Lower Duchesne river wetlands Project newsletter

Summer 2009

Ute Tribe | Mitigation Commission | U.S. Department of the Interior

After many years of planning and analysis, the Lower Duchesne River Wetlands Mitigation Project (LDWP) has finally begun. This is the first of periodic newsletters we hope you find helpful and informative as we implement the Project.

Project Description

The LDWP is a wetlands restoration project near Myton, Utah that fulfils mitigation commitments the Federal Government made to the Ute Indian Tribe in 1965. These commitments were made to mitigate for Central Utah Project construction and operation impacts on wetland and riparian habitats in the area.

The Project area is approximately 4,800 acres in size and is composed of three management units, referred to as the Uresk Drain, Riverdell South and Ted's Flat (see Project Map on page 4). Of the 4,800 project acres, 1,592 are privately owned, 985 are Tribal allotted lands, and 2,230 are Tribal trust lands. Completing the LDWP requires acquiring all private lands and leasing all Tribal lands within the Project boundaries. All lands within Project boundaries will be managed by the Ute Tribe in accordance with a Management Plan and Operating Agreement, which are under development among the Ute Tribe, the Mitigation Commission and the U.S. Department of the Interior.

The LDWP will use a variety of measures to rehabilitate approximately 2,680 acres of wetland habitat along the lower Duchesne River corridor within the Project boundaries. These measures include reconnecting the Duchesne River to cut-off oxbows and connecting oxbows to form contiguous wetland systems, creating large marsh complexes, removing non-native vegetation and replanting riparian areas with native woody trees and shrubs, and changing land management practices within Project boundaries to benefit wildlife.

In this issue:

More information, such as the following, can be found on the internet at: www.mitigationcommission.gov

- Fact Sheets
- Executive Summary of the Final Environmental Impact Statement (FEIS).
- Mitigation Commission and DOI Records of Decision and Tribal Resolution
- FEIS

Mosquito Control

The public, local and county officials raised several issues of concern during the LDWP planning process. Concern that the project would increase the risk of West Nile virus (WNV) was undoubtedly the issue of greatest concern. Our goal is to reduce the risk to the public of contracting West Nile virus by implementing a mosquito abatement program (Mosquito Plan). The Mosquito Plan, which appeared in Appendix G of the LDWP final Environmental Impact Statement, has been updated and provides guidance on monitoring and treatment protocol. In addition, the Ute Tribe has been working closely with the Uintah County Mosquito Abatement District and other mosquito abatement districts in the State and have used those programs as a model for mosquito control.

Tribal Employee treating mosquito habitat earlier this summer in the Uresk Drain area.

Although no changes to existing hydrology are planned for 2009, the Ute Tribe is implementing the Mosquito Plan. Accordingly, they have purchased the necessary equipment, supplies and materials and hired three seasonal employees who've initiated monitoring, mapping and treating mosquito breeding habitats within project boundaries.

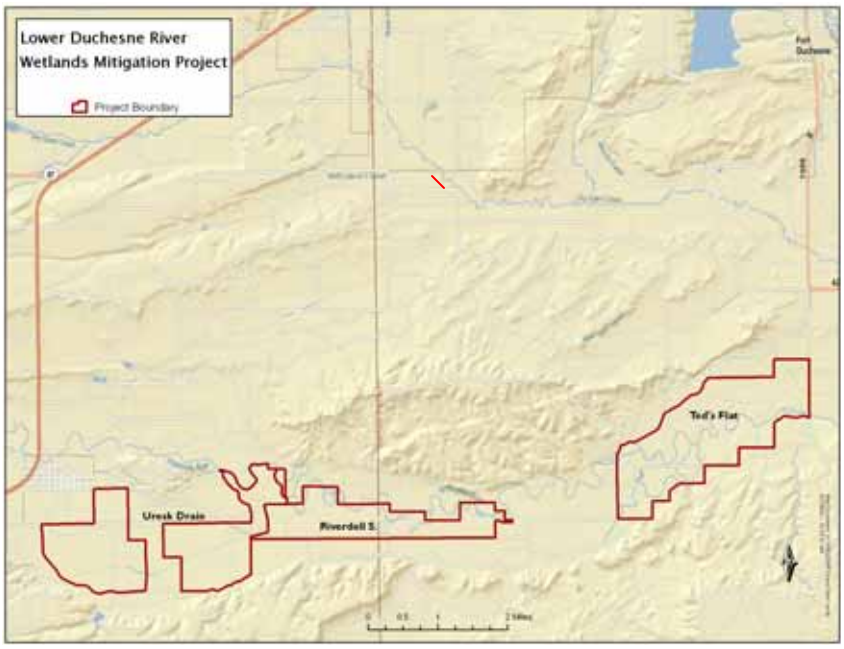
The focus of the Mosquito Plan is monitoring and treating *Culex tarsalis* mosquitoes, which are the primary contributor of West Nile virus to humans. Potential *Culex tarsalis* breeding habitats within the project boundaries have been mapped and are monitored on a weekly basis during their breeding season. If larval *Culex tarsalis* mosquitoes are found at a site, the site will be treated with Bti, or other approved of larvacide. Bti is a naturally-occurring soil microbial insecticide formulated to control mosquito larvae in aquatic habitats. Bti is attached to ground up corncob and is applied by hand or by using hand-held spreaders. Bti only lasts 24 hours in water, and it breaks down rapidly as a result of exposure to ultraviolet light. It does not affect non-target vertebrate species, such as fish and birds. Bti has no toxic effects on beneficial and predacious arthropods or insects such as honeybees, beetles, mayflies, dragonflies, damselflies, stoneflies, and caddisflies. Adult mosquitoes are being monitored and tested for presence of WNV. Spraying for adult mosquitoes would occur only if WNV infection rates exceeded acceptable levels and only within the project boundaries.

