	Same as the Proposed Action.
West Fork	Under the Proposed Action, Federal and State resource managers would work with land owners to modify existing grazing practices to be more compatible with management objectives for the West Fork.	Same as the Proposed Action.	Same as the Proposed Action.
Middle Strawberry River, Currant Creek, Rock Creek	Fee title ownership would provide Federal and State resource managers with the ability to control land uses within the corridor, thereby the ability to protect and preserve the riparian and aquatic ecosystems.	*Middle Strawberry River, Currant Creek* Limited by incompatible land uses that may occur on private property. *Rock Creek* Same as the Proposed Action.	Same as the Proposed Action. Easements, if any, acquired on 1-mile reach of the middle Strawberry River and Currant Creek would provide same ability to control land uses as the Proposed Action.
Resource Protection Question #2 **How would stream fisheries be impacted by increased angler use under each alternative?**			
West Fork, North Fork, Lower Strawberry River, Rock Creek	Increased angler use and associated impacts are not anticipated over the No Action Alternative.	There is no increase in angler use or associated impacts over baseline conditions.	Same as the Proposed Action.

	Proposed Action	No Action	Modified Proposed Action
Middle Strawberry River, Currant Creek, Duchesne River	A moderate increase in angler use is expected over the No Action Alternative. The impacts on the fishery from increased angler use are difficult to quantify and speculative. However, it is anticipated that impacts from increased angler use could be mitigated with size, number, season of use and tackle restrictions. These types of restrictions are already in place on the middle Strawberry River and Currant Creek. Specific decisions for future fishery management would be made by the Utah Wildlife Board and the UDWR in a separate action. Impacts on water quality, riparian vegetation, and wetlands could also occur as more people use the angler-access corridors. It is anticipated that a small "informal" trail will develop over time as anglers walk along the river bank. This trail will often follow informal tracks already developed by livestock and wildlife traversing the river corridor. A small amount of riparian vegetation could be lost as anglers move up and down the river corridor. Sensitive vegetation, such as wetland areas, could be fenced if they are considered to be at risk from increased angler use. On the middle Strawberry River and Currant Creek, any impacts from increased angler use will be offset by restricting incompatible land uses, primarily livestock grazing. By acquiring properties in fee title, incompatible land uses would be eliminated, and the impacts from livestock trampling and foraging in riparian areas would be eliminated.	There is no increase in angler use or associated impacts over baseline conditions.	Same as the Proposed Action.
Resource Protection Question #3 What types of public recreation uses will be allowed and prohibited under each alternative (camping, biking etc.)?			
West Fork, North Fork, Duchesne River	The only activity allowed by the angler-access easements under all the alternatives is for angling. All other activities such as camping, biking, trail construction, motor vehicle use (except on existing public roadways) will not be allowed.	Same as the Proposed Action	Same as the Proposed Action. Would also include the 1-mile Section of the middle Strawberry River and easements on Currant Creek.

	Proposed Action	No Action	Modified Proposed Action
West Fork, Middle Strawberry River, Currant Creek, Rock Creek	Activities that will be allowed on properties acquired in fee title include angling and other passive uses such as walking, wildlife observation or photography. Other uses such as camping, biking, trail construction, motor vehicle use (except on existing public roadways) will not be allowed.	Same as the Proposed Action	Same as the Proposed Action
Resource Protection Question #4 **What are the impacts to threatened and endangered species under each alternative?**			
	A Biological Assessment was prepared and reviewed by the FWS. The biological assessment found that all of the alternatives would not likely adversely affect any Federally listed threatened, endangered or candidate species or their habitats as a result of the project.	Same as the Proposed Action	Same as the Proposed Action
Resource Protection Question #5 **What are the impacts to cultural resources under each alternative?**			
Middle Strawberry River, Duchesne River and Currant Creek	The Proposed Action would result in a moderate increase in angler use within the angler-access corridors on the middle Strawberry River, Duchesne River and Currant Creek. This increase in use could increase the threat of impacts on cultural resources. On the middle Strawberry River and Currant Creek, additional acquisitions in fee title would occur under the Proposed Action. Cultural resources on these properties would receive a higher level of protection by law in Federal ownership than under private ownership. Site specific analysis of impacts from the construction of any facilities would be conducted upon determining the exact location of facilities.	There would be no increase in angler use under the Proposed Action and no associated impacts on cultural resources. Cultural resources on private properties on the middle Strawberry River and Currant Creek would not be afforded the same level of protection under Federal law if they remain in private ownership.	Same as the Proposed Action except on a 1-mile section of the middle Strawberry River of river and sections of Currant Creek if they are acquired by easement rather than fee title. Cultural resources on these properties, if any, would not be afforded protection under Federal law if the property remains in private ownership.
West Fork, North Fork, Rock Creek	Increased angler use and associated impacts on cultural resources are not anticipated compared to the No Action Alternative.	Same as the Proposed Action.	Same as the Proposed Action.

	Proposed Action	No Action	Modified Proposed Action
Resource Protection Question #6 What is the impact on visual resources of these facilities?			
Middle Strawberry River, North Fork, West Fork, Rock Creek	The angler-access corridors in these sections are in a relatively primitive setting with only occasional sights and sounds of human development. Any facility development will detract from this setting. Facilities would be constructed to blend with the natural surroundings.	Same as the Proposed Action	Same as the Proposed Action
Duchesne River and Lower Strawberry River	The angler-access corridors in these sections are in a rural setting with sights and sounds of human development common. Facilities will be developed to blend with the natural surroundings and will not detract from the visual quality of this setting.	Same as the Proposed Action	Same as the Proposed Action
Issue 3 - Management			
Management Question #1 Who will manage each river reach under each alternative?			
Duchesne River, middle Strawberry River, Currant Creek	The UDWR would provide the appropriate level of law enforcement, and regulatory and interpretive signing commensurate with other similar areas. The Wasatch and Duchesne County Sheriff Departments would provide law enforcement that falls within their jurisdiction and authority. The requirement for law enforcement and management are not expected to increase significantly compared to the No Action Alternative.	Same as the Proposed Action.	Same as the Proposed Action. .
West Fork, North Fork and Rock Creek	The UDWR and the Forest Service, where the angler-access corridors fall within the boundary of Forest System lands, would provide the appropriate level of law enforcement, and regulatory and interpretive signing commensurate with other similar areas. The Wasatch and Duchesne County Sheriff Departments would provide law enforcement that falls within their jurisdiction and authority. The requirement for law enforcement and management are the same as the No Action Alternative.	Same as the Proposed Action.	Same as the Proposed Action.
Management Question #2 What are the relative capital and operation and maintenance costs of the planned facilities			
O&M costs for each alternative are described in table 5, Page 4-20.			

Chapter 5

Response to Comment Letters

A draft EA or Executive Summary of the EA was sent to 156 individuals and organizations on July 31, 1998. Forty-nine comment letters were received. This Chapter includes copies of the letters and responses to comments. Although forty-nine comment letters were received, many of the comments raised were the same or very similar to comments in other letters. Rather than providing the same response to similar comments repeatedly, we reference the comment and response in the letter where the comment first appears. Therefore, comment letters that were received later in our process and that were assigned a higher tracking number, often have comments that have already been responded to in previous letters. Although we refer to the comment and response in another letter, all comments received equal consideration.

This Final EA incorporates changes made to the draft based on comments and responses. Following is an index of the letters received, the letters and responses.

Letter No.	**Individual/Organization**
1	Monica Plewe
2	Todd Jay Plewe
3	J. Kimball, Utah Division of Wildlife Resources
4	R. Harris, U.S. Fish & Wildlife Service
5	Marlin & Diane Johnson
6	A. Robert Motzkus
7	Larry S. Ross Duchesne County Commission
8	T. R. Spencer, TR Spencer & Associates, Inc. (Jeff & Samantha McCollin)
9	Max Sturgis
10	Troy Plewe
11	Allan E. Smith
12	Alarik Myrin, State Senator Utah State Senate
13	Lee M. Smith, Deep Creek Investments
14	Shawn E. Draney, Snow, Christensen & Martineau

Letter No.	Individual/Organization
15	Rennly J. Charlesworth
16	April L. Charlesworth
17	Kimberly A. Doyle
18	Jill Hamilton
19	Shirlie J. Charlesworth
20	Mirid Charlesworth Weidner
21	GayLee C. McEwan, Horizon Marketing Group
22	Jace Martinson, Florida International
23	Camden
24	Paul Adams
25	Fiskerland Jones Charlesworth
26	Manessa C. Adams
27	M. Dean Petersen
28	Lou Anne Rose Evans
29	Jessica Rose Evans
30	Kris Nelson
31	Dan Hoffman
32	Mrs. A. Marvidilies
33	Zebulon Van Hoffman
34	Tilly Van Egmond
35	Tom Williams
36	Jacob and Nicole Croft
37	Jason Black
38	Shirley Flaig
39	John R. Kelm

Letter No.	Individual/Organization
40	Craig R. Proctor
41	L. Boyd Breeding
42	James E. Karkut, Parsons Behle & Latimer (Kesler Family)
43	Lynn M. Dudley V.P. of Alva P. Murdock & Son
44	Gill Charlesworth
45	Rick Redmon Park Manager Starvation State Park
46	William R. Trojan
47	John R. Anderson
48	Darrell H. Mensel UOICC
49	J. Floyd Hatch

MITIGATION COMMISSION
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SEP 22 1998

CODE	INITIALS
10005	
CLASSIFICATION	
PROJECT	

Monica Plewe
522 Bell Ct. #3
Alamosa, Colorado 81101
(719) 589-6598
moni@amigo.net

September 19, 1998

Via U.S. Mail Certified - Return Receipt Requested

Utah Reclamation Mitigation and Conservation Commission
Attention: Richard Mingo
102 West 500 South, Suite 315
Salt Lake City, Utah 84101-2328

RE: Angler-Access Mitigation Program - Middle Strawberry River Acquisition

Dear Mr. Mingo:

I strongly oppose the *Proposed Action* in the *Angler-Access Mitigation Program Strawberry Aqueduct Collection System Draft Environmental Assessment*. I am particulary opposed to the acquisition of property on the Middle Strawberry River in Section 17 T4S. R 9W.

My Uncle owns a small parcel in Section 17. I have fished and camped on his property on several occasions. The *Proposed Action* would be detrimental to the area. Additionally, the *Proposed Action* is an egregious violation of the property rights of landowners. I support the *No Action* alternative. However, some other resolution could be found that would leave private property owners unharmed while allowing anglers to pass through Section 17. 1.1

Very truly yours,

Monica Plewe

cc: Via Regular U.S.Mail

Letter No.	Comment No.	Response
1	1.1	A major impetus for the Central Utah Project Completion Action (P.L. 102-575) was the awareness that prior mitigation efforts had lagged behind construction of the Central Utah Project or were inadequate when measured against modern environmental standards. It was the intent of Congress to balance the mitigation debt within Utah resulting from such development and to provide mitigation an equal footing compared to other project purposes. As such, Congress prescribed the completion of the mitigation responsibilities described in the 1988 Aquatic Mitigation Plan and the 1987 Wildlife Mitigation Plan (Appendix 1 of the EA). The acquisition of land required to complete the mitigation responsibilities follows a standard process required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The purpose of the Act is to provide uniformity and fairness in the treatment of property owners. The process is summarized as follows: a. A determination in made by the head of the acquiring agency as to the minimum estate and area needed for project purposes. b. A real estate appraisal is made to determine the fair market value of the highest and best use of the parcel being acquired. This value is to represent what a willing seller would sell the property for and a willing buyer would pay for the property, neither being under duress to buy or sell. c. A written offer to purchase the property is made to the land owner. This offer is generally hand delivered along with a brief explanation of the project. d. Negotiations are conducted with the landowner. Every reasonable effort is made to negotiate an agreement that is fair to both the land owner and the taxpaying public. e. Only after all reasonable efforts have been made to come to a mutual agreement on a fair and reasonable price, is the proposed acquisition recommended by the agency representative for condemnation. Reclamation and the Mitigation Commission will make every reasonable attempt to acquire properties on a willing seller basis. However, the Environmental Analysis requires the full disclosure of all potential actions, which includes the use of eminent domain.

2

MITIGATION COMMISSION
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SEP 21 1998

CODE	INITIALS
12605	
CLASSIFICATION	
PROJECT	

Todd Jay Plewe
522 Bell Ct. #3
Alamosa, Colorado 81101
(719) 589-6598
plewe@amigo.net

September 18, 1998

Via U.S. Mail Certified - Return Receipt Requested

Utah Reclamation Mitigation and Conservation Commission
Attention: Richard Mingo
102 West 500 South, Suite 315
Salt Lake City, Utah 84101-2328

RE: Angler-Access Mitigation Program - Middle Strawberry River Acquisition

Dear Mr. Mingo:

I am writing to voice my opposition to the *Proposed Action* set forth in the *Angler-Access Mitigation Program Strawberry Aqueduct Collection System Draft Environmental Assessment*. In particular, I oppose the acquisition of property on the Middle Strawberry River in Section 17 T4S. R 9W.

I have fished this Section, by invitation on several occasions. My wife's Uncle owns a small parcel in the Section. The area is beautiful, peaceful and serene. The property owners are respectful environmental stewards. The area is free from trash and vandalism. In contrast, I have also fished public access areas on the Middle Strawberry. These public areas are often crowded. Unfortunately, the public areas are marred by vandalism, trash, and other crime. The action proposed by the *Angler Access Mitigation Program* would open up Section 17 to all of the negative impacts associated with public access: trash, vandalism, and crime. All of the reasons that landowners purchased property in Section 17 would be diminished if not destroyed. 2.1

The *Proposed Action* represents just one more intrusion by a behemoth Federal Government into individual property rights guaranteed by the *United States Constitution*. Individual property rights should not be usurped in the name of angling access. 2.2

I have read the *Draft Environmental Assessment*. This *DEA* is typical of other reports spewed from the bowels of bureaucracy. The assertions in the *DEA* that property values in Section 17 on the Middle Strawberry will not decrease as a result of the *Proposed Action* is ludicrous. The small parcels and cabins in Section 17 are appealing and valuable because of their characteristic privacy, serenity, seclusion and private access to the Middle Strawberry. The *Proposed Action* would destroy or damage the characteristics that make the parcels and cabins in Section 17 valuable and desirable. The residences in Section 17 are very close to the river. Under the *Proposed Action*, fisherman and others would be allowed to practically walk on the landowner's front porches. 2.3

As an attorney, I was especially disappointed with the *DEA's* woefully inadequate treatment of alternatives to the *Proposed Action*. According to U.S.C 42 § 4332 (C) the *DEA* must include "a detailed statement by the responsible official on....alternatives to the *Proposed Action.*" The only alternative discussed in detail was the *No Action Alternative*. A *Modified Proposed Action* is briefly discussed and it does deal specifically with Section 17; however, there is absolutely no practical difference between obtaining a 30' strip in fee title and obtaining a 30' strip as a perpetual easement. The failure of the *DEA* to adequately address realistic alternatives in accordance with U.S.C. 42 § 4332 (C), may amount to a 2.4

Letter No.	Comment No.	Response
2	2.1	Impacts from increased angler use in the form of trash, human waste, noise, and an increased threat of vandalism, theft and fire are described in Chapter 1 of the EA, page 1-6. Chapter 4, pages 4-1 and 4-2 recognize that the potential for these impacts is increased under the Proposed Action and Modified Proposed Action compared to the No Action Alternative. In order to mitigate for these impacts management actions would be implemented to reduce and control problems associated with public use. Management actions would include the construction and regular maintenance of parking areas and vault toilets. Under the Modified Proposed Action, fencing and/or privacy vegetation would be installed and planted by the Mitigation Commission, at the discretion and approval of landowners along the middle Strawberry River in Section 17 in order minimize the impacts on the privacy and to lessen the threat of vandalism and theft on private properties (page 4-2).
	2.2	Refer to Response to comment 1.1.
	2.3	The comment presumably refers to page 4-2 and page 4-3 of the EA that states, "It is not anticipated that the easement will change the property value tax assessment, and no changes are anticipated to occur in the amount of property taxes collected by the county." This statement is made in the context of the counties' property tax assessments and not the market value of the property. Property owners would be compensated for the decrease in the market value of their property resulting from fee title acquisitions or encumbrance by an easement.

Letter No.	Comment No.	Response
	2.4	The Council on Environmental Quality Regulations for preparing an Environmental Assessment (40 C.F.R. 1508.9) requires the following: "(a) Means a concise public document for which a Federal agency is responsible that serves to: (1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. (2) Aid an agency's compliance with the Act when no environmental impact statement is necessary. (3) Facilitate preparation of a statement when one is necessary. (b) Shall include brief discussions of the need for the proposal, of alternatives as required by sec. 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. " The Mitigation Commission's own parallel NEPA Rule has been codified at 43 CFR Part 10010. SUBPART C addresses Environmental Assessments. We believe the scope of the analysis presented in the Environmental Assessment meets the letter and intent of these regulations.

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
John Kimball
Division Director

1594 West North Temple, Suite 2110
PO Box 146301
Salt Lake City, Utah 84114-6301
801-538-4700
801-538-4709 (Fax)
801-538-7458 (TTY)

September 16, 1998

Ms. Carolyn Wright
Grants Coordinator
Governor's Office of Planning and Budget
Resource Development Coordinating Committee
116 State Capitol
Salt Lake City, UT 84114

Ms. Kathleen Clarke
Executive Director
Utah Department of Natural Resources
1594 West North Temple
Salt Lake City, UT 84114

Attention: Jamie Dalton

Subject: RDCC Action Item #16, UT-980825-060, Utah Reclamation Mitigation and Conservation Commission: Notice of Availability of the Draft Environmental Assessment for the Angler-Access Mitigation Program, Strawberry Aqueduct and Collection System, Bonneville Unit, Central Utah Project.

Dear Ms. Wright:

The Division of Wildlife Resources (DWR) has reviewed the subject document and offers the following comments.

For many years the DWR has been closely associated with the various mitigation aspects of the Strawberry Aqueduct and Collection System (SACS), Bonneville Unit, Central Utah Project. Many of these mitigation issues have gone unresolved even as SACS has become operational. We support the Utah Reclamation Mitigation and Conservation Commission's (Commission) efforts to complete the mitigation obligations as enumerated in the *1988 Aquatic Mitigation Plan* and *the 1988 Definite Plan Report* and offer to the Commission whatever assistance we can provide in order to effectively move this process forward.

Specific comments are as follows:

Page 1-5 Footnote 3: We are assuming that the reference to a 1988 "Operating Agreement" for Currant Creek is meant to describe the management plan(s)

drafted by the DWR to facilitate earlier transfer of certain mitigation lands along Currant Creek. The term "operating agreement", however, was first described in a 1992 MOU to describe the vehicle by which Bonneville Unit mitigation lands would be transferred to the DWR. This MOU was developed, in part, to address some of the inadequacies associated with previous management plans used for title transfer. Consequently, it is inaccurate to describe those earlier plans as operating agreements. The MOU intent language is quite specific as to purpose, and that language has correctly driven subsequent transfer actions. 3.1

Chap 2 Various Management and Facilities discussions under all alternatives: It is stated that the DWR will provide vault toilets and garbage receptacles. Initial development needs, including those mentioned above, have generally been provided through the Commission. Future maintenance of those amenities will be addressed by subsequent Operating Agreements between the DWR, Commission, and possibly other appurtenant entities. 3.2

Page 2-4 Miles of Acquisition....: It is our understanding that the 600+ acres referenced in this paragraph is being considered as partial mitigation for big game impacts associated with the M&I System. Although the lands in question are relatively high in elevation, the southern and southwestern aspect minimizes significant snow accumulation. Consequently, this area is routinely utilized by big game, primarily elk, during the winter months. The DWR would offer its services to the Commission if additional assessment of this area is desired.

Page 2-7 Management and Facilities of Lower Strawberry River: The location of the one additional parking area and restroom facility 0.6 miles downstream of Starvation Dam, as shown on the map, may conflict with planning efforts at Starvation State Park. (See additional comments - Map 8.) 3.3

Page 3-1 Setting and History: The town of Duchesne and the lower Strawberry River are not mentioned in this paragraph, although they are within the project area. 3.4

Page 4-11 Currant Creek: Complete fee title ownership of the Currant Creek corridor from the Forest boundary to above Hwy 40 would also require renegotiation of existing easements, in addition to the acquisitions noted. 3.5

Map 6 Currant Creek Angler Access: According to the map, there are 4 reaches proposed for acquisition. The southernmost reach (#1) above US 40, is properly shown. The Water Hollow reach (#2) would require acquisitions on both sides of stream. The southwestern bank, not the northeastern (as 3.6

depicted on the map) in the south portion of reach #2 is currently in public ownership. There is currently an access easement on the northeastern bank of the stream In the reach below Little Red Creek (#3). Finally, the short reach (#4) immediately south of the Forest boundary below Layout Canyon is in public ownership. 3.6

Map 8 Lower Strawberry River Angler Access: There is no public access on the short reach of Strawberry River upstream from its confluence with Duchesne River to US-40. Additionally, the present ownership of the former trailer park, in the southwest part of Duchesne City is unclear. Depending on its future status, public access may not be possible through his reach. Lastly, anglers are presently allowed to fish in the stream channel and the overflow channel below the Starvation Dam spillway. 3.7

Map 8 Lower Strawberry River Angler Access - Parking areas: A small easement has been purchased for a parking area within the town of Duchesne on the north bank of the river adjacent to and west of SR 191. More importantly, there are several entities associated with public access issues along the Lower Strawberry. These include the Utah Division of State Parks and Recreation, who administer Starvation State Park; the Bureau of Reclamation, who own lands at the toe of Starvation Dam; and the Central Utah Water Conservancy District, who operates Starvation Dam. Placement of future parking areas should be closely coordinated with the affected parties to minimize potential management conflicts. 3.8

3.9

Typographical and/or editorial comments:

Page 1-5 Socioeconomics - 3rd sentence: It appears wording should be added after "no-net-loss" so that the clause may stand by itself.

Page 1-5 Footnote 3: Insert the word "will" after Currant Creek (...acquisitions on Currant Creek will meet ....)

Page 2-2 Duchesne River, first line on page 2-2: No access points have been constructed to the Duchesne River.

Page 2-2 Duchesne River, Management and Facilities: Parking area size should probably be in the 4 to 8 vehicle size, not up to 12 vehicles. Also, toilet and garbage facilities would be maintained by either DWR or the Forest Service (FS), depending on location (FS will maintain their Stockmore Ranger Station interpretive site toilet and parking).

Page 2-5 Currant Creek, miles of acquisition: Length of proposed acquisitions may need to be modified, based on comments for Map 6 and page 2-13 (Table 1, Miles of Acquisition).

Page 2-13 Miles of Acquisition table, Currant Creek: According to our measurements, acquisition for both sides of the stream was approximately .6 miles: acquisition for one side was approximately .9 miles; and the reach for which an easement has already been obtained (above Water Hollow) was approximately .9 miles. (Page 4-3 may also need to have stream miles on Currant Creek modified.)

Page 2-15 Facilities & Management Table, Lower Strawberry River: Parking should probably be for 3 sites, 2 of which are already constructed. The two constructed sites are: 1) in the Duchesne City property, and 2) the 3/4 acre parking area at the NW corner of the Highway 191 and Strawberry River crossing.

Page 3-1 Socioeconomics--2nd paragraph, 3rd line: Duchesne **County** has a relatively....

Page 3-3 West Fork, 2nd paragraph, 3rd line: "Step-pool" is a more common term than "drop-pool" and is the terminology is used in PRRP EIS and Rosgen's *Applied River Morphology* (1996).

Page 3-5 First full paragraph (beginning with: Operation of....): Flows in July of 1998 had gone up to **160** cfs. (By August 24, releases had increased to 200 cfs.)

Page 4-1 Socioeconomics Question #1 for Proposed Action on Currant Creek: Based on acquisitions already acquired on Currant Creek, should not the number of private landowners affected be 3, rather than 5?

Page 4-4 Table 3, Middle Strawberry River, PILT column: Minus signs are needed in front of the dollar amounts of PILT payments for the Middle Strawberry properties (in order to be consistent with the format for PILT payments on other river sections in this table).

Page 4-11 Currant Creek, 2nd sentence: ...an additional 1.1 miles of angler access ~~would be acquired (1.1 miles~~ on both sides and 1.3 miles **of angler access** on one side of the river **would be acquired,** ~~)~~ providing 9 miles.... (The sentence may need further re-wording to reflect the limited ability to control land uses where easements only have been acquired on one side of the stream.)

Page 4-14 Resource Protection Question 3; West Fork, North Fork, Duchesne River and Lower Strawberry: ~~accept~~ except on existing....

Map 4 Strawberry River Angler Access: The location of the parking site just below Soldier Creek Dam was omitted from the map.

Thank you for an opportunity to review the document and provide comment. If you have any questions please contact Doug Sakaguchi, CUP Project Leader, at the Central Utah Water Conservancy District Office in Orem (801-226-7173).

Sincerely,

ACTING DIRECTOR

John Kimball
Director

Letter No.	Comment No.	Response
3	3.1	The reference to the 1988 Currant Creek agreement on page 1-5, footnote 3 has been changed from Operating Agreement to Management Plan.
	3.2	Page 1-5 of the EA recognizes that the management development responsibilities are those of the Mitigation Commission as follows: "Reclamation agreed to develop the acquired lands for management purposes, which include boundary surveys, fencing, signing, construction of parking areas, and habitat improvement measures. Upon completion of the management developments, the UDWR agreed to provide long-term operation, maintenance and management of the acquired property rights and associated facilities at their own cost. Reclamation's management development responsibilities were transferred to the Mitigation Commission upon enactment of CUPCA. Properties acquired within the exterior boundary of Forest System lands, will be managed by the Forest Service."
	3.3	The proposed parking area has been changed from the west side of river in Section 33 to the east side of the river in Section 34 on property already in the name of the United States (refer to Map 2).
	3.4	Changes have been made to document as noted. Thank you for your comments.
	3.5	Page 4-11 of the draft EA that stated, "The entire corridor would be owned in fee title on both sides of the stream allowing Federal and State resource managers the ability to control land uses within the corridor, thereby the ability to protect and preserve the riparian and aquatic ecosystems." This statement was incorrect. Several previous angler acquisitions on Currant Creek were easements. In addition, a Modified Proposed Action for Currant Creek has been included to allow the acquisition of restrictive angler-access easements rather or fee title acquisition.
	3.6	Changes to Map 6 have been made as noted and are included on the consolidated Map 2.
	3.7	Changes to Map 8 have been made as noted and are included on the consolidated Map 2.
	3.8	Thank your for your comments. Refer also to response to letter 3.3.
	3.9	Changes have been made as noted.

United States Department of the Interior
FISH AND WILDLIFE SERVICE
UTAH FIELD OFFICE
LINCOLN PLAZA
145 EAST 1300 SOUTH, SUITE 404
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In Reply Refer To
(CO/KS/NE/UT)

September 16, 1998

Michael Weland
Executive Director
Utah Reclamation Mitigation
and Conservation Commission
102 West 500 South, Suite 315
Salt Lake City, UT 84101-2328

Dear Mr. Weland:

We have received your letter of July 31, 1998 and the draft Environmental Assessment (EA) for the Angler-Access Mitigation Program. The Utah Reclamation Mitigation and Conservation Commission proposes to complete the angler-access mitigation commitment through acquisitions and habitat protection and management of the acquired stream corridors. A Proposed Action, Modified Proposed Action, and a No Action Alternative were analyzed. As mitigation for the loss of 40 miles of stream habitat due to inundation by Central Utah Project reservoirs and 240 miles of stream habitat altered by reduced stream flows resulting from the Strawberry Aqueduct and Collection System, the U.S. Fish and Wildlife Service (Service) supports the Proposed Action.

The Service offers the following comments on the draft EA:

P. 2-1 and 2-2 (Proposed Action): Under miles of Acquisition and Acquisition Type it states that fee title might be acquired for establishing one additional access point with parking areas. It further states two access points have already been constructed. Under Management and Facilities it states approximately four day-use only parking areas would be constructed. Map 3 shows four proposed parking areas. Please clarify how many parking areas have been and will be constructed. 4.1

P. 2-3 Middle Strawberry, Management Objectives. The second paragraph contains an excellent description on the future use of grazing to enhance wildlife values and habitat quality. Please provide this management objective for other streams of the acquired stream corridors that have current grazing practices (i.e. Duchesne River). 4.2

P. 2-6 Currant Creek, Management and Facilities. Map 6 shows a fifth proposed parking area. Please clarify if this is part of the proposed project or if this is the Forest Service's responsibility. 4.3

P. 3-2 through 3-5. The heading for this section of Chapter 3 states Riparian Vegetation, Wetlands, and Fisheries. For each river there is a thorough explanation of the river, elevations, precipitation, geologic formations, wetlands, riparian vegetation, etc. However, no information is provided for fish or their habitats for any of the rivers. The Service believes that this is vital information which should be in the EA to assess the mitigation program and to show the importance of providing angler access to these streams. | 4.4

P. 3-2 Currant Creek. It is the Service's understanding that all releases out of Currant Creek Dam have been instream flow obligations and not for any water rights. Since Currant Creek Dam has become operational, all releases have been minimum flows. It may be that there are water rights but they have not been exercised. Please clarify this statement in the EA. | 4.5

P. 3-2 Currant Creek. Further information is needed on flows in Currant Creek. Since reservoir operation began, flows have been averaging 23 cfs from April through September and 10 cfs from October through March. The greatest peak discharge has been 135 cfs on June 21, 1998. This resulted from Strawberry Reservoir filling for the first time and the aqueduct being shut down. Abnormal higher flows will be supplied to Currant Creek until Strawberry Reservoir becomes fully operational. We believe the EA should fully describe past, current, and expected future flows. | 4.6

P. 3-5 Strawberry River. The highest recorded flow out of Soldier Creek Dam has changed since the release of the draft EA. Please see previous comment on Currant Creek. Until Strawberry Reservoir becomes fully operational, there will be higher flows out of Soldier Creek Dam. | 4.7

P. 4-9 Resource Protection Question #1. This section provides a good discussion on the detrimental impacts of grazing on the riparian and aquatic ecosystem. However, under the middle Strawberry River section it states that future livestock grazing, if any, would be limited to the enhancement of wildlife values and habitat quality. This implies that grazing can be beneficial to riparian ecosystems. We believe the EA should state how grazing (properly managed) would be managed to benefit riparian systems. | 4.8

P. 4-15 Resource Protection Question #4. Please indicate in this section the joint lead agencies' position regarding threatened and endangered (T&E) species. Please provide a brief summary of the draft Biological Assessment and other T&E species protective measures stated in the EA (fencing and natural barriers to protect sensitive areas, etc.). | 4.9

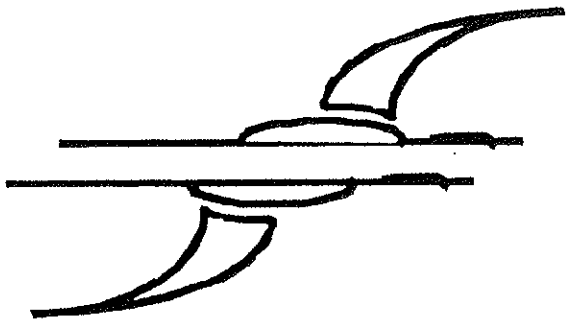
Thank you for the opportunity to review the draft Environmental Assessment. If you need further information, please contact Jim Muck at the above address or (801)524-5001, ext. 133.

Sincerely,

Reed E Harris

Reed Harris
Utah Field Supervisor

Letter No.	Comment No.	Response
4	4.1	Text has been changed as noted. Four parking areas would be constructed. No parking facilities have been constructed with the exception of the North Fork Ranger Station in the vicinity of the confluence of the Duchesne and North Fork.
	4.2	On the West Fork of the Duchesne and the Duchesne River access has been acquired as a conservation easement (with the exception of one property). Under the terms of the access easements, only the rights that have been acquired can be exercised. Restricting cattle grazing was not acquired in all instances and making this a management objective would require the acquisition of additional property rights. Under the Proposed Action and Modified Proposed Action for the West Fork of the Duchesne, Reclamation and the Mitigation Commission would cooperate with present landowners to establish grazing practices more compatible with these objectives (see page 2-2).
	4.3	Map 2 (which replaces Map 6 of the Draft) has been revised to show just the four parking areas proposed for construction. The fifth parking area is an "informal" parking area just upstream and within the Forest System boundary.
	4.4	Text revised as noted.
	4.5	Releases are made to the stream to meet downstream water right and instream flow obligations.
	4.6	Text revised as noted.
	4.7	Text revised as noted.
	4.8	Pages 4-8 and 4-9 of the EA describe the impacts of grazing on riparian ecosystems. However, when judiciously implemented and effectively regulated, grazing can be both an inexpensive and effective means through which desirable changes in vegetative composition, and therefore wildlife habitats, can be induced. Where ownership has been acquired in fee title, it will be the responsibility of the managing agency to determine how best to achieve the resource management objectives of the angler access corridors. Management objectives are described in Chapter 2.
	4.9	A summary of the BA has been included on page 4-15 of the EA.



Martin & Diane Johnson
266 East 4th Ave #508
Salt Lake City, Utah 84103

801-363-5601

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September 5, 1998

Richard Mingo
Mitigation Commission
102 West 500 South
Salt Lake City, Utah 84101

Dear Richard

In response to your letter concerning the Angler-Access Mitigation Program prepared by the Commission and U.S. Bureau of Reclamation, The Johnson family has prepared and enclosed a statement including comments and some questions. Prior to any decisions or legal actions, we would ask that you meet with us and that you, your staff and the commissioners visit our property and the upper River with us.

As you might guess, it has been very stressful for us over the past several years as the Bureau has set out on a path to take over the middle Strawberry area. We as a family are very attached to our 80 acre retreat on the Strawberry. We purchased the property in good faith many years ago for the purpose of having a retreat place for the extended family and as part of a long-range retirement plan. We paid several times more for the property than your staff appraisal of 20 years latter. Over the years we have built a modest two story cabin, drilled an excellent well, and installed an approved septic tank and drain field. All improvements have been accomplished by the family and have Wasatch county permits and approval. Also all of the improvements have been accomplished with minimum impact on the natural setting.

It is hard for us to understand why the Bureau should acquire even more land in Utah when the Federal holdings are now 80% or more, and the Federal Government is so far in debt. Interstate needs like a freeway or an airport maybe we could understand. But taking private property from unwilling owners just to allow a few anglers access to a little more of the Strawberry River seems unjustified. The middle Strawberry area is a wild, remote and wonderful area. Anglers have access from the Strawberry Dam as well as parking, camping, etc. As we have indicated in our response, access was available from the Current Creek road until the land between the highway and the river was acquired by the Bureau and the access closed. We did include in the response to the first draft of the program plan a suggestion of an improved footpath access across our properties just

5.1

avoiding the immediate cabin and private camping sites. This proposal would provide yet a third way in for the few anglers wanting to access from the east or wanting to back pack the entire 7 miles to the Dam.

We ask that your plan be corrected to reflect appropriate land values and that you take the time to visit the sites with us and to meet with us prior to the final program plan draft. The proposed action for our area taking the very most prime part of our property along the river and then controlling our use of the entire 80 acres guts our property. This action would have a permanent devaluing impact, financial as well as usability.

Sincerely

Marlin D. Johnson

JOHNSON FAMILY RESPONSE
"ANGLER-ACCESS MITIGATION PROGRAM"
SEPTEMBER 4, 1998

Some 20 years ago Marlin Johnson , current owner of 80 acres middle Strawberry area, began looking for a family retreat location. We (the Johnson family) wanted a site that was remote and undisturbed, which provided good fishing, and supported natural vegetation and wild life. After three years of searching, an 80 acre parcel of unimproved land was purchased on the Strawberry River: 12 miles up river from the Pinnacles and 7 miles down river from the Strawberry Dam. The purchase price was $750/acre. Over the years Wasatch County permits were obtained and a cabin constructed, a well drilled, and a septic tank and drain field installed. All improvements were accomplished without removing trees and with very minimum disturbance to the site. All improvements were accomplished by the family.

The Johnson kids and grand kids (9 so far) have grown and are growing up fishing and spending summers at the family retreat cabin. Most of us are now experienced fly fishermen. We all have a great love and respect for the Strawberry River area and a very strong family way of life attachment to our 80 acre retreat.

Some years ago the Nature Conservancy Group approached us and wanted to purchase our Strawberry property. We declined and indicated we had no interest in selling. Later we were contacted by a person representing the Bureau of Reclamation. This person indicated that the Nature Group had attempted acquisition on a voluntary basis and that had failed, so now the Bureau intended to gain control of the area condemning as necessary. In September of 1997 we received a copy of: "Angler-Access Scoping Notice." After reviewing this document I made an appointment with the commission office and talked with Michael. I received no written response from my visit and I can detect no reactions to our discussions in the recent document.

As a family we have reviewed the current document "Angler-access Mitigation Program." We find major areas of inaccuracies, unsupported assumptions, and judgments that appear to be based on misinformation or the lack of information. We think it would help if the commission members visited the area with some of the owners and even spent a day hiking with us over our properties and on up into the remote part of the river. The area is very remote and requires 8-10 hours to climb from the Johnson cabin to the dam if you do not fish along the way. Within 1 1/2 miles of the Johnson cabin the river changes into a narrow gorge inaccessible from the sides and requires climbing up through the river bed of boulders. In other places thick foliage, undergrowth, and timber force the hiker into the river. Hiking into the area is challenging to an experienced hiker in excellent shape as the corridor progressively becomes more difficult.

The following is a partial list of comments and some questions concerning the report:

1. The program plan implies that the River corridor would be preserved and even restored to natural state but at the same time indicates: access improvements, existing roads maintained, and river side foliage improvement and even fencing. Will the gate be maintained at the Wasatch / Duchesne county line? Will unauthorized vehicles be disallowed up river from the gate? Will an improved (toilets and parking) trail head

5.1.1

site be provided at or near the gate? Will the project stand the cost of all river corridor improvements (foliage & fence, etc.)?

2. The plan indicates one option is an anglers access along both sides of the river in the middle Strawberry area. Could an access plan be approved avoiding the sides of the river where property owners improvements are located? 5.2

3. Some time ago the Bureau gained control of the river corridor property up river and joining the Johnson property. This acquired property provides access to the middle Strawberry from Highway 40 near Current Creek. Why not provide access to the remote part of the river from this location (trail head parking etc)? 5.3

4. The program plan and map define the middle Strawberry from the Pinnacles to the Dam. The Camelot Resort shows as US acquired land; however the owner of the resort indicates that she owns the property? If Camelot remains as private property, will they be treated the same as owners in our area? Anglers access, same limits on uses, foliage fence etc? In some ways it appears that our property is being threatened with appropriation and controls in order to provide fee paying anglers from Camelot more room to fish, ride horses, and otherwise play. I was told by employees of former owners of Camelot of some type of agreement with the Nature Group to protect them from future Bureau actions in exchange for selling them several miles of the River. If this is so it seems very unfair to us. 5.4

5. The plan suggests that private owners would expect increased theft and vandalism. Private property currently posted with signs along the river that has been accessible to the public and seldom occupied has received extensive damage. The plan implies that the Bureau would exempt private property owners from losses related to theft and vandalism. How would this be accomplished? 5.5

6. The commission's assessment of property value is in gross error. The values stated are less than initial purchase costs of 20 or more years ago. The values are even less than Wasatch County assessments for tax purposes. We believe that fair replacement costs for like property should be used in the plan. To do otherwise misrepresents true project costs. Camelot lots are selling at $60,000/ acre. We have looked for property over the past two years to see what it would cost to replace our 80 acre retreat. We defined and described our property as follows: 5.6

- 80 acres
- Two story custom cabin
- Well and water system
- Solar and power plant
- Approved septic and drain field
- Thousands of trees: Pine, Oak, Willow, Cherry & Elder, etc
- Wildlife on property: deer, moose, bear, cougar, bob cat, etc.
- Class A fly fishing stream unplanted
- Native trout
- Clear year-round river running through the property.
- Access to miles of remote, high fish count, native trout fishing
- Scenic canyon setting with cliffs and ledges

With the above property description we visited realtor listings and real estate Web sites to discover what it would take to replace our retreat in the event the Bureau took our property. We found out-of-state property that was similar which met most of the requirements, but costs were $15,000/ acre and more for unimproved sites. Property in the state of Utah that would compare with our 80 acres on the Strawberry is not to be found. One location of 40 acres was listed on Rock Creek (limited access, no improvements, no level ground, poor fishing) at $700,000. A site 215 acres 1 &1/2 hours from SLC on the Mirror Lake road indicated a river runs through the property, fish are jumping, moose, deer and wildfowl. The property was offered by Prudential at $950,000. No improvements.

As a family we would prefer that you choose "NO ACTION" for our property. We feel that you can provide angler access from the dam and from the Current Creek road for the few anglers wanting to experience the remote part of the Strawberry. We do not and have not objected to the few anglers who have parked by the gate and walked in. They have not attempted to fish right in our face but have walked around our cabin and fished below and above our property but not right next to our cabin. This has not been a problem to us. We made the suggestion responding to the first draft to improve an anglers trail though our places avoiding the cabin lot areas and giving access to the few willing to walk in. Maybe this could be considered again. Your current draft does not mention this. 5.7

In the event that you go ahead with proposed or modified action affecting our property, we ask that you extend to us the following options:

1. Purchase our entire 80 acres and improvements at a fair replacement value.
2. Purchase our 80 acres and allow us to retain control of the cabin and 5 acres for mine and Diane's lifetimes as well as the next generations.
3. Purchase the 80 acres at a negotiated value including a cabin relocation fee of $100,000 and 5 years to relocate.
4. Purchase the 80 acres and extend to us a renewable 20 year $1 a year lease for the cabin and 5 acres.
5. Exchange our 80 acres for 360 acres in the Slab Canyon area including the Hayes cabin area and spring. Private access from the Strawberry River Road and grazing rights or an agreement that no grazing rights will be allowed in the canyon. $100,000 cabin relocation and 5 years to relocate.
6. Anglers access option on the 80 acres; however we want the right to negotiate real and fair reimbursement for:

- Loss of property
- Loss of control and property options
- Loss of privacy
- Theft and vandalism costs
- Design and cost of foliage and fencing

Letter No.	Comment No.	Response
5	5.1	Refer to Response to comment 1.1.
	5.1.1	Fencing and/or vegetation to provide a buffer between the angler-access corridor and existing dwellings would be constructed at the request and approval of landowners. The existing gate on the east boundary of Section 17, 1 mile east of the Wasatch County Duchesne County line would be retained. An additional gate would be installed about 1 mile east of this location to minimize impacts from the public in Section 17. Both gates would be closed to the general public but would remain open to the cabin lot owners to access their property.
	5.2	Prior acquisitions where access was acquired to only one side of the river have proved to be difficult to manage. In those cases, efforts are now underway to go back and acquire access to both sides of the river. As a consequence, future acquisitions will avoid acquiring access to only one side of the river but rather work with land owners to establish measures that will minimize any impacts from the public.
	5.3	Providing access to the upper reaches of the middle Strawberry River through the high bluffs above the river corridor was considered during the initial development of alternatives but was eliminated from detailed analysis. This alternative would not meet the purpose and need of providing contiguous public access and would not ensure the ability to provide continued protection of riparian and aquatic ecosystems.
	5.4	The eastern boundary of the Strawberry River Wildlife Management Area starts approximately 0.7 miles up the county road from where the county road crosses Red Creek at the Strawberry Pinnacles. This is just upstream of the Camelot Resort in Section 14, T. 4S. R.8W. The United States has a few scattered holdings downstream of this location, but these will not be actively managed as part of the Strawberry River Wildlife Management Area. As stated on page 1-3 of the EA, one of the purposes of the project is to provide, "the public and managers with contiguous access to reaches of identified rivers." We do not view intermittent federal ownership in this area as a gap in access, since this is outside of the Strawberry River Wildlife Management Area boundary. The Camelot Resort has never been a priority for acquisition since the resource values have been impacted by past human developments. There are no agreements that we are aware of between The Nature Conservancy, the Bureau of Reclamation and Camelot Resort that limit federal acquisitions at Camelot Resort.