All private property owners within the project boundaries have been sent a letter requesting access to their property for the purpose of monitoring and treating mosquitoes. Property owners need to sign and return these consent forms for abatement activities to take place on their property. If you received a letter but have not signed and sent it back yet, please mail your consent form to the address identified in the letter, or fax it to the Mitigation Commission at (801) 524-3148, attention Richard Mingo.

Land Acquisition

As previously mentioned, all private land within project boundaries needs to be acquired and dedicated to the project (see Project Map). Land acquisition will follow a standardized process used by all Federal agencies as 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 private property owners. The process is summarized as follows:

* Each landowner will be contacted by a realty specialist, who will become the landowner's point of contact for the land acquisition process. The realty specialist will get acquainted with the landowners and seek to answer any questions they may have.



* Each landowner will also be contacted by an independent licensed real estate appraiser who will appraise each property to determine the fair market value of the highest and best use of the property. This value is to represent what a willing seller would sell the property for and what a willing buyer would pay for the property.
* A written offer to purchase the property will be made. This offer is generally hand delivered to the property owner by the realty specialist, who will negotiate the purchase with the landowner.
* Every reasonable effort is then made to negotiate an agreement that is fair to both the landowner and the taxpaying public. Only if all reasonable efforts to come to a mutual agreement on a fair and reasonable price have failed, would the proposed acquisition be considered for condemnation.

There are approximately 26 different private property owners in the project area and each acquisition and negotiation is unique. We anticipate starting land acquisition in 2009. We have already been contacted by some property owners expressing a potential interest in selling their property sooner, rather than later. These cases will be handled first, regardless of where their property is located within the project boundary. It is anticipated that land acquisition for the Project could take up to five years. If you own property within project boundaries, you should have already received a letter expressing our interest in purchasing your property. If you have any question as to whether or not you own property within project boundaries, please give us a call and we can help you make this determination. All contacts regarding land acquisition should be made to Mr. Bruce Whiting, Realty Specialist, at (801) 379-1061.