Letter No.	Comment No.	Response
	5.5	Reclamation, the Mitigation Commission, the Utah Division of Wildlife Resources or the U.S. Forest Service would not exempt private property owners for any losses related to theft and vandalism. Any implication of such in the environmental assessment is unintended. However, measures would be taken to reduce impacts on private property owners as described in the EA starting on page 4-1.
	5.6	All references to property value in the body of the environmental assessment, with the exception of Table 5, page 5-20, are in reference to assessments for tax purposes. A value of $275 per acre was used in the Draft EA to estimate the impact on the counties' tax base. A more accurate figure of the assessed value for tax purposes is $463.63 per acre. The analysis in the Final EA has been revised based on these figures. Table 5, Estimated Costs, has also been revised for the middle Strawberry River and Currant Creek to reflect current market values. Estimated acquisition costs on the Strawberry River are $3.3 million under the Proposed Action and $2.5 million under the Modified Proposed Action. Estimated acquisition costs on Currant Creek are $840,000 under the Proposed Action and $114,750 under the Modified Proposed Action. The value of individual lots would vary depending upon an independent appraisal of each lot based on the property's highest and best use.

Letter No.	Comment No.	Response
	5.7	This alternative was considered as described on page 2-1 of the EA, but eliminated from detailed analysis, because it would not meet the purpose and need of providing contiguous access to the river and would limit the ability to provide restoration and protection of riparian and wetland resources. Also, the 1988 Aquatic Mitigation Plan included several measures that needed to be completed in concert to be effective. Measures included the acquisition or provision of minimum flows, instream habitat improvements and angler-access acquisitions. After great efforts, instream flows have been acquired and habitat improvements have been constructed on the middle Strawberry River, Currant Creek and the Duchesne River System. By acquiring angler-access outside of these areas, the full benefits of prior mitigation efforts and investments would not be realized and the mitigation debt would not be fulfilled. A priority has also been placed on providing mitigation on similar habitats to those impacted by the Central Utah Project and in similar locations as the impact. Going outside the watershed for mitigation is not consistent with this priority.

6

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9-3-98

Utah Reclamation Mitigation and Conservation Commission
Attn: Richard Mingo
102 West 500 South
S.L.C.,Utah 84101-2328

Dear Mr. Mingo et.al.:

I have studied the Angler Access Mitigation Program Draft Environmental Assessment with a great deal of Interest. It appears that a great deal of time and effort have gone into preparing this document. However; there are some extremely erroneous projections that have been made, that tend to destroy the validity of the conclusions and recommendations that are made.

Your cost projections for acquiring land on the Middle Strawberry River, are so low as to be irresponsible and grossly misleading to any one reviewing the assessment. The $275/acre in footnote 8 of Table 3, is nonsense and has nothing to do with the actual land values in sections 17 and 20. This is not Class II through IV irrigated acreage!! This is subdivided and developed recreational property with a Class I fly fishing river running through it. It has private access controlling several miles of river and tens of thousands of acres of prime deer and elk hunting grounds. Do you really think that you can buy the 9 acres, containing 2.4 miles of river frontage of the most productive trout stream in Utah for $2,475, or buy the 615 acres for $169,125?!!!. A rank amateur could see that these projections are low by several orders of magnitude. Surely you have access to some appraisers who could give you a price that might approach reality. My 80 acre parcel, at the mouth of Beaver Canyon, has a 1600 s.f. cabin with 3 bedrooms and two baths, a fully developed gravity flow water system, a one acre lake, a remote controlled electrical generator system with buried distribution wire, two bridges and roads that access all parts of the 80 acres. 6.1

I have had many offers to buy my property, as high as $1,200,000 for the 80 acre parcel with the improvements. This amounts to $15,000 an acre. I did not sell and would not sell this property for any amount of money. It is totally unique and could not be replaced. It is the river corridor that makes all of the 80 acres so valuable. If you were to take the river corridor, as you are proposing, you would be taking the vast majority of the value from the rest of the 80 acres. I am confident that a jury would be convinced that the value of the corridor was probably worth 90% of the entire property. They would award as damages for condemnation much closer to two million dollars than to your projection of $310!! ($310 is 1/8 of the $2,475 - to help those that made the original projection) The value of my neighbor's properties are very similar to mine. Your plans in section 17 and 20 will cost several millions not several thousands as presently projected.

I believe your final Environmental Assessment should contain some realistic projections as to the costs of moving ahead with your plans for the following reasons:

1- You owe it to the tax payers, who will ultimately pay the costs of these mitigation plans, to be as accurate as possible.

2- You owe it to the ultimate decision makers to present accurate costs. Realistic projections may make other alternatives , such as " no action", appear more attractive. The alternative of "bypass" that I suggested last year, and was not considered in detail, may begin to be worth consideration.

3- You terrify and upset the landowners involved, as it appears you intend to "steal" their property from them. This puts your negotiators at a disadvantage, as they are perceived as the enemy.

4- This makes your assessment appear like a typical bureaucratic ploy. You sell the Idea with unrealistic projection, and after it's approved you encounter huge over runs.

I am certain by now that you see me as being against this mitigation plan. I can't believe that the Bureau Of Reclamation would condemn private property for mitigation purposes. You don't need my land, you only want it to complete your apparently inflexible plan.. There is plenty of river frontage that could be obtained from willing sellers on other rivers to meet your quota. The "bypass " proposal I made last year would solve all access problems. If my land was needed for a dam, or a highway, or for some specific need for the good of the general public, I would be much more flexible in my approach. However; your plans will benefit only a small special interest group of fly fisherman and fly fishing clubs. I will not sell the "Little Paradise" I own, and have worked so hard to build, for any price. Nor will I grant any type of easement that will ruin what I have!! 6.2

Yours Truly

A. Robert Motzkus

A. Robert Motzkus
4689 DeerCreek Rd.
Salt Lake City, Utah 84124
Phone: 801-278-0877

Letter No.	Comment No.	Response
6	6.1	Please refer to comment 5.6.
	6.2	Please refer to comment 5.7.

7

MITIGATION COMMISS
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September 2, 1998

Utah Reclamation Mitigation &
Conservation Commission
102 W. 500 S. #315
Salt Lake City, Utah 84101

Dear Manager:

The purpose of this letter is provide comment and establish a Duchesne County position in reference to the Angler-Access Mitigation Program on the Strawberry Aqueduct and Collection System, summary of the draft environmental assessment. Duchesne County's supports a "No Action" position, because;

The 1988 Aquatic Mitigation Plan for the Bonneville Unit identified the acquisition of 51 miles of angler access, this is 126% of the original 40 miles of stream habitat which was inundated. You have already acquired 42.25 miles of angler-access which is 105% of the 40 miles loss established in 1965. 7.1

The 1987 Wildlife Mitigation Plan for the Bonneville Unit identified the acquisition and management of 32,096 acres of terrestrial wildlife habitat as mitigation. You have acquired all but 388 acres, which is 98.8% of the objective.

The 1987 Wetland Mitigation Plan for the Bonneville Unit identified wetland losses with the construction of Jordanelle Dam and Reservoir. Jordanelle Reservoir is not located in Duchesne County, therefor, Duchesne County should not forfeit private property to mitigate wetland losses within Wasatch County.

The loss of tax base on private property versus public lands is being misrepresented by the cliche "the additional sales tax collected from local merchants by the recreational angler will make up the difference." Duchesne County finds the out of the area angler purchases their commodities in the big city department stores, not locally. 7.2

The affected cattlemen have their rotational grazing plans approved by the Natural Resource Conservation Committee. Forced acquisition from these private property owners would disrupt these plans and compromise these cattlemen's ability to remain in business. 7.3

That being said, it is clear your summary of the draft environmental assessment is in

conflict with the Duchesne County General Plan, as adopted in 1997, which clearly establishes a "no net increase" of public land within the County. The County feels that private property and private-property rights should be protected from federal, state, and county encroachment and/or **coerced acquisition.** The County acknowledges the right of the property owners to dispose of private property to any willing purchaser, including federal or state agencies. Again, Duchesne County supports a "No Action" position and stands by policy established in our general plan. 7.4

Should you have additional questions, please feel free to contact us.

Sincerely,
The Duchesne County Commission

Larry S. Ross, Chairman

DCC/cc

Letter No.	Comment No.	Response
7	7.1	The 1988 Aquatic Mitigation Plan, developed by an interagency biological assessment team representing the State of Utah, the Central Utah Water Conservancy District, the U.S. Forest Service, U.S. Fish and Wildlife Service, and the U.S. Bureau of Reclamation, identifies mitigation not only for the direct impact from inundation of 40 stream miles but also from impacts caused by altered stream flows on an additional 240 miles of stream.
	7.2	The comment presumably refers to page 4-3 of the drat EA that states, "The loss in property tax revenues would be offset to some degree by an increase in sales tax revenues." The analysis recognizes that it would be difficult to quantify the magnitude of increased sales tax revenues and does not include this impact in the analysis. Therefore, the estimated impact on the counties' tax base would tend to overestimate the true impact because it does not account for an increase in sales tax revenues that will occur to some degree with increased angler use.
	7.3	Reclamation and the Mitigation Commission would work with the Natural Resource Conservation Service and any affected landowners to minimize impacts on ranching operations while still meeting the purpose and need to the project. This could include but not be limited to providing necessary fencing changes and providing off-stream watering sources.
	7.4	Refer to Response to comment 1.1.

TR SPENCER & ASSOCIATES, INC.
ATTORNEYS AT LAW

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Terry R. Spencer, Ph.D.
Also admitted in California and Idaho

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AUG 17 1998

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August 14, 1998

Utah Reclamation Mitigation and Conservation Commission
Attn: Richard Mingo
102 West Fifth South. Suite 315
Salt Lake City, Utah 84101-2328

Dear Mr. Mingo:

We have received a copy of the Angler-Access Mitigation Program and would ask for clarification of the following points:

1. Please provide the exact legal description of the eastern boundary of the property you plan to acquire on the Duchesne River, as well as a legal description of the remaining 8.75 miles of access you plan to acquire. 8.1

2. Please set forth with specificity the "management actions" you have planned for vandalism, increased trash, human waste , theft and other damages to property owners in the area. Also, please provide who will be financially responsible to the property owners for damages or decrease in property value. 8.2

3. Please set forth with specificity your plan for repairing and preserving the ecosystems of the area, how you plan to provide "a higher level of protection for cultural resources" in the area and what exactly qualifies as a "cultural resource." 8.3

Please consider this letter an objection to this Plan until we have received additional information regarding this proposal. We hope legal action will not be necessary to protect our clients' property and financial rights.

Sincerely,

TERRY R. SPENCER, Ph.D.
Attorney at Law

cc: Jeff & Samantha McCollin
Michael Weiland

Letter No.	Comment No.	Response
8	8.1	An exact legal description of the properties proposed for acquisition on the Duchesne River and other river corridors has not been drafted. The legal description would be drafted only after agreement has been reached with landowners on the purchase of specific parcels or easements. The general location of proposed acquisitions on the Duchesne River are shown in orange on Map 2. In general, angler-access easements on the Duchesne River extend from the centerline of the river, 50' outward from each bank. The southern extent of the Angler Access Corridor on the Duchesne River is the south section line of Section 11, Range 8 West, Township 1 South, Uintah Special Meridian near the town of Hanna.
	8.2	Refer to response to comment 2.2 and 5.5.
	8.3	The aquatic and riparian habitat restoration and protection objectives differ for the different angler access corridors. For example, the middle Strawberry River will receive the highest level of restoration and protection of riparian and aquatic resources. As such, properties have been and most will be acquired in fee title in order to control land uses to be compatible with these objectives. On the Duchesne River, the focus is providing angler-access opportunities and to a lesser degree protecting riparian ecosystems. In order to safeguard the expenditure of public funds, rights have been acquired to implement site specific resource protection measures such as fencing, bank stabilization and instream habitat improvements. These measure will help insure a productive fishery in the same location where public access has been acquired. The National Historic Preservation Act, the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act along with numerous other federal laws protect cultural and historical resources found on federal lands or potentially affected by federal actions. In general, these resources do not receive the same level of protection by federal law when privately held. As used in the EA, cultural resources refer to "archaeological resources" defined in 16 U.S.C. 470b including any material remains of past human life or activities which are of archaeological interest, and "historical resources" as described in 36 CFR 800.2(e) including any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.

MAXWELL H. STURGIS
2337 LUCKY JOHN DRIVE
PARK CITY, UTAH 84060

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AUG 7 1998

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August 5, 1998

Richard Mingo
102 West 500 South #315
Salt Lake City, Utah 84101

Dear Richard;

Thank you for sending us the information on the Angler-Access Mitigation Program. Overall, we would like to support the acquisition of the additional river access. It clearly opens a great deal more river to the public.

Regarding our desires as private land owners, we have two comments. First, during the time cattle pass through the land, an incredible amount of destruction takes place. If there were some way to require that any cattle passing through the land be kept on the road, the riparian land would be greatly enhanced. I do not know what solutions are open to you, but any improvement in the cattle situation would greatly enhance the area for the public and private land owners. 9.1

Secondly, as a private land owner, I have no problem with fishermen walking over our land, and in addition I feel that the sight of our cabin does not diminish the fishing experience for the public. Therefore, I am opposed to fencing of any kind. The present fence installed on the Middle Strawberry is in my opinion a poor choice of material for a riparian area and no fencing would be the best option. 9.2

Again Richard I appreciate being notified of any actions being taken on the Middle Strawberry. Please keep me on your mailing list.

Yours truly,

Max Sturgis

Letter No.	Comment No.	Response
9	9.1	Under the Proposed Action and Modified Proposed Action, livestock grazing would be restricted and future livestock grazing, if any, will be limited to enhancement of wildlife values and habitat quality. However, there may be "trailing rights" by permittees on USFS grazing allotments that are allowed to move cattle through the area.
	9.2	Fencing is generally erected in those areas where adjacent land uses are not compatible with the management objectives of the angler-access corridor or other mitigation parcel or where it is prudent to delineate property boundaries. Fencing will be handled on a case-by-case basis and Reclamation, the Mitigation Commission, and the Division of Wildlife Resources will be open to any suggestions that are consistent with management objectives.

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Troy Plewe
333 W Roger Rd #8
Tucson, AZ 85705
520-887-9479
plewe@juno.com

September 21, 1998

Utah Reclamation Mitigation and Conservation Commission
Attention: Richard Mingo
102 West 500 South Suite 315
Salt Lake City, Utah 84101-2328

Dear Mr. Mingo:

I was recently informed about the proposed action involving Angler-Access Mitigation Program Strawberry Aqueduct Collection System Draft Environmental Assessment. As a former resident of Utah, and someone who has visited and experienced both the public and private land along the Middle Strawberry River, I strongly oppose the proposed action that would decrease or eliminate the private property of this area.

Again I have visited and experienced both the public and private lands. The public land is marred by trash, vandalism and other overuse characteristics that diminish the beauty of the area. On the other hand, the private property is protected by the land owners and the surrounding beauty is much more preserved. Furthermore, for many of the land owners, this is their most prized possession. Allowing public access to the general public, I feel will have a negative affect on the beauty of this area. 10

I conclude by supporting the NO ACTION alternative. Possibly there might be another resolution that the local land owners would agree to. I do not think obtaining a 30' strip adjacent to the river is a viable solution. In contrast to others beliefs, this takes away the most beautiful section of property. Please consider otherwise.

Sincerely,

Troy Plewe

Troy Plewe

Letter No.	Comment No.	Response
10	10.1	Refer to response to comment 2.2.

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Allan E. Smith
P O Box 153
Duchesne, Utah 84021
Telephone
435-646-3232
435-548-2337

September 22,1998

Utah Reclamation Mitigation and Conservation Commission
Attention: Richard Mingo
102 West 500 South, Suite 315
Salt Lake City, Ut. 84101-2328

Response to the Angler-Access Mitigation Program, Strawberry Aqueduct and Collection System, Draft Environmental Assessment

First of all, thank you for postponing the due date for this response to the September 25th, '98 from the original due date of Sept. 8,'98. Many affected parties such as my self had not be informed that the Draft Environmental Assessment had even been published. I only became aware of requested responses when I was asked to help draft a response on behalf and in conjunction with the other members of the Duchesne County Public Lands Use Committee which is an advisory council to the Duchesne County Commissioners. Duchesne County did not receive the complete Draft EA, but only the Ex. summary. I completely agree with the Sept. 2, 1998 response submitted by the Duchesne County Commission even though they did not have the complete document and were not notified of the later due date.

I support a "No action" and above all other concerns that any future mitigation either for angler-access or for terrestrial habitat for big game and other land species be acquired only on a willing-seller basis and that the "condemnation procedure" not be used by the Utah Reclamation Mitigation and Conservation Commission. I believe the final EA for the Currant Creek management objectives in Wasatch County should state that the proposed 1.1 miles of angler access on both sides of currant creek and the proposed 12.75 acres of fee land on current creek be only sought after on a "Willing Seller Basis" and that these two mentioned partials would not be condemned. I submit my following remarks to justify such a written statement appearing in the Finial EA. 11.1

Chapter 2. Proposed Action, Currant Creek, Management Objectives. states " Management objectives for Currant Creek are similar to those for the middle Strawberry River.

The Management objectives for the Middle Strawberry under the Proposed Actions in Chapter 2 state, "All livestock grazing would be restricted. The primary objective of future livestock grazing, if any, will be the enhancement of wildlife vales

and habitat quality." It also states under Miles of Acquisition and Acquisition Type, "Only as a last resort would land condemnation be used to acquire the minimum acquisition of 1,394 acre." This statement on possible condemnation and due to the fact that the last time I had any contact with the Mitigation Commision when they were acquiring easements on Currant Creek for fishing access many years ago the man hired by the commission to acquire such easements point blank told me that the land I use on Current Creek for my ranching operation and own in partnership with my family under the partnership name of "Deep Creek Investments" which is the present name for our old partnership, "Utah Smith Lamb Producers", would be condemned.

Any condemnation on the Currant Creek in Sections 6 and Sections 7 of Township 3 South and Range 9 West, USM that is included in the now presently fenced pasture would put me out of the livestock business with out my will. My summer home is next to the Currant Creek on the North side of Section 6 and includes a fenced pasture around the river protecting the riparian values and I also have a 4,000 square foot building for equipment and a working corral for animals on the aprox. 15 acres deeded to me. Allan Smith. The balance on these lands are held in the name of Deep Creek Investments from whom I lease for my cattle in the Spring and Fall and some light summer use if I choose not to cut the pastures for hay. There are aprox. some 50 to 60 acres in the pasture on Currant Creek which is divided into 3 smaller pastures to allow me to graze these bottom lands on a rotational basis and to control my spring cattle breeding program. The fall time in mid-October this pasture provides the feed and control for my cattle while we bring them down from the Uinta National Forest lands in the Head of Currant Creek and acts as my main shipping point for the calves and allows us to provide the necessary health programs necessary for any cattle operation.

This currant creek pasture is a vital part of my total cattle enterprise, which includes Private lands in Wasatch , Duchesne, and Uintah Counties and also uses Bureau of land Management and Forest lands. The loss of any one of these parcels completely destroys by ability to continue to ranch and to provide a livelihood for my family and to provide part of the tax basis in the mentioned three Utah counties. Especially the mentioned 12.75 acres in the Draft EA.

Other reasons not to invoke any Currant Creek land condemnations.

The Draft EA talks of acquiring an additional 1.1 and 1.3 miles on Currant Creek to make a total of 9.4 miles of contiguous angler access below the dam. There is 10.4 miles between U.S. Hy. 40 and the dam. Why is not the first 1 mile North of the Hy. 40 considered for angler access? There is one home next to the river there now, but the rest of this parcel is also important to the anglers. If the owners of the first

11

mile would be come willing sellers, then there would be still 9.4 miles of anglers access and my total livestock operation would not come to a standstill. To carry this same reasoning forward, Why is not the river South of Hy. 40 not considered for angler access? There are a few farms and ranch properties along the lower end of Currant Creek, but the angling possibilities remain there also.

The "No Action" Alternative on Currant Creek could still accomplish the Management Objectives because the Smith family has never stopped anglers from having access to the Currant Creek before it was put in to pasture in the 1930's. If the current threat of possible condemnation is removed, then there is a good possibility that the present angler access can continue as it has in the past.

Under the Curant Creek Management objectives it states, "Currant Creek would be managed to provide angling opportunities and enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems. The lands now held by the Smith family on Currant Creek are in as good if not better biological productivity than the rest of the stream between the dam and the highway 40. I would challenge any one of scientific ability to compare the Smith property on Currant Creek with that property that has been acquired and transferred to the UDWR for it riparian qualities.

The Draft EA also states under its management objectives, "protect and enhance the existing wetlands and wooded riparian areas adjacent to the river as required by the Wetland Mitigation Plan." A "No Action" alternative could be chosen and not effect this objective because the Smith family has and will follow this same objective. There has been a determination made by the old SCS, now the NRCS with regard to the wetlands on the Smith property on Currant Creek. This was done before the Smith family could participate in any U.S. government funding programs to enhance and improve its private properties for erosion control and providing better forage for livestock and wildlife with the main goal being to improve the downstream rivers by reducing silt loads going into the steams.

There have been many miles of improved fishing on the Lower Strawberry River and the Currant Creek river from that point where the Sand Wash joins with the Red Creek. Allan Smith spent some $180,000.00 of his own money along with some $130,000.00 from the SCS. ASCS, and the Dinosar RC and D to improve their 14,000 acres in Duchesne County at the same time the UDWR did on their adjacent lands to reduce the silt load coming off these lands and going into the Starvation Reservoir. Before these actions were taken between 1986 to 1990, it was estimated these lands were providing about 20% of the silt going into the Starvation. After these projects by Allan Smith and the UDWR, about 90% of the silt load was reduced. The Smith property went from producing some 360 AUMs of forage to producing 2,800 AUMs shared between Smith's 350 cows and some 700 elk

and other numerous deer.

Like any project, they do not last forever without good management and constant attention to keeping the sagebrush from coming back once it is reduced to allow the grasses to take advantage of the rains. It is the grass production that keeps the soils from eroding and moving down stream. Allan Smith has in place a program that the State of UtaH will provide $50.000.00 and Allan $20,000.00 to either burn or herbicide the sagebrush that wants to come back on these improved lands.

It is ironic that one government agency, the Bureau of Reclamation working with the Mitigation and Conservation Commission is trying to acquire fee property in Currant Creek that is keeping Allan Smith in the cattle business and without would be out of business while at the same time the State of Utah and the NRCS is encouraging him to spend time and money to improve the ranges and downsteam waters. Without a written statement from the Utah Reclamation Mitigation and Conservation Commission that they will not seek condemnation procedures to acquire our Currant Creek properties, but would do so on a "willing sellers Basis" only I find it necessary to put on hold any future range improvement. This is a lose/lose situation. My livestock operation will suffer, big game using my range will suffer and the steams below me will suffer.

It is ironic also that the Smith family is threatened with the loss of its' Currant Creek property after it provided 24,000 acres of terrestrial habitat to the Commission out of the proposed 32,096 acres of terrestrial wildlife habitat as mitigation. The Smiths became willing sellers after they were informed in the late 1970s that their Leland Bench properties amounting to 10.000 acres in Uintah county and a good deal of its BLM grazing leases would be condemned and given to the Ute Indian Tribe for irrigation lands as a form of mitigation with the Tribe. Just how much must one Utah family provide?

I trust that the few comments I have made will encourage the Commission to state in the final EA for the Angler-Acess Mitigation Program that any future acquisitions on the Currant Creek river will be on a "Willing seller basis" only and that the "no-action" alternative could achieve the desired objectives.

I remain willing and able to seek successful solutions to these important matters concerning private property rights, wildlife habitat, and hunting and angler opportunities.

Sincerely;

Allan E. Smith

Allan E. Smith

Letter No.	Comment No.	Response
11	11.1	Refer to Response to comment 1.1.
	11.2	The lower one mile of Currant Creek was originally considered as part of the mitigation requirement in the 1988 Aquatic Mitigation Plan. Upon review, it was determined that the resource values in the lower one-mile section of the river were not acceptable for mitigation purposes. The lower section of Currant Creek was also analyzed as possible mitigation but was not included in the mitigation commitment for the same reasons.

12

UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114
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SENATOR
ALARIK MYRIN

TWENTY-SIXTH DISTRICT
CARBON, DAGGET, DUCHESNE,
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APPROPRIATIONS SUBCOMMITTEE
Natural Resources, Chair
STANDING COMMITTEES
Energy, Natural Resources and Agriculture, Chair
Human Services

September 24, 1998

Utah Reclamation Mitigation and Conservation Commission
102 West 500 South, Suite 315
Salt Lake City, Utah 84101-2328

Dear Commissioners:

When I arrived home this evening I had a packet of letters in my mailbox from Allan Smith regarding an Angler-Access Draft EA with a response deadline of tomorrow 9/25/98.

What I gather is that you are threatening him with condemnation of his property for angler access and to exclude livestock. This is unacceptable. When we, (the legislature), appropriated the state funds to your program we were told that condemnation would not be used. Just a couple of weeks ago John Kimball, (Utah DWR Director), expressed his concern about keeping agriculture alive so we can maintain open space and habitat. What you apparently are proposing is in direct opposition to that. If you push an agricultural producer out of production, very likely the rest of the producers property will go to development. 12.1

Mr. Smith made a presentation to the Natural Resources and Agriculture Interim Committee last month to spotlight what can happen cooperatively with land agencies and private agricultural interests to work out conflicts and what can be done for soil protection, wildlife, and agriculture. He has received a national stewardship award for the work he has done in regard to his land management. A proposal to condemn land and/or make agricultural operations more difficult or unfeasible is not acceptable.

Sincerely,

Alarik Myrin
State Senator

PC: Allan Smith
President Lane Beatty

Letter No.	Comment No.	Response
12	12.1	The Modified Proposed Action in the Final EA has been revised to include the acquisition of angler-access by easement as an alternative to fee title acquisition on Currant Creek and the 1-mile section of the Strawberry River. Negotiations for specific parcels would seek to minimize any impacts on ranching operations. Also, refer to Response to comment 1.1.

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Sept. 20, 1998

Mr. Michael C. Weland
Executive Director
Utah Reclamation, Mitigation and Conservation Commission
102 West 500 South # 315
Salt Lake City, UT 84101-2328

Dear Mr. Weland,

Thank you for sending us a copy of the Draft Environmental Assessment for the Angler-Access Program. Representing Deep Creek Investments, land owners of property along the Current Creek stream, we would like to formally indicated that we are not in favor of condemnation of our property along the current creek stream that is part of our farm acreage.

1. Fisherman has always had access to our stream banks without having to have a special easement or other ownership.

2. We continue to lease our farm property for cattle production, and access to the stream in necessary.

3. We are in the process of evaluating development opportunities that would involve upscale, exclusive cabin lots with appropriate stream frontage in our farm pasture. We feel that it is possible to develop this property while retaining the type of angler access that we have had in the past. With out adequate stream frontage the development potential would be greatly reduced.

4. Our neighbors have already given an easement the stream for fishing, but I understand that they have taken it upon themselves to discourage fisherman obtaining access to the Current Creek by digging a large ditch between the public property and the stream. So having this property under government protection and/or control does not always provide the access that is desired. We have not nor would we prohibit angler access along our property if done properly and that still allows us to develop the maximum potential for our ground.

5. If you need to acquire property along the creek, you should do so a willing seller basis. We have had sold over 20,000 acres to the government for mitigation on such a basis. We feel that we have given up enough of our property for sportsman. We would like the opportunity to maximize the value of our remaining property. We have ~ 50 acres in our farm along the Current Creek. Purchasing a right-of-way that takes in ~13 acres would consumer more than 25% of the property. However, most importantly, that 25% along the current creek, has the greatest value for development. 13.1

I hope that you can let us continue to allow anglers into the stream area without having to have to purchase additional property and/or easements. If you have any questions, please let me know.

Sincerely,

Lee M. Smith,
General Partner

Deep Creek Investments
2400 Sunnyside Avenue
Salt Lake City, UT 84104-1450

801-322-1235 - Office Number
5607 Fax
pismith@sisna.com E-mail

Letter No.	Comment No.	Response
13	13.1	Please refer to response to comment 1.1. Also, the Mitigation Commission and the Bureau of Reclamation recognize that Deep Creek Investments have already sold approximately 20,000 acres on a willing seller basis for CUP mitigation purposes. It is our intent to acquire the additional acreage in fee title or by easement, on Currant Creek to complete the CUP mitigation requirements, on a willing-seller basis if possible. Offers will be based on an independent fair market appraisal of the property's highest and best use and would also account for impacts on the value of the remaining property not acquired.

LAW OFFICES
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REED L. MARTINEAU
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A. DENNIS NORTON
ALLAN L. LARSON
JOHN E. GATES
R. BRENT STEPHENS
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RICHARD A. VAN WAGONER
ROBERT C. KELLER
ANDREW M. MORSE
CAMILLE N. JOHNSON
TERENCE L. ROONEY
DENNIS V. DAHLE
KOREY D. RASMUSSEN
HARRY H. SOUVALL
SCOTT K. WILSON
LINDA LUINSTRA BALDWIN
DAVID L. PINKSTON
JULIANNE BLANCH
BRIAN P. MILLER
JUDITH D. WOLFERTS
KEITH A. CALL
SCOTT H. MARTIN
HEATHER S. WHITE
ROBERT R. HARRISON

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1888
THURMAN, WEDGWOOD & IRVINE 1906
IRVINE, SKEEN & THURMAN 1923
SKEEN, THURMAN, WORSLEY & SNOW 1952
WORSLEY, SNOW & CHRISTENSEN 1967

JOHN H. SNOW 1917-1980

OF COUNSEL
HAROLD G. CHRISTENSEN
GORDON R. HALL
JOSEPH NOVAK

WRITER'S DIRECT NUMBER:
(801) 322-9138

September 25, 1998

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HAND-DELIVERED

Utah Reclamation Mitigation and
Conservation Commission
102 West 500 South
Suite 315
Salt Lake City, Utah 84101-2328

Attn: Richard Mingo

Re: Comments of J.R.R.T. Enterprises and Nathan Ricks to Draft Environmental Assessment for Angler-Access Mitigation Program, Strawberry Aqueduct and Collection System

Dear Mr. Mingo:

This office represents J.R.R.T. Enterprises and its managing member Nathan Ricks. J.R.R.T. Enterprises owns real property adjacent to Currant Creek, which is the subject of the Angler-Access Mitigation Program for the Strawberry Aqueduct and Collection System. We appreciate the opportunity to comment on the Draft Environmental Assessment ("Draft EA").

The Draft EA rejects acquisition of properties on a willing seller basis only. This is contrary to the terms of the Central Utah Project Completion Act, Public Law 102-575, 106 Stat. 4600 ("CUPCA"). 14.

The exercise of the federal power of eminent domain must be expressly authorized by Congress. Under section 301(h)(7) of CUPCA, the Utah Reclamation Mitigation and Conservation Commission ("Commission") is specifically prohibited from obtaining interests in lands directly through eminent domain:

> The Commission may acquire and dispose of personal and real property and water rights, and interests therein through donation, purchase on a willing seller basis, sale or lease, but not through direct exercise of the power of

> eminent domain, in order to carry out the purposes of this Act. This provision shall not affect any existing authorities of other agencies to carry out the purposes of this Act.

The Commission cannot circumvent this clear direction of Congress by asking other agencies to condemn lands for fish, wildlife or recreation mitigation purposes. Other agencies have no such authority in Utah. For example, section 301(n) of CUPCA specifically says that the Bureau of Reclamation is to terminate its activities regarding fish, wildlife and recreation mitigation after the Commission is formed:

> TERMINATION OF BUREAU ACTIVITIES. --Upon appointment of the Commission as provided in subsection (b), the responsibility for implementing section 8 funds for mitigation and conservation projects and features authorized in this Act shall be transferred from the Bureau to the Commission.

The Secretary of Interior has not been authorized to spend any funds for fish, wildlife or recreation mitigation. Under section 301(i) of CUPCA "[a]mounts appropriated to the Secretary for the Commission shall be paid to the Commission immediately upon receipt of such funds by the Secretary."

The Report of the Committee On Energy and Natural Resources United States Senate regarding CUPCA makes these points clear:

> It is the Committee's intent that the Secretary shall pass through to the Commission immediately upon receipt all funds necessary to carry out the responsibilities assigned to it in these titles. Unless otherwise specified, any planning, implementation, construction, or other expenditures necessary to carry out the responsibilities assigned to it specifically in titles III and IV shall be the exclusive responsibility of the Commission. Focusing such authority into a single entity is intended to eliminate past dispersion among several Federal and State resource management agencies of the responsibility, and therefore accountability, for reclamation mitigation in Utah.

CUPCA does allow the Commission to obtain interests in lands indirectly as the result of the exercise of eminent domain for other purposes. For example, if the Bureau of Reclamation condemned real property for the purposes of construction of CUP water storage

or conveyance facilities, it could give the Commission a compatible interest in those lands for fish, wildlife and recreation mitigation purposes.

In sections 305 and 306 of CUPCA, Congress emphasized the fact that wildlife lands and wetlands are to be acquired only on a willing seller basis.

Section 301(2) of CUPCA makes it clear that section 301 of CUPCA is to be interpreted as consistent with Utah Law:

> This section, together with applicable environmental laws and the provisions of other laws applicable to mitigation, conservation and enhancement of fish, wildlife, and recreation resources within the State, are all intended to be construed in a consistent manner.

This is consistent with the fact that the Commission has a limited existence. Thereafter, a Utah state agency will take its place.

Utah law clearly prohibits the exercise of eminent domain to acquire lands for conservation or recreation purposes. Utah Code Ann. § 78-34-1 lists those public uses for which eminent domain may be exercised. Fish, wildlife and recreation mitigation purposes are not among the public uses for which property can be condemned.

Utah Code Ann. § 78-34-2 restricts the purposes for which fee title may be condemned. The taking of fee title for fish, wildlife or recreation purposes is not authorized.

Utah Code Ann. § 57-18-7 specifically states that, "No conservation easement, or right-of-way or access to a conservation easement may be obtained through the use of eminent domain."

In summary, the intent of Congress is clear. The Commission alone has authority for fish, wildlife and recreation mitigation for federal water projects in Utah. The Commission was expressly prohibited from condemning real property or water rights. Section 301 of CUPCA must be interpreted as consistent with Utah law, which clearly prohibits the exercise of eminent domain for the purposes of conservation or recreation.

J.R.R.T. Enterprises is committed to the objective of protecting and improving the biological productivity and diversity of the riparian and aquatic ecosystems on its lands.

J.R.R.T. looks forward to working cooperatively with the Commission in accomplishing those goals. J.R.R.T., however, will vigorously oppose illegal efforts to establish by condemnation any additional public access to J.R.R.T. lands.

Very truly yours,

SNOW, CHRISTENSEN & MARTINEAU

Shawn E. Draney

SED/dwb

Letter No.	Comment No.	Response
14	14.1	Reclamation retains its authorities to carry out implementation of CUPCA under the direction of the Commission as provided in Section 301(a)(2) of CUPCA. Although Section 301(h)(7) of the Act specifies the Commission is not authorized with use of eminent domain, it is clear from Section 301(h)(9) that Congress intended other agencies retain this authority as may be required for implementation of CUPCA. The Mitigation Commission's primary responsibilities are to: 1) plan, 2) administer the statutory provisions and, 3) disburse funds to carry out the purposes of the Act. The Secretary of the Interior and the agencies under his control retain their authority, under the Mitigation Commission's supervision, to acquire land and construct facilities for the purposes set out in Title II through IV of the Act.

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RENNLY J. CHARLESWORTH
1850 S. 900 E.
SALT LAKE CITY, UT
84105

September 25, 1998

Richard Mingo
Utah Reclamation Mitigation and Conservation Commission
102 West 500 South #315
Salt Lake City, Ut 54101

Dear Mr. Mingo:

I don't know where to begin, but here it goes. I do not feel as though I was notified in a timely manor concerning the proposal to make the middle section of the Strawberry River public. I have studied your angler-access mitigation program as much as my limited time has allowed. I see some basic flaws, and I don't believe that you have studied all of the alternatives. It is stated that only a handful of landowners would suffer any ill effects. You mark my word, if you go ahead with your proposed actions, it will be the end to one of the most beautiful, delicate and untouched small sections of river in the world.

The way it is now, the private property owners form a very effective barrier to over use and abuse by the general public (see attached newspaper article dated 9/22/98). The public does not know or care enough about nature. Your proposed action could only open this land up for abuse at the hands of uncaring people. Instead of being known for something great ,like saving a very sacred valley, you would be cursed by it's ruination. 15.1

I am just one of the land owner, but to confiscate my land would be just plain wrong. In 1978, when I was just 23 years old, I came to the Strawberry River for the first time, and I fell in love with it. Later that fall, I had the opportunity to buy an 80 acre parcel on the river, and I thought that I had died and gone to heaven. I worked very hard and did without for the next 18 1/2 years so that I could leave a legacy for my children and grandchildren. I had to pay interest on a loan and at one point buy out my ex-wife so that I would have this land to enjoy. My dream has always been to eventually build a log home on the river bank. Now your plan will put an end to all of my hopes and dreams. This proposed action would be detrimental to my family, and to the order of nature.

In addition to my personal reasons for keeping my land as is, I feel that your valuation of my land, at $275/acre, is completely ludicrous. You may be able to buy a field in the Uintah Basin for this, but not a pristine fly fishing stream. I have fished all over the West, Western Canada, and Alaska. The Strawberry River is the only place that I know of where you can hike up stream, and know what it looked like 200 years ago. This is not an accident, we have been stewards of the land. We pick up litter, diapers, toilet paper, beer cans, pop bottles ,and many of the like, constantly. If you open the entire river, it will turn into just another garbage dump. I challenge any one to come onto my land now, and tell me that the riparian area in not healthy, or that we have done anything detrimental to the stream. 15.2 15.3

You say that there are no known "sacred sights" on this land. I know of pictographs in the scope area. I am not sure that you do. Was an archeological study done? I did not see any mention of one. I am here to tell you that I am an American citizen, and my 80 acres is a sacred spot to me. I go there to commune with nature and with my God. 15.4

Another thought that I have is that it seems as though it would save a lot of taxpayer dollars by implementing the **NO ACTION PROPOSAL**. Also, because you are able to get to the scope area and back on less than a tank of gas, there probably will not be much infusion to the local economies. 15.5

I honestly feel that because you would not allow camping on the river, it would be hard to fish more that a mile or two a day. You already have public access to the 15 miles of river before my land. I do not believe this proposal is a well thought out one. Have you considered alternatives such as looking for other river acreage to buy from a willing seller (Perhaps on the Provo, White, Whiterock, or Uintah Rivers)? Maybe you could reclaim or fix broken rivers, streams, or wetlands. Perhaps access to the Strawberry River on one side only. I might even consider a land swap with you. I have earned the right and honor to my "Eminent Domain". Angler access is important, but not at the expense of land owners, and through bullying or legal strong arm tactics. 15.6 15.7

I have seen first hand the mismanagement by some of your agency. For example:

1. Poisoning Lamb Canyon to plant native Bonneville Cutthroats, and instead killing the fish that are indeed native.
2. Making the fishing season longer on the Strawberry River and increasing the limit to 8 fish and in turn not protecting the cutthroat

I have been practicing catch and release for about 20 years. That is what I call conservation.

In conclusion, I hope and pray that the commission does the right thing and implements the **NO ACTION PROPOSAL**. By doing so, you will keep the rights for the individuals who have toiled long and hard and have a vision for the future.

Sincerely,

Rennly J. Charlesworth

Letter No.	Comment No.	Response
15	15.1	Refer to Response to comment 1.1.
	15.2	Please refer to comment 5.6.
	15.3	Refer to response to comment 2.2.
	15.4	In accordance with Executive Order 13007, Indian Sacred Sites, consultation with the Ute Tribe has been initiated to identify Indian sacred sites in the project area.
	15.5	Please refer to comment 7.2.
	15.6	Please refer to comment 5.7.
	15.7	Reclamation and the Mitigation Commission will consider all options, including a land exchange, in order to come to agreement on proposed acquisitions. Also Please refer to comment 5.2. in regard to acquiring access to one side of the river.

To whom it may concern;

Sept. 25, 1998

I April L. Charlesworth, as a citizen of Utah, and a person that would be affected by the proposed action feel that this would negatively effect the personal property owners involved. 16.1

Thank you,

April L. Charlesworth
P.O. Box 481
Duchesne, Ut. 84021
(435) 738-5662

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Letter No.	Comment No.	Response
16	16.1	Refer to Response to comment 1.1.

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KIMBERLY A. DOYLE

8847 N. COVE DR.

PARK CITY, UT 84098

September 23, 1998

Dear Mr. Mingo:

I am writing this letter out of concern for some very beautiful, pristine land. A parcel of the middle section of the Strawberry River was purchased by my ex-husband, Rennly Charlesworth, 21 years ago. This land is so well maintained by Rennly and the other land owners, that except for the cabins, you would be hard pressed to find any evidence of man. If this land is given over to the public, we all know (including you, Mr. Mingo) what the grim reality is. You can see it all along the road as you drive along the road: garbage, fire hazard and a total disregard for the beauty of the land. The sad truth within our society is that unless they own it, no one cares how it is treated. Please, Mr. Mingo, help us keep this land beautiful, pristine, and above all, **private**. Please join me in supporting the **"NO ACTION PROPOSAL"** for the middle section of the Strawberry River. 17.1

My Most Sincere Thanks:

Kimberly A. Doyle

Kimberly A. Doyle

Letter No.	Comment No.	Response
17	17.1	Refer to response to comment 2.2.

September 16, 1998

Utah Reclamation and
Conservation Commission
102 West 500 South
Suite 315
Salt Lake City, Utah 84101

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ATTN: Richard Mingo
RE: No-Action Proposal for the middle section of the Strawberry River

Dear Mr. Mingo,

As a former part-owner of a section of the Strawberry River Valley, I am writing to express my support of the No-Action Proposal for the middle section of the Strawberry River.

I cannot imagine that these property owners are potentially being forced to give up portions of their land. They have been paying for the land, paying property taxes on it, improving it, caring for it for years, only to be told they must give the public access!?! This is an outrageous misuse of governmental powers. 18.1

These land owners have continually had to clean up after trespassers and vandals. Cabins in the area have been broken into, property stolen, garbage and human excrement left behind, and now you want to give the general public even more access to abuse this pristine area. There are plenty of public places already for people to go, even in this same area. 18.2

How would you like to be told that your front porch is now open for anyone who wants to hang out even though it is you who pays the mortgage? SHAME ON THIS COMMISSION!!

Sincerely,

Jill Hamilton

Jill Hamilton

Letter No.	Comment No.	Response
18	18.1	Refer to Response to comment 1.1.
	18.2	Refer to response to comment 2.2.

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September 18, 1998

Mr. Richard Mingo
Utah Reclamation and Mitigation
Conservation Commission

Dear Mr. Mingo:

In re the Middle Section of the Strawberry River I hereby exhort you to use your office and influence to support the "NO ACTION PROPOSAL" involving land use in that area.