PROJECT MAP

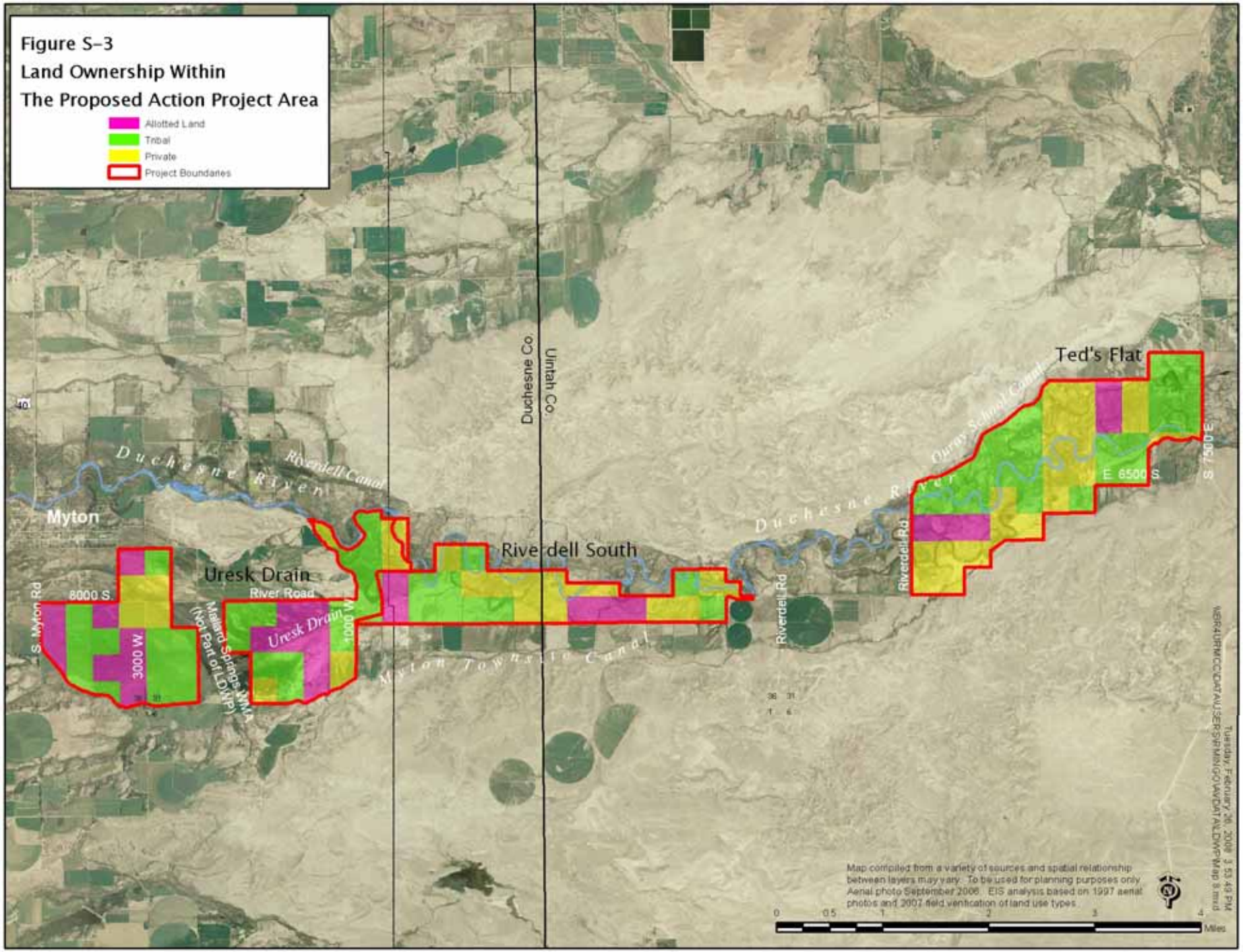


Figure S-3
Land Ownership Within
The Proposed Action Project Area
Allotted Land
Tribal
Private
Project Boundaries
Duchesne Co.
Uintah Co.
Ted's Flat
Ouray School Canal
E 6500 S
S 7500 E
Duchesne River
Riverdell Canal
Myton
Riverdell South
Uresk Drain
River Road
8000 S
S. Myton Rd
3000 W
Mallard Springs MHA
(Not Part of LDWP)
Uresk Drain
1000 W
Myton Townsite Canal
Riverdell Rd
Riverdell Rd
Map compiled from a variety of sources and spatial relationship between layers may vary. To be used for planning purposes only. Aerial photo September 2006. EIS analysis based on 1997 aerial photos and 2007 field verification of land use types.
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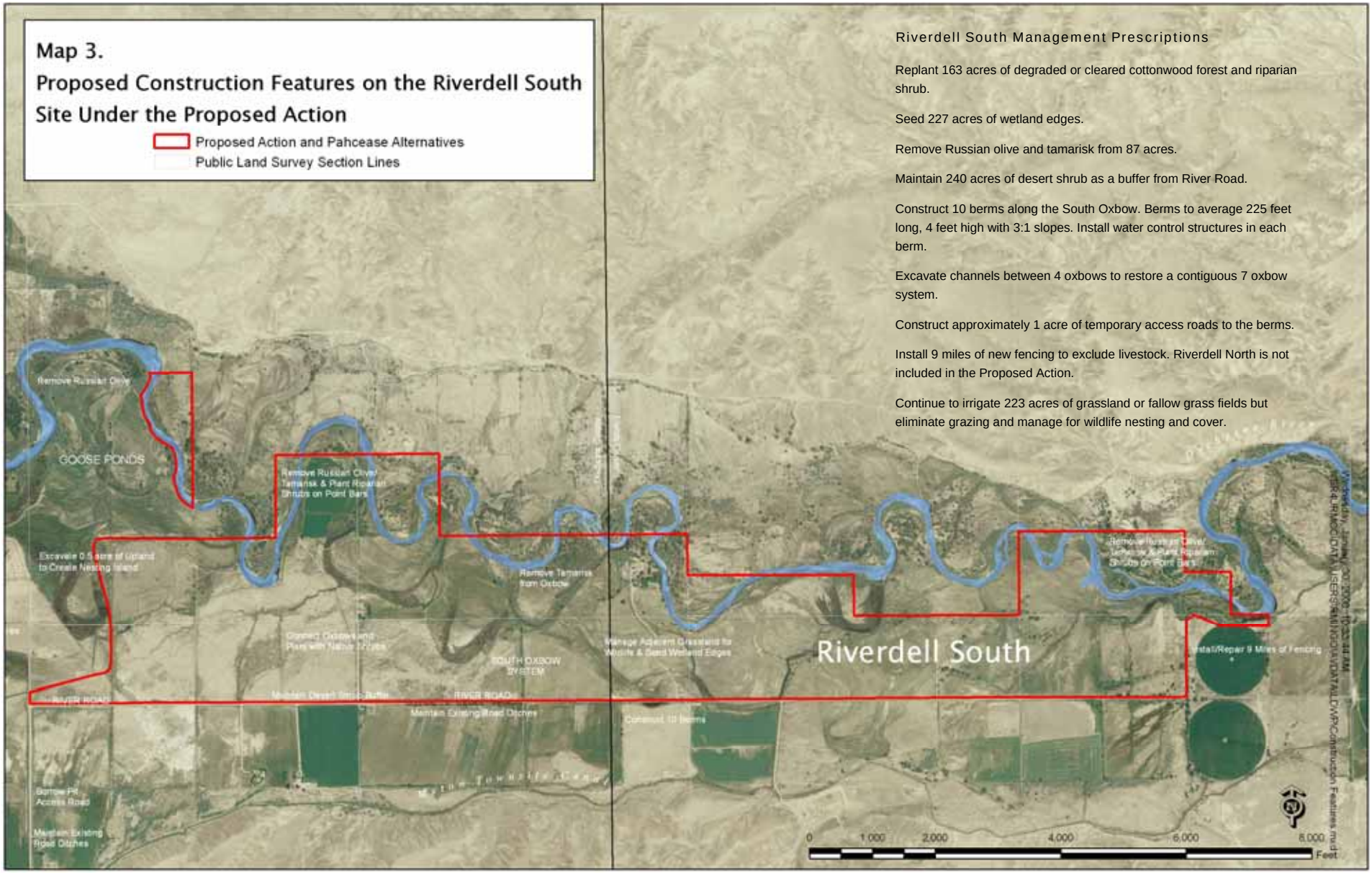
Miles

Final Design

The Ute Tribe hired Allred Restoration to complete final design for the project. Allred Restoration provides river restoration design and construction oversight services throughout the West, including several successful projects in Utah, such as: the Provo River Restoration Project, located on the Provo River between Jordanelle and Deer Creek Reservoirs; Victory Ranch on the Provo River above Jordanelle Reservoir; and, Diamond Fork Creek in Utah County.

The Final Environmental Impact Study presented conceptual designs of features that could be constructed to restore and enhance impacted wetlands (see the map on the Page 6). Allred Restoration will take these conceptual designs and finalize them into engineered specifications sufficient for project implementation. Typical project objectives include: reconnecting oxbows and shallow excavated depressions to a flowing water source; removing Russian Olive, Tamarisk and other noxious weeds and re-vegetating with cottonwoods and other native plants; and, installing fencing and eliminating grazing on project lands to enhance and protect wildlife habitat. Actual construction will not be implemented until large blocks of land have been acquired and construction can be phased in. Land acquisition is anticipated to take place over a five- to seven-year period and construction will follow closely behind this same schedule. Construction is not anticipated to start until 2010.

Typical wetland restoration project, Provo River Restoration Project. Clockwise from top left: pre-project area June 2003 showing pasture with limited habitat diversity; project area during construction April 2004 showing side-channel construction; post-project August 2007 showing cottonwood establishment and improved habitat diversity.



Typical construction features depicted in Draft EIS.