As a senior citizen of this country, I find it difficult to believe that land acquired by hard work and care in maintenance together with passion for preserving the environment should suddenly become subject to use by everyone, even those who have little respect for either public or private property, especially riparian areas where all kinds of debris, including beer cans, cigarette wrappers, trash, etc. are likely to be discarded by uncaring persons. 19.1

My two sons bought a parcel of land embracing a small section of the Strawberry River 20 years ago in anticipation of its use by grandchildren and great-grandchildren in their search for peace and quiet when recreation time was available. Opening some 30 feet on each side of the river in this section will destroy that little area of seclusion necessary for their dreams of the future and would metaphorically tear the heart out of our hopes for this desirable Edenic place. The property is a popular place today for my husband and me in our visits to this beautiful area. Camping at the water's edge with the peace and seclusion of its present status has been enjoyed by many of us.

We forthwith implore you to abandon any forceful or possibly "Nazilike" tactics in an effort to achieve your proposal as set forth. It is our hope that consideration and concern for the happiness and welfare of our family and others will prevail in your deliberations. Thank you and in anticipation of your acceptance of our wishes, I am, 19.2

Yours very sincerely,
Shirlie J. Charlesworth

Shirlie J. Charlesworth
Retiree, Newspaper Agency Corp., SLC, Utah
25124 Via Catalina
Laguna Niguel, California 92677

Letter No.	Comment No.	Response
19	19.1	Refer to response to comment 2.2.
	19.2	Refer to Response to comment 1.1.

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Utah Reclamation, Mitigation and Conservation Dept.

Sept. 14, 1998

To whom it may concern:

My brother, Rennly J. Charlesworth, bought property along the Strawberry River several years ago as an investment. Not an investment to make money, but an investment of time and a gathering place for the family now and in the future. It is a haven for us, a place he paid for with blood, sweat, and tears, and hopefully will be there for future generations of the Charlesworth family. No amount of money can replace a heritage and this is what we consider this property to be.

The Federal Government certainly doesn't need this property for public access. There is plenty of access to areas on this and other rivers throughout the State of Utah. The government wants to usurp this property for reasons only known to it. 20.1

It is against my brother's rights as a private property owner and a citizen of the United States to have the government just decide what it wants regardless of the rights of an individual. This has got to stop. It happens over and over again. The rights of the individual must be upheld.

I urge you to stick with the "no action proposal" and have the Government harassment of the "legal property owners" end here.

Thank you for your prompt attention to this matter.

Sincerely,

Mirid C. Weidner

Mirid Charlesworth Weidner
28391 Daroca
Mission Viejo, Ca. 92692

949 581-3596

Letter No.	Comment No.	Response
20	20.1	Refer to Response to comment 1.1.

HORIZON
MARKETING GROUP

27758 SANTA MARGARITA PKWY. #386
MISSION VIEJO, CA 92691
TEL: (714) 459-7348 · FAX (714) 459-7823

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Sept. 17, 1998

Deton Recreation Mitigation
and Conservation Commission
Anglers Access Mitigation Program

attn: Richard Mings

21.

Dear Sir:

It has come to my attention that the Federal Gov't. is once again trying to usurp the private individuals rights and steal my Brother's land.

There are hundreds of miles of public access to the streams and rivers in the State of Utah, and you have already taken 42 feet of the land on the Strawberry River and there is absolutely no reason that you need to take more.

My Brother bought that land over 20 years ago as a haven for himself and his family - for now and for his generations to come! It would be a crime to try and take 30 feet of his by the River - the money that you would be giving him would mean absolutely nothing

Letter No.	Comment No.	Response
21	21.1	Refer to Response to comment 1.1.

FLORIDA INTERNATIONAL
The Public University at Miami

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September 16, 1998

Richard Mingo
Utah Reclamation, Mitigation, and Conservation Commission
Salt Lake City, UT

Mr. Mingo:

It has come to my attention that your commission has a proposal that is being considered to open up 30 feet on both sides of the middle section of the Strawberry River to public access. Even though I am no longer a resident of the beautiful state of Utah, I still do have relatives and emotional ties to the area. Therefore, I feel I must let your commission know how I feel about your proposal, and also have your commission take a very hard and long look at the consequences.

I have had the good fortune of visiting the proposed area on numerous occasions. As I hope you are aware of, it is a very beautiful, pristine, and untouched area, which as we all know, are few and far between in this day of evermoving "progress". I state "progress" because in many instances the consequences of some of these governmental decisions are anything BUT progress.

I would like to make you aware of some of the "progress" that I am personally aware of by some of these governmental decisions. I was a resident in the state of Alaska for 14 years. In that time I was an eye witness to many private lands being open to the public. All I can say is that I was appalled by the lack of concern, respect, and caring that the general public exhibits toward public lands. They threw garbage everywhere, trashed the campgrounds, chopped down trees for firewood, but worst of all, used the land and the waters for public latrines! I feel absolutely certain, without a shadow of a doubt, that the same fate will befall this area. 22.1

I would like to go on record that I SOUNDLY am in support for the NO action on this proposal. I would also like to go on record that NO MATTER how much you pay the property owners, it will not be enough compensation. Those owners bought this property to enjoy privacy, commune with nature, and most of all, to get away from the general public, This land was not bought as an investment, but as a legacy for future generations. By passing this proposal, you are absolutely violating the property owners' rights. I cannot express how strongly I feel about your commission's tactics, except to liken it to Communistic activities. Even though I am not in your legal jurisdiction, please do not feel that there is not anything I can do from my end. I will find a way to make this unpopular proposal public to interested parties. 22.2

If you would like to contact me, or validate this document, do not hesitate to contact me at (305) 919-4591. Again, I implore you, please consider your actions towards this proposal long and hard, regarding the consequences with an open, objective, and clearly thinking mind.

Sincerely,
Jace Martinson

Professor Jace Martinson ,MSN
Director RN to BSN Program

School of Nursing
North Campus, North Miami, Florida 33181 • (305) 919-5915 • TDD via FRS (800) 955-8771 • FAX (305) 919-5395
Equal Opportunity/Equal Access Employer and Institution

Letter No.	Comment No.	Response
22	22.1	Refer to response to comment 2.2
	22.2	Refer to Response to comment 1.1.

23

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9/24

Dear Mr. Richard Mingo,

I am Rennly Charlesworth son. I have been to the Straberry river many times please dont give public acsess to other people I have been there many times its really cool. If you let public acsess to other people you will trash the river and then no public acsess more will fish any more and the river will go to waste. I have alot of fun memories with my dad. If you will not let public acsess have sixty feet of the river I will thank you very much If you give public acsess to other people the people who own the land will be very mad at you.

23.1

Sincerely,

Camden

Letter No.	Comment No.	Response
23	23.1	Refer to response to comment 2.2

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September 23, 1998

Mr. Richard Mingo
Utah Reclemation and Mitigation
Conservation Commission

Dear Mr. Mingo:

A few days ago Ren Charlesworth, my father-in-law, approached me with terrible news. He told me that you and your cohorts wish to swipe his hard earned land away from him. My first thoughts were filtered through disbelief. "How can they step in and steal your land? That's impossible isn't it?" Well, apparently not. it seems that the Charlesworth family as well as their good neighbors are not protected by the same laws that protect you and your family's property. So it is that we find ourselves writing these humble letters in an attempt to sway your opinion 24.1

Mr. Mingo, Ren Charlesworth, owns a house in Salt Lake City. He eats in this house, he sleeps in this house, he even works out of this house. But, I am writing to tell to tell you that this is not his *home*. If home is where the heart is, then the Middle Section of the Straberry River is his true home. It may not contain the standard deffinition of a home but then again, Ren has struggled and toiled so hard to make this land his own that I believe he may call it whatever he wishes. Over the years, Ren has graciuosly opened this home to many others including myself. His family and friends are very proud and grateful of the sacrifices that he made to obtain this section of land and likewise are very angered by your proposals to take it away.

Please do what you know in your heart to be correct. Use your influence to support the **NO ACTION PROPOSAL** in the Middle Section of the Strawberry River. It would be an absolute shame if we were forced to curse your name every morning we woke up in our houses instead of praising your name while visiting Ren Charlesworth's home.

Yours very sincerely,

Paul Adams

Paul Adams
1685 E.7200 S.
Salt Lake City, Utah 84121

Letter No.	Comment No.	Response
24	24.1	Refer to Response to comment 1.1.

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Utah Reclamation, mitigation& consevation commission
102W. 500S. #315 SLC. UT. 84101

ATTN. Richard Mingo,

I am writing you in deep concern of the state's indication to take my family's land along the middle strawberry river, allowing angler access. My deep concern sits in the fact that by allowing the state to take such a pristine piece of land from private owners with such roots and family ties to this land, would not sit in such good graces of the lord. There is only one reason why this land is so pristine and that is because we the property owners have taken such good care of our land, it's beautiful the river is the heart of that whole canyon & valley that is the same canons and valley's my heart in. The air is crisp the soil is clean and the biodiversity is remarkable. From the Crytogamic soil to the much larger cousin of the sage brush the Giant sage brush, cactus that takes aproximintly 30-40 years to grow full size, to the rarely seen cousin of the blue green algae of the liken family. This "hidden valley" is alive from the smallest forms of life that actually make the soil thrive to the moss & liken that grows on rocks that takes well over 75 years to grow and one tenth of a second to destroy. Take just the wildlife for example mountain lions, those bothersome black bears that we all love so much, deer, raccoons and all those other little creatures that come into play in any such prime wildland untouched by man since the time of man first arose. Left in the same shape as the Indian's left it, this information I have first hand from reading surrounding pictographs on this land and the surrounding land that I am sure you have no knowledge of because it has been kept pristine. I have read your little packet on your mitigation technique and your assurance that the land will not be harmed but it sounds like propaganda to me. I have seen the state take land before, it just becomes trashed because of the state's uncanny ability to be responsible and logical. Not just lands I have been to and seen how bad it was messed up, but more personal places like the middle strawberry river which credit goes to the state for virtually wiping out my favorite fish to fish on the river, cutthroat(I have not seen one for five years). I have seen how the state handles land it's not good, bad form, they become discombobulated and forget if there trying to make money or save the land like the empty promises stated they will. River owned already 15 miles, river not owned 4.25 miles, river wanted 19.25 miles, river trashed already 15 miles, river not trashed 4.25 miles you do the math. Letting the state steel my land, however they legalize steeling is wrong. The ecosystem is far too fragile to sustain such crowds, your report, your ecological survey was incomplete & not very in depth. I already mentioned Cryptogamic soil, you know the politics that brings in to play. You do not need this land. I do, I know I am out numbered but where I come from we do not go down without a fight. I support the no action plan for the Middle Strawberry River, and will do everything in my power to persuade you to support the no action program also.

25.1

Severely
Sincerely,
Fiskerland Jones Charlesworth

Fiskerland Jones Charlesworth

Letter No.	Comment No.	Response
25	25.1	Refer to Response to comment 1.1.

MITIGATION COMMISSION
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MANESSA C. ADAMS

1685 East 7200 South

Salt Lake City, Ut 84121

September 15, 1998

To Whom it May Concern:

I am writing to you both as a concerned citizen and mother. My family ownes 80 acres of property along the middle section of the Strawberry River. It has come to my attention that it has been proposed to seize this land and make it public. I am absolutly against this and I strongly support the **NO ACTION PROPOSAL**. 26.1

My father worked hard for many years to buy this land so that his children and grandchildren would have a place to go to enjoy nature in peace. For 21 of my 24 years, my family has spent our summers camping along the banks of the Strawberry River. For you to take this land away from us, and make it public is ridiculous.

We have seen the effects of public use as we drive the road into the property that we own. You do not have to look far to see beer cans, cigarette butts and other garbage. In addition, there are always vandalism and fire hazards to consider. 26.2 Government seizure of private land seems to go completly against the American ideal. Please, let us keep our land just the way that it is.

Thank You:

Manessa C Adams

Manessa C. Adams

Letter No.	Comment No.	Response
26	26.1	Refer to response to comment 1.1.
	26.2	Refer to response to comment 2.2

MITIGATION COMMISSION
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SEP 25 1998

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September 18, 1998

Mr. Richard Mingo
Utah Reclamation and Mitigation
Conservation Commission

Dear Mr. Mingo:

In re the Middle Section of the Strawberry River I hereby exhort you to use your office and influence to support the "NO ACTION PROPOSAL" involving land use in that area.

As a senior citizen of this country, I find it difficult to believe that land acquired by hard work and care in maintenance together with a passion for preserving the environment should suddenly become subject to use by everyone, including those with little respect for either public or private property, especially in riparian areas where all kinds of debris, including beer cans, cigarette wrappers, trash, etc. are likely to be discarded by uncaring persons. 27.1

My two sons bought a parcel of land embracing a small section of the Strawberry River 20 years ago in anticipation of its use by grandchildren and great-grandchildren in their search for peace and quiet when recreation time was available. Opening some 30 feet on each side of the river in this section will destroy that little area of seclusion necessary for their dreams of the future and would metaphorically tear the heart out of our hopes for this desirable Edenic place. The property is a popular place today for my wife and me in our visits to this beautiful area. Camping at the water's edge with the peace and seclusion of its present status has been enjoyed by many of us.

We implore you to forthwith abandon any forceful or possibly "Nazilike" tactics in efforts to achieve your proposal as set forth. It is our hope that consideration and concern for the happiness and welfare of our family and others will prevail in your deliberations. Thank you and in anticipation of your acceptance of our wishes, I am, 27.2

Yours very sincerely,

M. Dean Petersen

M. Dean Petersen
Retiree, Newspaper Agency Corp., SLC, Utah
25124 Via Catalina
Laguna Niguel, California 92677

Letter No.	Comment No.	Response
27	27.1	Refer to response to comment 2.2
	27.2	Refer to Response to comment 1.1.

Sept. 24, 1998

To: The Utah Reclamation Mitigation Conservation Commission

RECEIVED
SEP 25 1998

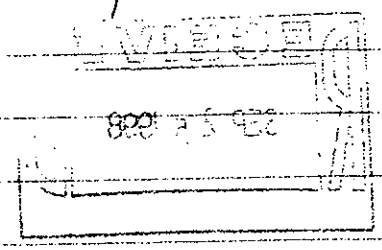
Attention: Richard Mingo

I want to write in support of "The No action Proposal." I feel that the property should remain in private ownership. I have been to the area that is being suggested to become public area, and believe that it should remain in its present state. The area is a beautiful, pristine, natural place. To the people who own this land it is a sacred place and it would become trashed if it didn't remain private. There is already enough access to the Strawberry River without taking away property from owners who have worked for their land and treasure it. This proposal to condem for angler access seems unamerican and steps on the rights of people who own the property. The person who owns the property I have visited dearly loves his property as it is and it has hurt him greatly to hear of the proposal to take away the heart of his property. 28.1 28.2

His property is a spiritual place for him and his action would destory part of his soul and his ability to commune with his God. He has treasured his property and dreamed of leaving it to his posterity as a place they also can go to commune with nature and receive the peace he

receives from this land. So take that away seems truly against what America stands for.

In conclusion I strongly support the "No Action Proposal"



Sincerely
Jo Anne Ross Evans
1539 East 21st South
Salt Lake City, Utah 84105
856-5536

Letter No.	Comment No.	Response
28	28.1	Refer to response to comment 2.2
	28.2	Refer to Response to comment 1.1.

RECEIVED
SEP 2 5 1998

To The Utah Reclamation
Mitigation" Conservation
[redacted] Commission"
I am writing to
support "The No
action proposal".
I have been camping
at private property in the
Middle Section of
Strawberry River.
I enjoyed the beauty
of the land as it is
in this natural setting

and would like it
to remain this way.

Sincerely,

Jessica Rose Evans

age 9

Letter No.	Comment No.	Response
29		Thank you for your comments.

To Whom it may Concern;

I supp. the no Action proposal on the Middle Sec. Strawberry River
I support pri. prop. Rights

Sincerly, Kris Nelson
9-25-85
7675 So. 2375 E.
SLC, Ut 84121

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Letter No.	Comment No.	Response
30	30.1	Refer to Response to comment 1.1.

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CLASSIFICATION	
PROJECT	

Utah Reclamation Mitigation
& Conservation Commission
Attn: Richard Mingo
102 West 5th South, Suite 305
Salt Lake City, UT 84101

September 24, 1998

1. In regard to the middle section of the Strawberry River.
2. I support the the no action proposal.
3. Private property should stay private. | 31.1
4. This could cause concerns for vandalism, fire hazards, and environmental impact. | 31.2
5. Property is already well cared for.
6. If its not broken don't fix it.

Sincerely,

Dan Hoffman

Dan Hoffman

Letter No.	Comment No.	Response
31	31.1	Refer to Response to comment 1.1.
	31.2	Refer to response to comment 2.2

Sept 25, 98

32

To Whom it my Concern.

I support the No Action proposal on the middle section Strawberry River there is already 15 miles of access, How much river can you fish in one day? Private property owners, worked long and hard to obtain their land 32.
It would be a travisty of Justice to condem their land for Angler Access.

RECEIVED
SEP 25 1998

1844 So. 900 East
S. L. C. Ut

Sincerly,
Mr. Mrs. A. Mavrides

Letter No.	Comment No.	Response
32	32.1	Refer to Response to comment 1.1.

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PROJECT	

Utah Reclamation Mitigation
& Conservation Commission
Attn: Richard Mingo
102 West 5th South, Suite 365
Salt Lake City, UT 84101

September 24, 1998

1. In regard to the middle section of the Strawberry River.
2. I support the the no action proposal.
3. Private property should stay private. | 33.1
4. This could cause concerns for vandalism, fire hazards, and environmental impact. | 33.2
5. Property is already well cared for.
6. If its not broken don't fix it.

Sincerely,

Zebulon Van Hoffman

Zebulon Van Hoffman

Letter No.	Comment No.	Response
33	33.1	Refer to Response to comment 1.1.
	33.2	Refer to response to comment 2.2

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Utah Reclamation Mitigation
& Conservation Commission
Attn: Richard Mingo
102 West 5th South, Suite 305
Salt Lake City, UT 84101

September 24, 1998

1. In regard to the middle section of the Strawberry River.
2. I support the the no action proposal.
3. Private property should stay private. | 34.1
4. This could cause concerns for vandalism, fire hazards, and environmental impact. | 34.2
5. Property is already well cared for.
6. If its not broken don't fix it.

Sincerely,

Tilly Van Egmond

Tilly Van Egmond

Letter No.	Comment No.	Response
34	34.1	Refer to Response to comment 1.1.
	34.2	Refer to response to comment 2.2

MITIGATION COMMISSION
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TOM WILLIAMS
1397 SOUTH 1000 EAST
SALT LAKE CITY, UT 84105

MR. RICHARD MINGO
UTAH RECLAMATION MITIGATION
AND CONSERVATION COMMISSION
102 WEST 500 SOUTH #315
SALT LAKE CITY, UTAH 84101

September 22, 1998

RE: NO ACTION PROPOSAL- MIDDLE SECTION, STRAWBERRY RIVER

Dear Mr. Mingo,

I am writing in response to the Proposed Action of the Angler-Access Mitigation Program as summarized by your office. Having had the fortune of a life-long friendship with Ren Charlesworth (one of the impacted property owners), and considering that a great part of that relationship revolves around a love for fly fishing in Utah, The Western States, and Alaska, I feel I must support Mr. Charlesworth by requesting that you take the **NO ACTION ALTERNATIVE ON THE MIDDLE SECTION, STRAWBERRY RIVER**. Listed below are my concerns for the Proposed Action:

- **INCREASED ENVIRONMENTAL IMPACT**

As stated in the Draft Environmental Assessment, the Proposed Action would potentially increase the incidence of Trash and Human Waste in the area. My observation, over the last twenty years, is that the Property Owners have done a superb job of protecting and maintaining the environment. My fear is that The Division of Wildlife Management will not have the monetary resources to adequately insure, with the increased use of the area, that the environment will be as well served. 35.1

- **IMPACT ON VISUAL RESOURCES**

The Proposed Action requires that facility development by land owners be restricted. It is my belief that current County Building Codes are sufficient protection. Furthermore, I have reservations about the Commissions remedies for the anticipated encroachment of native plant species by anglers, and "improvements" proposed, (i.e. fences, parking and lavatory facilities, signs, etc.). A reasonable person could not consider these measures, while mitigating some of the abuse brought on by increased angler use, adding to the already pristine vistas.

- **IMPACT ON ARCHEOLOGICAL AND HISTORICAL RESOURCES**

I see only slight reference to archeological studies done in the area ("no Scared sites"), and fear that sites I have found will be detrimentally affected by the increased traffic. Since my letter may become available for Public Scrutiny, I will not disclose the location of the pictographs, but if the Commission wishes, they may contact me as to their whereabouts. 35.2

I am also opposed to the transferal of Private Lands to The Federal Government in this area. The Giles Ranch was Homesteaded in 1906 and has been in the same family since. It represents an historical tradition of Utah's agrarian economy and private ownership of land, examples of which are rapidly disappearing to growth and development. One of my favorite pastoral settings, the approach to Heber City from the Brown's Canyon Turnoff, was destroyed by the construction of the Jordanelle Dam and it's subsequent inundation. I do not recall any mitigation of this historical loss. 35.3

For these reasons, I ask that the Commission take the
NO ACTION ALTERNATIVE ON THE MIDDLE SECTION, STRAWBERRY RIVER.

Sincerely,

Tom Williams

Tom Williams

Letter No.	Comment No.	Response
35	35.1	Refer to response to comment 2.2
	35.2	In accordance with Section 106 of the National Historic Preservation Act, the Mitigation Commission and the Bureau of Reclamation have consulted with the State Historic Preservation Office regarding the Proposed Action and Modified Proposed Action. Prior to any ground disturbing activities, the Mitigation Commission will complete a cultural resource survey plan to locate potential sites within the area of potential affect. At such time, we would be interested in any information you may have regarding such sites.
	35.3	Refer to Response to comment 1.1. As described on page 4-16 of the EA, Reclamation nominated the Simmons Ranch, just downstream of the Giles property, to the National Register of Historic Places. The property was subsequently entered to the Register to represent the historic traditions of Utah's early agrarian economy as you have mentioned. In addition, the Mitigation Commission is working with the State of Utah Historic Preservation Officer and the Advisory Council on Historic Preservation to develop a cultural resources survey plan to locate all potential sites within the Angler Access corridor. An on the ground survey will be completed prior to any ground disturbing activities. As part of this process we would like to contact you in regard to any known cultural or historical resources.

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To Whom It May Concern:

We are writing to voice our concern for the middle section of the Strawberry River. We understand that there is a proposal to take this land away from the *private* land owners. In our state at this time, development is very popular, and there are many people who feel that they would benefit from this. But when the government starts taking away *privately* owned lands, for what they consider to be the greater good, every free man and woman is compromised. There are many, many acres of public lands on the Strawberry River, and I think it would be an injustice to the landowners, and the delicate river ecosystem to allocate any more. We strongly support the no action proposal.

Sincerely,

Nicole Croft Jacob Croft

Jacob and Nicole Croft
7190 South 1700 East
Salt Lake City, Utah 84121

Letter No.	Comment No.	Response
36	36.1	Refer to Response to comment 1.1.

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JASON BLACK
3010 EAST 7000 SOUTH
SALT LAKE CITY, UT 84121

September 20, 1998

To Whom it May Concern:

This letter is sent in regard to the current proposal affecting the middle section of the Strawberry River. I have visited this area on several occasions and am very fond of it. I am particularly familiar with the privately owned sections of the river (which one of the owners has kindly granted me access to), and the adjacent downstream section. I am not a scientist, and have only a meager knowledge of riparian ecosystems. I do not believe however, that one needs to be a biologist to see that the private land is in a much more pristine state. Obviously this effects the downstream section in a positive way by acting as a refuge for species from the inevitable ravages incurred by heavy public use. This, I am sure makes a more diversified, wildlife rich, and scenic section down-river. This is more appealing for fishermen, bird watchers, hunters and other recreationalists. It is for this reason I strongly support the "***NO ACTION PROPOSAL***".

THANK YOU,

JASON BLACK

Letter No.	Comment No.	Response
37		Thank you for your comments.

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Utah Reclamation Mitigation
& Conservation Commission
Attn: Richard Mingo
102 West 5th South, Suite 305
Salt Lake City, UT 84101

September 24, 1998

In regard to the middle section of the Strawberry River. I support the the no action proposal. I believe that private property should stay private. I believe when a private property owner chooses to purchase property within a gated community they are consciously purchasing property that is exclusively their eminant domain. I feel that opening such property to the public would cause concern for vandalism, and could raise environmental issues for the property owners. In respect for its natural beauty, who would be ultimatly responsible? I believe that these property owners have the right to keep their property exclusive. 38.1 38.2

Sincerely,

Shirley Flaig

Letter No.	Comment No.	Response
38	38.1	Refer to Response to comment 1.1.
	38.2	Refer to response to comment 2.2

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September 23, 1998

Mr. Richard Mingo
Utah Reclamation and Mitigation
Conservation Commission

Dear Mr. Mingo:

I would like to take this opportunity to voice yet one of many opinions on the determination of intrinsic value of the Middle Section / Strawberry River and needless to say, monetary. Both of these issues would greatly be affected if the Commission votes to provide 'access' to not so deserving parties.

I have had the good fortune many times over the last 18 years to accompany Rennley Charlesworth to his land to enjoy the unincumbered beauty that this land has to offer. I couldn't say enough of the fact that this is a sacred place for Rennley and his family. His dream is, and always has been to have secured this land not only for the present, but for future generations of his family and friends to enjoy.

You must realize that encroachment of this Rivers' edge for public access determines the condition of the areas pristine, primeval nature into the hands of a public that is for the most part responsible, unfortunately, the remaining percentage of the nonchalant would have drastic effects.

I too, sir, have a good portion of land in the Cardiff Fork area in the Cottonwood Canyon and for many years have endured my campsite left with glass, evidences of feces within 10 yards of the stream (which is posted at the base of the canyon as watershed), fallen trees stuffed into a firehole only to be left with just the end portion scorched. I have had to rebuild a torn down and partially burned lean-too four times.

Direct contact with hikers, off-road vehicles searching for any challenging destination, qualifies itself to a more pleasant circumstance of asking them politely to move on. Certainly these people have the right to roam this earth, however knowing full well that they or others would use the land as they wish when I or other owners were not present.

In Mr. Charlesworth's case, the very least of conditions should lend him the opportunity to post "Private Property" and not give angler access to the frontage on each side of the waterway. Unknowns could then, if areas were legally open, be in a given location and set up to fish or camp as though they 'owned' the spot, leaving Mr. Charlesworth in a situation he would obviously rather not have to deal with.

I completely understand Mr.Charlesworth's position that after many years of payment on the land only to have it taken away and ' given ' to angler access of individuals that may, but most likely wouldn't honor the treatment of the land as the owners would. I urge you, Mr. Mingo, to use all of your capacity and influence to support the NO ACTION proposal. And the monetary issue-- it is priceless.

Respectfully,

John R. Kelm
1503 E. Michigan Ave.
Salt Lake City, UT 84105

Letter No.	Comment No.	Response
39	39.1	Refer to response to comment 2.2
	39.2	Refer to Response to comment 5.2.
	39.3	Refer to Response to comment 1.1.

CRAIG R. PROCTOR DDS

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September 24, 1998

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMITTEE
STATE OF UTAH

ATTENTION: Mr. Richard Mingo

Dear Sir:

It has come to my attention that there is a controversy regarding the use of the property on the middle section of the Strawberry River. I would like to voice my opinion that I favor and support the "no action proposal" with regards to this matter.

As a private property owner, I feel it is our right to own and maintain lands that were purchased for private use. Allowing public access to these areas will eventually destroy the privacy and pristine natural surroundings of these lands. 40.1

I would be happy to participate in any future hearings and planning meetings that will be held regarding this matter. Your kind consideration regarding this matter would be greatly appreciated.

Sincerely,

Craig R. Proctor

2936 S. Highland Drive. Suite 200 • Salt Lake City, Utah 84106
(801) 486-2800

Letter No.	Comment No.	Response
40	40.1	Refer to Response to comment 1.1.

9-18-98 41

To: Mr. Richard Mingo

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Re: Middle Section of Strawberry River

This letter is in support of the "No Action proposal relating to the private property rights along the Strawberry River. I visited Wren Charlesworth's property this summer and found it in pristine condition. I am convinced that the private owners are citizens who truely recognize the value of this natural resource and would be better able to protect and preserve it. In Lieu of changing the private property rights, we recommend that the Utah Reclamation Mitigation and Conservation Commission encourage the "Catch and Release" philosophy and reduce the daily limits for trout. 4

L Boyd Bunting

Letter No.	Comment No.	Response
41	41.1	By law, the Utah Division of Wildlife Resources is responsible for managing fish and wildlife resources within the state and establishing fish and wildlife regulations. The middle Strawberry River is currently managed under special regulations restricting tackle to artificial flies and lures.

42

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Parsons Behle & Latimer

A Professional Law Corporation

One Utah Center
201 South Main Street
Suite 1800
Post Office Box 45898
Salt Lake City, Utah
84145-0898
Telephone 801 532-1234
Facsimile 801 536-6111

September 25, 1998

HAND DELIVERED

Utah Reclamation Mitigation and Conservation Commission
Attn: Richard Mingo
102 West 500 South, Suite 315
Salt Lake City, UT 84101-2328

Re: Comments on Draft Environmental Assessment for the Angler-Access Mitigation Program

Dear Mr. Mingo:

The following comments are being submitted on behalf of the Kesler family, c/o Jared Kesler, 2663 South 1500 East, Salt Lake City, UT 84106, on the draft Environmental Assessment ("EA") on the Angler-Access Mitigation Program prepared by the Utah Reclamation Mitigation and Conservation Commission and the U.S. Bureau of Reclamation. We appreciate the opportunity to submit these comments and hope that they are carefully considered.

The Kesler family owns real property on both sides of the middle Strawberry River that will be impacted by the proposed Angler-Access Program. Specifically, they own 40 acres in the E½W½NW¼, Section 20, Township 4 South, Range 9 East, SLB&M, and 40 acres in the E½W½SW¼, Section 17, Township 4 South, Range 9 East, SLB&M. The 80 acres is in a rectangle shape one mile long running north to south and 666 feet running east to west. Thus, they own 666 feet of frontage on both sides of the middle Strawberry River. Further, they own one of the lots in Section 17 that is referred to on page 2-4 of the Draft EA. Page 2-4 provides in part that:

> Approximately one river mile of the 4.25 [proposed for acquisition on the middle Strawberry] lies in Section 17. This 1-mile section has been divided into 8 lots. *Under the Proposed Action, a corridor would be acquired in fee title extending approximately 30' on both sides of the river or to the canyon wall whichever is less, about 9 acres total.* Existing dwellings, if any, within the 30' corridor would only

> be acquired on a willing seller basis. Lands adjacent to the 30' corridor would be considered for acquisition on a willing seller basis only, potentially amounting up to approximately 615 acres.

(Emphasis added).

The Keslers are very concerned about the above described proposal on page 2-4 of the Draft EA, which would result in government ownership of and public access on what is now one of the most beautiful and valuable parts of their property. There is no discussion in the Draft EA that alleviates those concerns.

The Kesler family has a significant investment in and commitment to their property because of its natural beauty, unspoiled environment, and the solitude that can e enjoyed on such a rural, riparian tract of land. Their land was purchased precisely to obtain these qualities and values. They have also had experience with providing public access to the River. Their experience was bad. Aside from the intrusion of persons who appeared to have no interest in the surrounding land, the resulting accumulation of trash and human waste significantly impacted their use and enjoyment of their land and eventually made it necessary for them to erect fences and close off access to the area. As a result, the Keslers are very concerned that the government's acquisition of the access corridors referred to on page 2-4 of the Draft EA would render their land valueless to them, and have no intention of selling any of their land to the government 42.1

Further, the Draft EA does not include sufficient detail to assure them that the acquired property would be adequately managed in the event it was acquired by the government. For example, page 2-5 of the draft EA simply provides that:

> The UDWR would provide an appropriate level of law enforcement, regulatory and interpretive signing commensurate with other similar areas. Parking areas have been constructed at 10 locations on previously acquired properties (photo 2). Primitive conditions will be maintained to preserve the wild setting and angling experience. Additional improvements or developments would be the minimum necessary and will protect wildlife habitat from increases in recreation use. Toilet and garbage facilities would be provided and maintained by the UDWR that include 2 vault toilets and garbage receptacles. Facilities would be constructed to blend with the natural surroundings.

The Keslers believe that the Mitigation Commission has the best of intentions with respect to the proposed Angler-Access Program. However, based upon their direct past experience with allowing angler access to the river corridor through their property, the Draft EA is too general in scope and fails to identify the adverse impacts that the Angler-Access Program will cause to their and other properties along the middle Strawberry River. Nor does the Draft EA identify management and/or mitigation measures in the detail that is required under the National Environmental Policy Act. Consequently, this matter must be more fully studied and addressed, either in a supplemental or final EA before the Mitigation Commission may make an informed decision on the proposed Angler-Access Program. 42.2

Although the Keslers own property that will be impacted by the proposed Angler-Access Program, they have not received any scoping notices, correspondence, the Draft EA, or other material concerning the proposed program. Consequently, please ensure that they are placed on the mailing list to receive any future material with respect to the Angler-Access Program. Further, please send a copy of all such mailings to me at this firm's address listed on the first page of this letter. 42.3

Again, we appreciate the opportunity to submit these comments and hope that they are carefully considered.

Sincerely yours,

PARSONS BEHLE & LATIMER

James E. Karkut

James E. Karkut

JEK/bb

cc: Jared Kesler

Letter No.	Comment No.	Response
42	42.1	Refer to response to comment 2.2
	42.2	Refer to response 2.4
	42.3	The names you requested have been added to the mailing list.

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43

CODE	INITIALS
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From: "Lynn Dudley" <dee@mtwest.net>
To: ibr4dm10.ibr4gwia("rmingo@uc.usbr.gov")
Date: 9/25/98 4:44pm
Subject: Comments on Angler-Access Mitigation Program

Lynn Dudley
2017 N. 1400 E.
North Logan, UT 84341
Sept. 25, 1998

Richard Mingo
102 West 500 South, Suite 315
Salt Lake City, UT 84101-2384

Dear Mr. Mingo:

As Vice President of Alva P. Murdock & Son, a land owner in the impacted Currant Creek area, I read the Draft Environmental Assessment with some interest. I have three concerns regarding the EA. First, the EA assumes that the Central Utah Project has reduced angler access. This assumption seems invalid. Creation of new and expansion of existing reservoirs have increased the acreage of water and the miles of shoreline available to anglers. The premiss of the program seems to be severely flawed. 43.1

Second, the EA repeatedly asserts that fee title is necessary to control land use within the riparian zones. I believe that this is also in error. Laws governing wetlands and environmental incentive programs such as found in the most recent farm bill should provide an environment for mitigating effects of the CUP on riparian areas without taking private property. I want to emphasize that recreation is a rapidly growing economic sector and is a potential valuable resource to those owning stream banks. Alva P. Murdock & Son would welcome the opportunity to cooperate on restoring our sections of Currant Creek. (Provided, of course, that we maintain title.) 43.2

Third, we are concerned with trespass problems created by increased public access in the area and would like to see provisions for fencing in the EA. 43.3

I look forward to receiving your response.

Sincerely,

Lynn M. Dudley
Vice President, Alva P. Murdock & Son

Letter No.	Comment No.	Response
43	43.1	As originally planned in 1965, Bonneville Unit reservoirs would inundate about 40 miles of stream habitat and an additional 240 miles of streams would be adversely impacted by altered stream flows resulting from project operations. It was estimated that 73 percent of the adult trout habitat on impacted streams would be lost as a result of constructing and operating SACS. The Aquatic Mitigation Plan identified appropriate mitigation measures to mitigate for 50 percent of those impacts. The creation of flat water fishing opportunities did not mitigate for altered riparian systems and the associated stream fishing opportunities they provided.
	43.2	The EA has been revised on page 2-11 to include easements as an acceptable form of acquisition on Currant Creek under the Modified Proposed Action.
	43.3	Refer to response to comment 2.2 and 9.2.

** TOTAL PAGE.001 **

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Attn.: Richard Mingo
Utah Reclamation Mitigation and Conservation Commission
102 West 500 South, Suite 315
Salt Lake City, Utah 84101-2328

September 25, 1998

Reg.: Angler-Access Mitigation Program (middle Strawberry River proposal)

Dear Mr. Mingo:

I have reviewed the Draft Environmental Assessment (EA), specifically addressing the middle Strawberry River proposal. The Angler-Access Mitigation Program, as outlined, is NOT acceptable. Private property owners will most definitely be negatively impacted. These landowners have diligently struggled to keep the upper reach of the Strawberry River private to avoid the problems that public and federal agency access brings to any area. 44.1

The EA Draft states the primary concern of this action will restore fish and wildlife habitat that currently exists from impacts caused by construction and operation of the Bonneville Unit of the Central Utah Project. This "mission" or goal leads one to assume that current aquatic and terrestrial habitat, and wetland and riparian vegetation, and angling opportunities were and are negatively impacted by implementation of the CUP. Now the same Federal and State agencies request approval to "restore and re-habitate" degraded rivers and streambanks. 44.2

As a former Strawberry River private land owner, I am very concerned with the draft EA and proposed Angler-Access Mitigation Program. It seems once again, "big government" is planning to do what is best for the "public" and all concerned under the mise of ecological and environmental improvements, improvements needed from previous government program mistakes/errors. ~~Interesting~~...

I support the "No Action" Alternative. Let the current private property owners rehabilitate the streambanks of the middle Strawberry River, Currant Creek, and the Duchesne River. Better yet, reallocate the "Mitigation Commission" budget to a new cost-share program set up for landowners along the stated rivers to improve addressed habitat improvement. But leave the public fisherpersons on the other side of the PRIVATE "paid for" fence.

Thank you for the opportunity to respond to this EA. Please inform me of further actions.

Sincerely,

Gill Charlesworth

GILL CHARLESWORTH
10279 N. Tenderfoot Trail
Casa Grande, Arizona 85222-7813

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Letter No.	Comment No.	Response
44	44.1	Refer to response to comment 2.2
	44.2	It was recognized by the U.S. Congress at the time the Central Utah Project was initially approved in 1956 and again with CUPCA in 1992, that certain environmental impacts would occur with the construction of CUP. Therefore, mitigation was included as part of the project since its inception. Mitigation efforts were initiated at the time of construction and much has been accomplished. The Proposed Action or Modified Proposed Action would complete the remaining mitigation requirements of the **Aquatic Mitigation Plan** the **Wildlife Mitigation Plan** and the **Wetland Mitigation Plan**.

45

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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND RECREATION

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Courtland Nelson
Division Director

Starvation State Park
PO Box 584
Duchesne, Utah 84021-0584
801-738-2326

September 4, 1998

Utah Reclamation Mitigation and Conservation Commission
102 West 500 South #315
Salt Lake City, Utah 84101

Dear Commissioners

In regard to the draft of the Angler Access Environmental Assessment; there are several concerns with the proposed non-fee, angler access on the Strawberry River below the dam in Starvation State Park. Please consider the following management concerns regarding this proposed site. Attached is a map of the site which shows park boundaries in the area.

1. Part of the "road" going into the area is on private land ("A" on attached map). The Utah Division of Parks and Recreation is attempting to purchase this property. This would allow for the establishment of one entrance area to control four management areas at Starvation State Park. Everything inside of this entrance (which would include the angler access road) would be inside of a fee area. 45.1

2. Opening a road into this area is essentially opening another management area at Starvation State Park. The area would likely be used primarily for picnicking, site-seeing, etc.; anglers may be a minority of the users. The Division staff at Starvation is stretched to its limits to handle the five management areas that are currently open in the park. Opening another management area would necessitate an increase in staff and O & M budget. 45.2

3. The "road" going to the area is more of a four-wheel drive trail, there is no good "base" to it and it is not maintained. It has steep grades with a great deal of erosion problems.

4. The access to most of the river is difficult on the west side (proposed access), and the installation of a foot bridge may be necessary.

5. The adjacent area has multiple land owners/managers, which include: U.S. Bureau of Reclamation, Utah Division of Parks and Recreation, Central Utah Water Conservancy District, and the U.S. Forest Service. All of these agencies will be impacted by the opening of a road into this area. 45.3

6. The construction of facilities and opening of any new roads or areas at Starvation State Park requires prior approval and planning by the Division, and may require an appropriation of additional staff and O& M budget.

Thank you for your consideration of these comments.

Sincerely

Rick Redmon

Rick Redmon, Park Manager
Starvation State Park

cc: Dennis Weaver, N.E. Region Manager
Wes Johnson, Lands Coordinator

PARK BOUNDARY
Water Tanks
STEVENS RESERVOIR
Spring
Gravel Pit
SCALE 1:24000
1 MILE
7000 FEET
1 KILOMETER
CONTOUR INTERVAL 10 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

Letter No.	Comment No.	Response
45	45.1	Please refer to response to comment 3.3.
	45.2	Acquisition of angler access provides partial mitigation for the impacts of CUP. Reclamation and the UDWR entered into an agreement in 1992 where it was agreed that the angler-access corridors would be transferred to the UDWR. This agreement requires the development of an Operating Agreement that outlines the specific management goals and objectives of the corridor and the specific tasks to be completed to achieve these goals. Please refer to page 4-18 of the EA.
	45.3	Reclamation is a joint lead agency in the preparation of the EA. The Forest Service and UDWR are cooperating agencies. In addition, the Utah Division of Park and Recreation and the CUWCD have been consulted in the preparation of the EA. We will continue to keep your department and other agencies involved through our public involvement efforts.

46

William R. Trojan
2724 Barbara Lane
Houston, Texas 77005
281-287-7257 work
713-666-0969 home

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Attn. Richard Mingo, Suite 315
Utah Reclamation and Conservation Commission
102 West 500 South
Salt Lake City, Utah 84101-2328

September 30, 1998

RE: Draft Environmental Assessment for the Angler-Access Mitigation Program
Strawberry Aqueduct and Collection System (SACS), Central Utah Project

Dear Mr. Mingo,

I own 80 acres of agricultural land in Section 17, T 4S R 9W, USM, Wasatch County, Utah, an area described in the above referenced Environmental Assessment (EA) as the middle Strawberry River angler-access corridor. I have owned an interest in this land since 1980. I was raised in Utah and my family still resides there.

The Utah Department of Wildlife Resources (UDWR) has classified the middle Strawberry River a Class 1 sport fishery, the highest rating (Strawberry River Wildlife Management Area (WMA), 1995 Operating Agreement, p.4). My desire is that the fishery stays the way it is, or improves.

I have never before been contacted by any government agency regarding my Strawberry River land, and I was unaware of any government activities that could potentially impact my land until I received a copy of the draft EA on August 29, 1998. I am disappointed that, as an involved property owner, I was not sent a Scoping Notice on September 5, 1997. Because I have only recently become aware of the proposed actions in the draft EA, I have not had an opportunity to retain adequate legal counsel to advise me of my rights relative to the proposed actions in the draft EA. Nor have I had adequate time to access and peruse all pertinent material referred to in the draft EA or consult with an aquatic biologist, resource manager or any other specialist. Therefore, the following comments are based upon my current, limited understanding of the issues and property rights involved. 46-1

A) I fully support, as I currently understand them, all conservation goals outlined or implied in the draft EA, the 1987 Wildlife Mitigation Plan, the 1987 Wetland Mitigation Plan and in the 1988 Aquatic Mitigation Plan for the SACS that are designed to "to restore, protect and enhance the health and function of riparian and aquatic ecosystems" (EA p. 1-3), as well as wildlife habitat. I personally am a member of The Nature Conservancy, the Audubon Society, the Sierra Club, Ducks Unlimited and the Rocky Mountain Elk Foundation, and consider myself to be an ardent conservationist. Part of the reason I purchased my middle Strawberry River property was to preserve and protect an undeveloped, wild place of my own, for my family and my future. Section 17, which contains my property, is literally at the end of the river-access road. In 18 years of property ownership, I

have never personally fished in the Strawberry River or hunted in the vicinity although, in general, I approve of these activities if they are conducted in a legal and ethical manner.

B) I find fault with, and take exception to, the draft EA recommendations only with regard to Section 17 on the middle Strawberry River. I either fully support, or offer no opinion on, the recommendations for areas outside of Section 17 on the middle Strawberry River.

C) I do not believe that granting public angler-access to Section 17 on the middle Strawberry River will help accomplish the stated primary management objective to "provide the highest level of protection to the biological productivity and diversity of the riparian and aquatic ecosystem" (EA p. 2-3). The response to Resource Question #2 indicates a "moderate increase in angler use is expected". I noted no attempt to quantify "moderate" or to specify a timeframe in which this increase would occur. Is it moderate next year and major the following year? The draft EA clearly acknowledges in answer to Resource Protection Question #2 that the 1991 Strawberry River Creel Survey underestimates current angler use on the middle Strawberry River (EA p. 4-12,13). It also further states "the impact on the fishery from increased angler use over the No Action Alternative is difficult to quantify". 46.2

D) No data was provided to substantiate or quantify the claim "increased angler use could be mitigated by implementing size, number, season of use and tackle restrictions. These types of restrictions are already in place on the middle Strawberry River". How have the restrictions and habitat improvements impacted fish populations? Increased fishing pressure, even with mandatory catch-and-release tactics, can be detrimental to the fishery. Are mandatory catch-and-release tactics proposed for the middle Strawberry River? I noted only seasonal and tackle restrictions in the 1995 Strawberry River WMA Operating Agreement (p. 4). Anything less than mandatory catch-and-release tactics could have a significant negative impact on the fishery. The 1995 Strawberry River WMA Operating Agreement lists Management Objective #7 to "monitor fish populations every four years". Because four years have not elapsed from the date of the agreement in 1995, I presume no comparative data on fish populations exists for the Strawberry River WMA. In summary, I saw no factual basis to gauge the potential impact on the fishery in the middle Strawberry River from the Proposed Action or the Modified Proposed Action. 46.3

E) I oppose any public angler-access on Section 17 until additional scientific data is collected to demonstrate that public management of the middle Strawberry River fishery is an improvement over private management and to demonstrate the impact of increased angler use on the middle Strawberry River fishery. Fellow property owners in Section 17 have advised me that the fishing is clearly better on our property than in the downstream areas that are open to the public. To me, it seems only prudent to understand the impact that increased public angler use has had on the fishery in (for example) the Camelot Property that is downstream of my property, before additional acquisitions and similar management practices are implemented elsewhere. A survey of fish populations comparing areas on the middle Strawberry River that are open to public angler-access to privately conserved areas such as Section 17, would provide a factual basis to compare the impact on the fisheries of public versus private management. 4

F) I oppose any public angler-access on Section 17 until additional data is collected to understand the effects of prior initiatives on angler-day benefits. If the Angler-Access Mitigation Program is to provide increased angling opportunities, as measured by angler days/year, it is critical to understand if additional angler-day

benefits are even needed. Are the projected benefits in angler use made 10 years ago in the 1988 Aquatic Mitigation Plan for the SACS (eg. Table 2) still valid? Understanding what has been accomplished should be the next step in determining what to do next. 46.5

G) I have never been approached by any resource manager or agency in the past, but I am more than willing to cooperate with Federal and State officials to restore, protect and enhance riparian, aquatic and wildlife habitat on my property. It is my understanding that UDWR staff have previously requested, been granted permission from Bob Motzkus, and have entered Section 17 to conduct fish population surveys. Therefore, property owners in Section 17 have already demonstrated a willingness to cooperate with resource managers. The answer to Resource Protection Question #1 – No Action alternative is not necessarily correct: "the ability to enhance and protect the biological productivity and diversity of riparian and aquatic ecosystems would be limited by incompatible land uses..." (EA p. 4-12).

H) I am prepared to grant a Conservation Easement for my land that would meet or exceed all stated goals of restoring, protecting and enhancing riparian, aquatic and wildlife habitat in perpetuity. A Conservation Easement could potentially achieve the primary management objective: "provide the highest level of protection to the biological productivity and diversity of the riparian and aquatic ecosystem" (EA p. 2-3). I am prepared to encourage other property owners in Section 17 to also consider this initiative. I have contacted the Rocky Mountain Elk Foundation and have received from them sample Conservation Easements that could form the basis for negotiation. A Conservation Easement could readily be adapted to preclude livestock grazing or other activities detrimental to the preservation of wildlife, riparian or aquatic habitat. However, I would not support a public angler-access clause in any Conservation Easement. 46.6

I) Resource Protection Question #1: the No Action alternative could be mitigated by providing conditions in a Conservation Easement ("G and H" above) to allow Federal and State resource managers access to Section 17.

J) I am strongly opposed to the Proposed Action for the middle Strawberry River of acquiring fee title for the approximately one mile of the river that lies in Section 17 because I anticipate great difficulty in implementation. My property is not for sale, nor do I anticipate the owners of the other lots in Section 17 desire to sell. I bought the land in 1980 because the river runs through it. The shape of my 80 acres is one mile long and 220 yards wide, with most of it being too rugged to even hike across. The only part of my land that is of significant value is along the river. The Proposed Action of acquiring fee title to 30' on both sides of the river, or approximately one acre of my land, would render the remaining 79 acres practically worthless. During the past 18 years, I have had multiple overtures to buy my land from individuals, organizations and developers. They all wanted to buy my land primarily because of the river. My property is still not for sale.

K) I am opposed to the Proposed Action for the middle Strawberry River because acquiring fee title for the approximately one mile of the river that lies in Section 17 could be construed (later) to allow the public unlimited access. Granting unlimited or year-round access is clearly outside of the stated Purpose and Need for the Angler-Access Mitigation Program. Granting public access for any reason other than fishing during the legal fishing season is beyond the Purpose and Need of the Angler-Access Mitigation Program. In the draft EA, the answer to Resource Protection Question #3 (p. 4-15) states "Where access has been acquired in fee title, the only activities that will be allowed under all the alternatives are angling and other passive uses such as walking, wildlife observation, hunting or

photography". Condoning public hunting on private land, or granting access to hunting that requires crossing private land, is clearly outside of the responsibility (or charter) of the Angler-Access Mitigation Program. For the record, I do not oppose hunting in general, but I insist on controlling who hunts on my property. 46.7

L) Table 3, column b in the draft EA notes an Assessed Value for Section 17 cabin lots on the middle Strawberry River as $275/acre. My 1998 Wasatch County notice of Property Valuation assessed the market value of my 80 acres at $37,088, or $463.60/acre. Real estate for sale in this area is often double that value for land that does not even have a river running through it. For example, I investigated buying additional land in Beaver Canyon in 1994, and was advised that the property was listed at $800/acre for an 80 acre lot without a river. Therefore, estimated costs for middle Strawberry River acquisitions in Table 5 could potentially double. 46.8

M) I am opposed to the Modified Proposed Action for the reasons stated in "C" above. Granting public angler-access is not consistent with the stated management objective of providing the highest level of protection to the middle Strawberry River ecosystem.

N) I am opposed to both the Proposed Action and the Modified Proposed Action because either alternative would place undue restrictions on how I could access my own property. I currently do not have a bridge on my lot that crosses the river. If my understanding of these alternatives are correct, I could not build a bridge to gain access to both sides of the river and all of my property. 46.9

O) Although I am opposed to the Modified Proposed Action, I find it far preferable to the Proposed Action with respect to landowner rights and placing clear limits on public angler-only-access. Limited angler-access is far better than potentially unlimited year-round access. Part of the intrinsic value of the Section 17 lots is in the lack of public access. As you know, Section 17 is situated at the end of the road and has a locked gate. Significant devaluation of the property would occur by allowing any form of public access. Fairly assessing and compensating for the magnitude of this devaluation could be arduous and litigious.

P) I am opposed to any public access to Section 17 because of the potential invasion of privacy and increased risk of personal injury from assault and battery. Many of the cabins are located in close proximity to the river. How would you feel if strangers could walk across your yard at any time? How would you feel if people urinated or defecated on your property and in front of your family? 46.1

Q) The Proposed Action and the Modified Proposed Action need to clearly state that no commercial activities will be allowed because of public access gained through the Angler-Access Mitigation Program. It would not be fair to force private land owners to relinquish their rights, and then to allow someone else to profit from the increased access. This should apply particularly to any guided fishing on the middle Strawberry River. 46.1

R) Regarding Socioeconomics Question #1: I fully agree with the statement that with any public access to Section 17, an increased threat of vandalism and theft will occur (EA p. 4-1). My cabin has previously had all of the windows broken out, the door kicked in, and I currently have more than a dozen bullet holes in the front door. You can rest assured I did not put the bullet holes in the door myself. Financial compensation alone to private property owners will not be enough to mitigate the increased risk of damage that the EA states will occur. How do you "mitigate" a ruined family vacation? Because of the remote location, hiring contractors who will do the repairs, bringing in building materials or finding the time to repair damage caused by vandalism is a major undertaking.

S) I disagree with the response to Management Question #1 "the requirement for law enforcement ...are not expected to increase significantly compared to the No Action Alternative" (EA p. 4-18). Because of the remote location, I have serious doubts whether law enforcement officials will be able to provide adequate protection to private property in Section 17 under the proposed alternatives. 46.12

T) I oppose any public angler-access on Section 17 because increased usage associated with public angler-access would be detrimental to existing riparian ecosystems. Regarding Resource Protection Question #1, in Section 17, no livestock grazing occurs or has occurred during my tenure as a property owner. Therefore, it is incorrect to state, with regards to Section 17, "On the middle Strawberry River..., any impacts from increased angler use will be offset by restricting incompatible land uses, primarily livestock grazing" (EA p. 4-13). 46.1

U) I fully support and appreciate the stated limits on camping and vehicular access to private roads. It is unclear from the draft EA if a private road will be impacted if it lies within 30' of the river. For example, will any restrictions for use be placed on the private road in Section 17 where it lies within the proposed perpetual easement as described in the Modified Proposed Action? 46.1

V) Please clarify for me the current existing ownership of the river. Does existing Federal or Utah law allow any public access to the middle Strawberry River as it flows through my property? Is it legal, meaning no trespassing involved, for the public to (theoretically) wade up the river if they don't step onto the banks of the river? The point of my question is does the public already have access to the river, and the mitigation program is trying to make access easier for the public? 46.1

W) Where is the list of the alternative rivers for angler-access mitigation? It is unreasonable to expect that angler-access can be obtained in all of the areas listed in the draft EA. 46.1

X) I question the need for contiguous angler-access to all points of the middle Strawberry River. Why is it so critical that public angler-access be obtained in Section 17. The river upstream of Section 17 is more easily reached by walking down from Soldier Creek Dam, rather than driving an additional 20 miles on paved and improved roads, followed by 11 miles of unimproved dirt roads that are best characterized as a jeep trail. There must be other rivers that would be more accessible to the general public and could provide the desired angler-access.

Y) What exactly are the angler day benefits to be potentially realized by acquiring angler-access in Section 17? I calculated 300 angler days/year from data provided in the 1988 estimate (3360 Angler days/11.2 miles, Table 2, p.7). Is this level of benefit within the margin of error for the calculations? Are an additional 300 angler days necessary to achieve the calculated target of the program? Are 300 angler days worth the effort that is going to be required to gain public angler-access in Section 17? 46

Z) By copy of this letter I welcome input from all recipients.

Sincerely,

cc: The Sierra Club
The Audubon Society
The Nature Conservancy
The Rocky Mountain Elk Foundation

Letter No.	Comment No.	Response
46	46.1	A limited number of landowners were inadvertently left off our mailing list. We apologize for this oversight. After this oversight was brought to our attention, we contacted what we believe to be all the potentially affected landowners and requested comments 30 days after notification. All comments received after this date have still been considered and included in the analysis.
	46.2	No attempt was made to quantify "a moderate increase in angler use" because any quantitative estimate would be speculative. The qualitative estimate of a "moderate increase in angler use" was based on a comparison to baseline conditions. For the middle Strawberry River, baseline conditions are those conditions that would occur under the No Action Alternative (i.e. 15 miles of the 19.25 mile corridor has already been acquired and would be open to the public). The proposed additional acquisitions of 4.25 miles represent a 28% increase over baseline conditions. Since quantitative data is lacking on baseline angler use, the increase was described qualitatively as a "moderate" increase.
	46.3	By law, the Utah Division of Wildlife Resources is responsible for managing fish and wildlife resources within the state and establishing fish and wildlife regulations. Based on the results of implementing size, number and season of use restrictions in other areas, we believe the impacts of increased angler use could be mitigated by these measures. However, the decision to implement these measures is outside the scope of this analysis and outside the authority of Reclamation and the Mitigation Commission. As stated in the EA, if these restrictions were not imposed, then the impacts on the fishery were assumed to be proportional to the increase in angler use. Please refer to page 3-2 of the Final EA for a discussion of Fishery Resources.

Letter No.	Comment No.	Response
	46.4	Monitoring of fish populations has been conducted on the Middle Strawberry River at seven stations in 1976, 1980, 1985, 1989, 1993, and 1997. Monitoring stations are located on public and private parcels of land including a station in Section 17. The most recent monitoring effort in 1997 showed the station closest to Soldier Creek Dam had the greatest estimated number of game fish greater than 6 inches in length. This station is open to the public and is one of the most accessible stations surveyed. However, care should be taken when interpreting the results of these surveys because the habitat conditions are unique to each station. It would not be appropriate to compare a station with abundant pool/riffle habitat that is open to the public to a station on private land with limited pool/riffle habitat where fishing is closed to the public and conclude that the difference in fish population estimates is a result of ownership and fishing pressure. The abundance of pool/riffle habitat is a function of geomorphology as well as prior and existing land use practices. Please refer to page 3-2 of the Final EA for a discussion of Fishery Resources.

Letter No.	Comment No.	Response
	46.5	Page 7 of the 1988 **Aquatic Mitigation Plan** identified 13,725 angler days as the mitigation credit for angler-access acquisition. Angler day credits were established as a common unit of measure that would be used to quantify impacts (losses or gains) of habitat, populations, or angling opportunities. As such, the "angler day" units in the aquatic mitigation plan were determined based on several factors. The "angler day" units does not equate to an "angler day" that might be measured by a creel survey. For the angler access portion of the required mitigation, angler day credits were based on 250 or 300 angler days per river mile depending upon the river reach. Since angler day benefits are based on river miles of acquired access, the angler benefits are still valid. It should be noted that all four mitigation measures identified in the **Aquatic Mitigation Plan** (acquisition of instream flows, instream habitat improvements, acquisition of angler access and construction of an egg taking facility) were all converted into one common measure called "angler days per year". This was a convention to compare the relative importance of each mitigation measure but is not a comparable unit of measure to actual participation also referred to as angler days per year. Under the Proposed Action and Modified Proposed Action, 13,362 angler days of credit would be accomplished by the prior and proposed angler-access acquisitions. Irrespective of the **Aquatic Mitigation Plan** and earned mitigation credits, the Mitigation Commission has authority to acquire angler access as provided in Central Utah Project Completion Act P.L. 102-575 Section 309(a)(4).
	46.6	We appreciate the willingness of landowners to cooperate with State and Federal officials to restore, protect and enhance riparian and aquatic habitat. However, providing a conservation easement that does not provide public access does not meet the goals and objectives for this project and would not meet the mitigation requirements for the Strawberry Aqueduct and Collection System. Refer to Appendix 1 for more details on the mitigation requirements.
	46.7	The EA has been revised to not include hunting as a compatible passive use that would be allowed in the Angler Access corridor. However, on Currant Creek large tracts of uplands have been acquired in fee title adjacent to the angler access corridor for terrestrial wildlife mitigation. Hunting would be allowed within the angler access corridor on those parcels that have been acquired in fee title and that are adjacent to terrestrial wildlife mitigation lands. These areas would be appropriately signed.

Letter No.	Comment No.	Response
	46.8	Refer to response 5.6.
	46.9	Negotiations with individual landowners would address sites specific issues such as you have raised. It is not Reclamation's or the Mitigation Commission's intent to deny property owners access to their property and consideration would be made in this regard.
	46.10	Refer to response to comment 2.2.
	46.11	The middle Strawberry River would be open to public fishing under both action alternatives in accordance with regulations promulgated by the Utah Wildlife Board. As a public fishing area, guided and non-guided anglers would not be differentiated. Fishing guides would be required to comply with all state and local laws governing their commerce and conduct.
	46.12	The statement, "the requirement for law enforcement and management are not expected to increase significantly compared to the No Action Alternative" is a comparison of the law enforcement needs of the Proposed Action compared to baseline conditions. Under the No Action alternative (baseline conditions) the public would still have access to 15 miles of the 19.25 mile corridor. The incidence of trespass under baseline conditions is likely since the 4.25 miles of private property occurs roughly in the middle of the river corridor. The Proposed Action would resolve much of the incidence of trespass as the public would be provided contiguous access. This would tend to decrease the demand for law enforcement within the river corridor compared to the No Action Alternative. However, a moderate increase in angler use is expected under the Proposed Action. This would tend to increase the demand for law enforcement compared to the No Action Alternative. However, as you have pointed out, the remote location of the project area creates challenges for law enforcement officials to provide adequate protection under either alternative.
	46.13	The statement, "On the middle Strawberry River and Currant Creek , any impacts from increased angler use will be offset by restricting incompatible land uses, primarily livestock grazing", is in reference to the net change in impacts on all lands proposed for acquisition on the Strawberry River and Currant Creek. We agree that on specific parcels where incompatible land uses are not occurring, there won't be a decrease in impacts.

Letter No.	Comment No.	Response
	46.14	If fee title is acquired and the road occurs within the acquired parcel, the landowner would be allowed future use of the existing road. If an angler easement is acquired, the uses of the road would not be restricted by the access easement.
	46.15	Unlike several other states in the West, in Utah the public does not have access to the bed of the river and they could not legally wade up the river. They could legally float the river without coming into contact with the bed or banks of this river.
	46.16	Refer to response to comment 15.7
	46.17	The 1988 Aquatic Mitigation Plan provided 5,760 angler days credit for the 19.2 miles middle Strawberry river corridor, approximately 300 angler days per river mile. There is approximately 1.18 river miles in Section 17 for a total credit of 354 angler days per year. Also refer to response 46.5. The number of angler day units is a measure of the mitigation met. The mitigation requirement is to complete acquisition of contiguous access.

47

John R. Anderson
1939 So. 300 W. Ste. 200
Salt Lake City, Utah 84115
(801) 485-7797
(801) 485-7802 fax

October 8, 1998

Re: Middle Strawberry

Utah Reclamation Mitigation and Conservation Commission
102 West 500 So.
Salt Lake City, Utah 84101

Attn: Richard Mingo

Gentlemen:

I am one of the eight private property owners on the middle Strawberry River Project. I have received and reviewed your Draft Environmental Assessment. As I discussed with you on the telephone this morning, I purchased this property solely for access to the river. As a landowner I have access to areas of the river where the general public does not. My experience with the fishing on the Middle Strawberry has been very spotty. If the river has not been fished in the last two days , then the fishing is unbeatable.

With only eight property owners, the pressure has still been such that usually someone has fished the river within the previous 48 hours. If this is the case, then the fishing is very poor. The middle Strawberry is a very small stream. I believe that with increased pressure, the fish habitat may be damaged or even destroyed. I would recommend against anything that would increase the number of fishermen on this stretch of river. 47.1

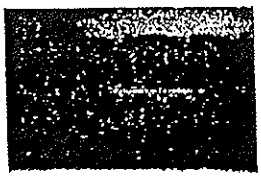
Also, as we discussed, I purchased this property solely for access to the river. There is no way I would consider selling a 30 foot strip along the river. The rest of property is virtually without value. If there must be a sale of the property, I would only consider selling the entire 80 acres. 47.2

Sincerely yours.

John R. Anderson

Letter No.	Comment No.	Response
47	47.1	One of the primary objectives of the Proposed Action is acquire contiguous public access from Soldier Creek Dam to Camelot Resort. Fishing pressure would increase in those areas where public access is now restricted. Please also refer to comment 46.4 and 46.3.
	47.2	Thank you for your comment.

Utah
Outdoor Interest
Coordinating Council



Member groups:
Stonefly Society Chapter of Trout Unlimited
Utah Chapter, The Sierra Club
Audubon Council of Utah
Sundance
High Country Fly Fishers
Great Salt Lake Audubon
Salt Lake County Fish & Game Association

Darrell W. Mensel - Executive Director - 1847 Paschal Circle, Salt Lake City, UT 84108 Ph: (801) 467-9706 - Fax (801) 486-4131

October 10, 1998

Mr. Richard Mingo
Utah Reclamation Mitigation
and Conservation Commission
102 West 500 South, Suite 315
Salt Lake City, Utah 84101

Re: Angler Access Mitigation Program Draft EA

Dear Mr. Mingo:

We are pleased to provide the following comments on the draft Environmental Assessment for the Angler-Access Mitigation Program of the Strawberry Aqueduct and Collection System.

On September 29, 1997, the Utah Outdoor Interest Coordinating Council sent a letter to the Mitigation Commission commenting on the Angler Access Scoping Notice of September 5, 1997. Basically, we want to reaffirm the comments we provided in that letter. We remain strongly supportive of the Mitigation Commission's efforts to acquire contiguous angler access on the stream reaches identified in the draft EA. We also support the wetland mitigation, stream rehabilitation and habitat protection measures arrayed in the document. Additionally, we are pleased to learn that the Mitigation Commission has now acquired access on 42.25 miles of the 51 miles of streams identified for acquisition, an increase over the 37 miles listed when the scoping notice was issued.

Those familiar with the history of the Central Utah Project Completion Act are aware that the U.S. Congress created the Mitigation Commission in order to coordinate and fulfill environmental mitigation obligations which had languished as construction of CUP facilities moved forward. The acquisition and mitigation program outlined in the draft EA does an excellent job of identifying these historical mitigation obligations and offering a program correct these past deficiencies. As such, the Proposed Action fits the Commission's mandate, honors both the intent of Congress and the letter of the CUPCA legislation, and should move forward to completion.

Because we are strong supporters of the mitigation and angler access program outlined in the draft EA, we are also supportive of the EA's carefully limited proposal to use eminent domain powers as a last resort in order to accomplish program objectives. The case for using such powers seems especially strong when considering the present status of the Strawberry River below Soldier Creek Dam. This stream is one of Utah's most unique and wild fisheries, but is almost completely inaccessible to all but the hardiest of fishermen or

those who are willing to trespass on the private cabin property. Indeed, under the current arrangement this rare public resource is the exclusive domain of a handful of private citizens. Returning this resource to public access, with appropriate management controls, appears to us a legitimate use of the government's eminent domain authority if that ultimately becomes necessary.

Below is a brief list of other issues and concerns we have with the draft EA:

1) From the standpoint of resource protection and angler access, we do not see any significant difference between the Proposed Action and the Modified Proposed Action. Either alternative is acceptable to our organization.

2) It appears from the draft EA that the Utah Division of Wildlife Resources will have the authority to define types of fishing and tackle restrictions on streams where access is acquired through this program. This undoubtedly reflects the usual separation of legal authorities; however, it is our experience that property owners are more comfortable with angler access when limitations are placed on types of fishing allowed, e.g., fly fishing or catch-and-release fishing only. One reason for this is the apparent correlation between certain types of fishing and the amount of trash found along stream corridors, a legitimate concern for adjacent landowners. Negotiating the final contracts for angler access may go more smoothly if these types of angling limitations are defined in advance. 48.1

3) The draft EA states that acquiring additional water for instream flows was originally identified as a mitigation measure. However, the draft EA makes no mention of acquiring such additional water rights, nor does it explain why acquisitions are no longer being contemplated. The final EA should explain this change in methods and priorities and evaluate how this change may have impacted the ability of the Mitigation Commission to fulfill its mitigation obligations. 48.2

4) On page 2-4, the draft EA states that there will be a small stretch of the Strawberry River which will remain in hands of the Ute Tribe and closed to fishing unless a tribal fishing permit is purchased. This is an odd arrangement which will annoy fishermen, present management problems for the Tribe, and ultimately generate little or no license revenues for the Tribe. It is our opinion that the Commission should attempt to negotiate a different management regime with the Tribe. As a possibility, perhaps access to this stretch of river could be traded for access on a different stretch of river in the Uintah Basin which is contiguous with Tribal lands.

5) On page 2-3, it is stated that "The primary objective of future livestock grazing, if any, will be the enhancement of wildlife values and habitat quality." This is a controversial statement which requires clarification. While well-managed grazing can arguably coexist with wildlife, it is less obvious that livestock grazing can ever contribute to habitat quality and wildlife values. The final EA should identify clearly what methodologies will be used to determine whether livestock are ever allowed in these stream corridors and what input the public will have in such decisions. 48.3

Again, we wish to reiterate our overall support for this acquisition and restoration effort and appreciate the opportunity to comment on the draft EA. We look forward to seeing this program achieve its stated goals and in contributing to management plans for these streams reaches in the future.

Sincerely,

Darrell H. Mensel

Darrell H. Mensel
Outdoor Coalition Liaison

Letter No.	Comment No.	Response
48	48.1	Thank your for your comments. However, as you have pointed out the authority to establish fishing regulations rests solely with the Utah Division of Wildlife Board.
	48.2	Acquisition of additional water rights will be accomplished through implementation of the Daniels Replacement Project (Daniels/Strawberry Water Exchange) and Wasatch County Water Efficient Project. An environmental impact statement has been prepared for this project and the Commission and Department of the Interior have issued separate Records of Decision in March 1997. Under the project, water previously diverted from the Upper Strawberry River system will remain in the Strawberry drainage, effectively restoring flows in 26 miles of streams in Strawberry Valley. In addition, 2,900 acre-feet of water stored in Strawberry Reservoir would be available annually for in-stream flows.
	48.3	Please refer to comment 4.8.

MITIGATION COMMISSION
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OCT 14 1998

CODE	INITIALS
DC05	
CLASSIFICATION	
PROJECT	

J. FLOYD HATCH
1939 So. 300 W. Ste 200
Salt Lake City, Utah 84115
(801) 994-8403
(801) 995-3514

October 12, 1998

Re: Middle Strawberry River

Utah Reclamation Mitigation and Conservation Commission
102 West 500 So.
Salt Lake City, Utah 84101

Attn: Richard Mingo

I am one of the eight private property owners in Section 17 on the middle Strawberry River corridor. I have received and reviewed you Draft Environmental Assessment and find it most upsetting. I have fished on the Strawberry River for the past 34 years. My father used to cross through the river in our family station wagon before bridges were built. We have watched the river struggle through the years with each new development (some planned, others unplanned) that took place. Particularly damaging to the river was the erosion caused by earthwork along its banks to improve roads and build bridges, a Fish and Game experiment (in the 70's?), poisoning a small section of the stream to eradicate less desirable species which backfired and poisoned out a lengthy section of the river, and most damaging of all, the construction and continuing influence of Soldier Creek Dam. Running the river at capacity level during the construction and the all but shutting the water off for several seasons as the new reservoir filled, and running the level at or near capacity for the last two seasons has caused damage that may never be repaired to the total ecosystem of the river basin.

I would think that the situation that currently exists with a section of private property surrounded by state government controlled lands to the east and west would satisfy the state, the various conservation groups who are watching this issue, the private property owners themselves, and those who fish on the river. A locked gate at the east end of the private section stops all vehicles from driving any farther up the river. The road

terminates on the west side of the property. To purchase the private property just to provide access to all parties when the west end of the property is accessible by hiking from the west will cause additional irritation to the river and its surroundings.

If the commissions charge is to buy property and create access to the river for anyone who wishes access, you are on the right course. However, if your charge is to reduce impact, increase the size and quality of the trout in the river while enhancing aquatic and terrestrial habitat and improve riparian vegetation, leave the ownership the way it is and reduce the waterflow that has been at or close to flood stage for the last 2 summers.

For your information, my 40 acres is not for sale at this time. I purchased it to have access to the river and the opportunity to camp overnight with my family. I am not interested in selling only a small part of our acreage and opening it up to the public. I would be glad to discuss this situation with you or any commission members.

Sincerely,

J. Floyd Hatch

J. Floyd Hatch

Letter No.	Comment No.	Response
49		Thank you for your comments.

Chapter 6
Consultation and Coordination

The following entities were contacted and consulted in the preparation of the Draft EA:

U.S. Forest Service
U.S. Department of the Interior, CUP Completion Office
U.S. Department of the Interior, Solicitor's Office
U.S. Fish and Wildlife Service
U.S. Bureau of Indian Affairs
Utah Division of Wildlife Resources
Utah State Historic Preservation Office
Advisory Council on Historic Preservation
Ute Tribe

A draft EA or Executive Summary was sent to 156 individuals and organizations on July 31, 1998.

APPENDIX

Appendix 1, Summary of Strawberry Aqueduct and Collection System Mitigation Commitments

The 1980 Streamflow Agreement and 1990 Amendment This agreement increased the Bonneville Unit commitment for providing water for instream flows from only 6,500 acre-feet as originally planned, to 44,400 acre-feet annually from project water supplies. This amount of water, together with approximately 10,500 acre-feet of spills and bypasses in an average year, would retain 50 percent of the historic (pre-CUP) trout habitat in the four largest streams affected by SACS (Rock Creek, West Fork, Currant Creek and Strawberry River).

The 1988 Aquatic Mitigation Plan for the Strawberry Aqueduct and Collection System This plan identifies four additional measures to mitigate for the remaining 50 percent loss on adult trout habitat: 1) purchase of water rights to supplement the 44,000 acre-feet of water identified in the *1980 Streamflow Agreement and 1990 Amendment*; 2) acquisition of angler access; 3) in-stream habitat improvement measures; and 4) replacement of a trout egg-taking station on the Strawberry River near Strawberry Reservoir.

The *1988 Aquatic Mitigation Plan* and *1988 Definite Plan Report* recognize that angler access needs to be provided to the various river stretches where in-stream flows are being provided and, in some instances, where habitat improvement structures have been installed, before the benefits of such efforts can be fully realized. The *1988 Aquatic Mitigation Plan* and *1988 DPR* recommended that approximately 51 miles of angler access be acquired on seven stream stretches.

Table 1 summarizes the estimated impacts of SACS on affected streams and the associated mitigation measures identified in the Aquatic Mitigation Plan and 1988 DPR. Table 2 provides additional detail on angler access mitigation.

Table 1
Estimated Impact and Associated Mitigation

	Angler Days (loss)	**Angler Days (mitigation)**
Estimated Loss from SACS Operations	120,800	
The 1980 Streamflow Agreement and 1990 Amendment		
Instream Flows of 44,400 acre-feet annually		49,510
The 1988 Aquatic Mitigation Plan for the Strawberry Aqueduct and Collection System		
1) Purchase of water rights to supplement the 44,000 acre feet of water identified in the *1980 Streamflow Agreement and 1990 Amendment*		10,000

	Angler Days (loss)	Angler Days (mitigation)
2) Acquisition of angler access (Refer to Table 2 for detail)		13,725
3) In-stream habitat improvement measures		9,790[1]
4) Replacement of a trout egg-taking station on the Strawberry River near Strawberry Reservoir		1,800
Ute Indian Land Mitigation for Angler Days lost on Rock Creek		
Addressed in Title V of CUPCA		37,200
	120,800	122,025

Table 2
Recommended Angler Access Mitigation

River Reach	Miles Recommended	Associated Mitigation (Angler Days)
Currant Creek upstream from U.S. Highway 40	10.9	2,740
Strawberry River-Camelot Resort	8.0	2,400
Strawberry River from Soldier Creek Dam to Camelot Resort	11.2	3,360
Strawberry River downstream from Starvation Dam	2.0	600
West Fork Duchesne River	9.3	2,325
Duchesne River	7.0	1,750
Rock Creek	2.2	550
Total	**50.6**	**13,725**

[1]The 1988 Aquatic Mitigation Plan for SACS identified 14 stream segments totaling over 119 miles as potential sites for stream habitat improvement work. A limit of 9,790 angler days mitigation credit was imposed by the U.S. Fish and Wildlife Service for fish habitat improvements as a component of the SACS Aquatic Mitigation Plan. Ninety miles of stream habitat improvements amounting to 8,153 angler days—83% of the required 9,790 angler days— have been completed. The Commission's Mitigation Plan is to complete the mitigation requirements identified by SACS on the Provo River by the Provo River Restoration Project. An evaluation of the fish habitat improvement projects conducted in 1994 showed that most projects were effective. A small percentage of fish habitat structures are in need of initial repair. In order to maintain the mitigation day credits assigned, the Commission will consider funding a program for initial repair of those structures.

The 1987 Wildlife Mitigation Plan identified measures to mitigate for impacts from the construction and operation the Bonneville Unit of the Central Utah Project on terrestrial wildlife. The Wildlife Mitigation Plan identified the acquisition and management of 32,096 acres of terrestrial wildlife habitat as mitigation. Of the 32,096 acres, 630 acres were to be wooded riparian vegetation, including 165 acres on Rock Creek and 237 acres on the middle Strawberry River. The 165 acres on Rock Creek and 237 acres on the middle Strawberry River have been acquired. The remaining wooded riparian mitigation of 228 acres would occur by properties previously acquired on the West Fork of the Duchesne, yet not credited for mitigation, or by the Provo River Restoration Project. Approximately 160 acres of terrestrial wildlife habitat (not necessarily wooded riparian) remain to be acquired. This would be completed by proposed acquisitions of land on the middle Strawberry River located in Duchesne and Wasatch counties in sections 14,15 and 16, Township 4 South Range 9 West, Uintah Special Meridian.

The 1987 Wetland Mitigation Plan identified measures to mitigate for impacts on wetlands from the construction and operation the Bonneville Unit of the Central Utah Project. An analysis of wetland losses showed that the construction of Jordanelle Dam and Reservoir and associated highway relocations would result in a loss of approximately 153 acres of emergent wetlands consisting of both open meadows and shrub-meadows. The most recent version of the Wetland Mitigation Plan identifies protection and enhancement of 26.6 acres of wetlands on Currant Creek, 14.76 acres on the middle Strawberry River, and 85.1 acres on Rock Creek, within the angler access corridors, as partial mitigation for these impacts.

The 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit, Central Utah Project The 1988 DPR identifies measures that are to be implemented as part of the Central Utah Project to mitigate for project impacts. The report is consistent with the *1980 Streamflow Agreement* and the *1988 Aquatic Mitigation Plan* identifying a goal of providing 44,400 acre-feet of water annually to offset 50 percent of the impacts on stream fisheries, and acquisition of 51 miles of angler access on impacted streams, instream habitat improvement measures, and replacement of a trout egg-taking station to mitigate for the remaining 50 percent loss.

Central Utah Project Completion Act -- Public Law 102-575, October 1992 CUPCA requires the Central Utah Water Conservancy District to assure minimum stream flows of 44,400 acre-feet annually as identified in the Stream Flow Agreement, requires completion of mitigation measures identified in the 1988 DPR, and provides funding authorizations for angler access acquisitions in addition to those available for 1988 DPR commitments.

Appendix 2, History of the Project Area

The following information is reprinted in part from the Duchesne County General Plan, Spring 1997.

Humans have occupied the Uinta Basin for many centuries. Rock paintings and archeological evidence of early Native American cultures are common. The first known and identified group in the Uinta Basin were the Fremont Indians. They thrived there utilizing a combination of farming, hunting and gathering lifestyle. The Uinta Fremonts developed a system of irrigation, which in some cases when settlers came in the early 20th century to irrigate fields they only had to clean the ancient ditches.

The first historical record of the region comes from the Dominguez/Escalante expedition who traversed the area in 1776. While traveling up the Duchesne River they camped that night, September 17, 1776, just east of Myton. The next day they traveled to the junction of the Strawberry and Duchesne rivers and camped in a meadow about a mile above the town of Duchesne. Escalante recorded of the land seen that day; "There is good land along these three rivers[2] that we crossed today, and plenty of it for farming with the aid of irrigation --beautiful popular groves, fine pastures, timber and firewood not too far away, for three good settlements."[3] The Expedition was not successful in finding a new route to California as they had originally intended, but they provide the first documented history of Utah and the Uinta Basin.

The next recorded entries into the Uinta Basin were from the mountain men and fur traders. As early as 1824, three different trapping expeditions left Santa Fe to travel to the Green River to trap. William Huddard, Antoine Robidoux, and Etienne Provost all led trapping and trading parties into the region.

William H. Ashley was the next significant fur trader to enter the region.[4] In search of virgin trapping territory Ashley explored the region in 1825. Although there is some uncertainty, it is most likely the name Duchesne was first used for the major river of the county by the mountain men. Mother Rose Philippine Duchesne, a Catholic nun, had come to St. Louis from France to work with the Indians of the region. Over the years she became highly respected and prominent

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[2]Referring to the lower Strawberry, Lake Fork, and the Duchesne rivers.

[3]*The Dominguez/Escalante Journals,* edited by Ted J. Warner, (Provo: Brigham Young University Press: 1976), 47.

[4]Dale Morgan, *The West of William Ashley, (Los* Angles: The Old West Publishing Company, 1955), 115.

for her work with founding several schools on the frontier near St. Louis. Well known to several trappers and traders including William Ashley and Antoine Robidoux it may well be that someone from their parties named the river in her honor. Once named Duchesne, the name was later used for Fort Duchesne, the town of Duchesne and the county.[5]

The next known entry of fur traders into the region occurred in 1828, when a small party of at least three men that included Kentuckian William Reed and his nephew James Reed, along with Denis Julien came to the junction of the Whiterocks and Uinta rivers and established the Reed Trading Post. Trapping and trading with the Utes, this post operated until 1832, when Antoine Robidoux purchased the business and location from the Reeds. The Reed's enterprise was the first year round habitation and business in the Uinta Basin and Utah. After Robidoux's purchase from Reed, he expanded the business and kept an average of twenty trappers employed at the fort the next twenty-two years. Robidoux, a trader/entrepreneur who operated out of Santa Fe, New Mexico, dominated the Basin's fur trade from 1832 until 1844 when the Utes attacked and burned his fort.

Prior to 1847, most of the non-Indian peoples, the fur traders and trappers in particular, who came into Ute lands did so to trap and trade with the Utes and then travel on. With the coming of first the Mormons and then the miners of Colorado to Ute lands, little did the Utes realize that what started as a pitiful few who nearly starved to death the first two winters would eventually result in the Utes being removed from the land they had lived upon for generations.[6]

In 1861 President Abraham Lincoln issued an executive order establishing the Uinta Indian Reservation. This made provision for the drainage of the then named Uinta River, presently referred to as the Duchesne River, as the lands set aside for the Uinta Reservation. This included the drainage of the Strawberry, Duchesne, Rock Creek, Lake Fork and Uinta rivers, which drain the south side of the Uinta Mountains, and Avintiquin and Antelope Creeks that flow into the Duchesne draining the Tavaputs Plateau, all of which form the Duchesne before its merging with the Green River. There was, however, nothing in this order to enforce removal of the Utes to that region.

Then in 1865, Oliver H. Irish, who had become Indian agent for the Uinta Utes the previous year, recognized that the Ute problem needed a permanent solution. Fearing an uprising, a council was called at the mouth of Spanish Fork Canyon. Here the Utes were asked to abandon their claims to Utah and San Pete Valleys and accept lands for a new homeland in the Uinta Basin. Several chiefs and leaders advised against the treaty. But Brigham Young, in no official capacity other than the trust that the Utes had for him, advised them to accept the government's offer. He told

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[5]For various sources dealing with the possible origins of the Duchesne River's name see Cecil J. Alter, *The Utah Historical Quarterly, IX* (1941), Dale Morgan, *The West of William Ashley,* 280, n. 160, and David J. Weber, *The Taos Trappers, I 10.*

[6]John R. Alley, Jr. "Prelude to Dispossession: The Fur Trade's Significance for the Northern Utes and the Southern Paiutes," *Utah Historical Quarterly,* 2 (Spring 1982), 104-123.

them that the Indians should take what the government offered and go to the Uinta Valley, because otherwise the government would simply take their land and give them nothing for it. When it was voted upon, the majority of Ute leaders agreed to the terms of the treaty.[7] Although the Utes had agreed to the treaty, the Senate did not ratify it. When the promised goods did not come the Black Hawk War resulted. Defeated and out of options, with the ending of the Black Hawk War the Utes started moving to the Uinta Basin in earnest.

As the new century came, Congress, acting in harmony with the official Indian policy of the past few years aimed at breaking up Indian reservations to give each individual Indian an allotment of land, hopefully to farm for a livelihood; decided that the Ute reservation would be broken up and surplus lands opened to homesteading. Wanting to avoid the confusion that came with the earlier land-rushes of Oklahoma, a lottery system of drawing was adopted for the Uinta Basin's 1,004,285 acres that were opened to homesteaders.

During the first two weeks in August 1905, all roads and trails leading to the Uinta Basin were flooded with wagons, horses, and buggies carrying homesteaders in search of lands on the reservation. All dreamed their names would be drawn first giving them top selection to unallotted reservation lands. The temporary land office cities: Provo, Vernal, and Grand Junction were choked with crowds of land seekers.

With the opening of the Uinta Basin in 1905 to homesteading, thousands of hopeful settlers looked to former reservation lands for a new start in life. Over the next several years, hundreds of homesteaders claimed and settled on land located mostly in Duchesne County. They came in nearly every imaginable means of pioneer transportation: wagons drawn by oxen, by mules, by horses; covered wagons, surreys, and single buggies. Within the next few years the communities of the county were settled and in 1915 Duchesne County was split off from Wasatch County with the county seat voted in as Duchesne.

As the initial homesteading era was ending the hard times commonly associated with pioneering did not necessarily end. Close examination of the living conditions of early residents of the basin from 1915 to the end of the Depression show very little improvement or significant change. If it were not for the drought, most of the farmers would not have known the depression was any different than life had been prior to the depression. The postwar era, which was known nationally as a time of economic growth, saw but little improvement for Uinta Basin residents in the 1950's and 60's.

Not since the opening of the reservation to homesteading was there such a radical change in the demographics of Uinta Basin as that which the oil boom triggered in the 1970's. Hundreds of workers flocked into a county that was not sufficiently prepared to handle them. Housing, schools, services, law enforcement, and every other entity in the county scrambled to meet the

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[7]O.H.-L Irish to Commissioner of Indian Affairs, June 7, 1865, Letters Received, Record Group 75, National Archives,Microfilm copy HBLL, Brigham Young University, Provo, Utah.

bulging new population. Seemingly overnight hundreds of rigs were drilling around the clock, each with a several man crew, support crews and services. Motels and restaurants could barely meet customer needs. Traffic reached new proportions and there was not a single stop light in the county. The schools' population doubled and in desperation trailer houses were brought in to augment classrooms. For the first time in the county's history, jobs were plentiful and wages were good. The *boom times* brought sudden and new prosperity and growth. The unprecedented growth of the county was followed by a bust in the oil related job market. County populations fell from a high of 14,000 to less than 12,000.