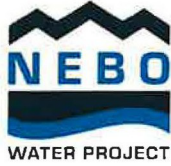


Appendix 3-E.4. USFWS Letter

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385-999-2212 / contact@nebowaterproject.cuwcd.gov

May 6, 2026

George Weekley
Field Office Supervisor, Utah Ecological Services Field Office
U.S. Fish and Wildlife Service, Utah Field Office
PO Box 25182
Salt Lake City, Utah 84125

Subject: Request for concurrence with the Joint Lead Agencies' determination that the Nebo Regional Water Project in Utah and Juab Counties may affect, but is not likely to adversely affect, Ute ladies'-tresses and yellow-billed cuckoo

Dear George:

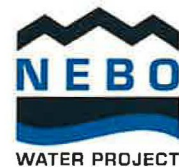
As Joint Lead Agencies (JLAs), the Central Utah Water Conservancy District, the U.S. Bureau of Reclamation, the U.S. Department of the Interior – Central Utah Project Completion Act Office, and the Utah Reclamation Mitigation and Conservation Commission are requesting the U.S. Fish and Wildlife Service's (FWS) concurrence with the JLAs' determination that the Nebo Regional Water Project may affect, but is not likely to adversely affect, Ute ladies'-tresses (*Spiranthes diluvialis*) and yellow-billed cuckoo (*Coccyzus americanus*) in accordance with Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, codified in 50 Code of Federal Regulations (CFR) §402.02 and §402.14.

The Preferred Alternative in the Environmental Assessment for the Nebo Regional Water Project (Project) is considered the proposed action for evaluation in accordance with the ESA. The proposed action would develop an integrated raw (or untreated) water and finished (or treated) water delivery system that is reliable, resilient, and able to serve current and future municipal, industrial, and agricultural water demands in southern Utah County and eastern Juab County. The proposed action would replace aging open-canal infrastructure with enclosed pipelines, improve water conveyance efficiency and reliability, enhance public safety, and expand the ability to treat and deliver potable water. These objectives would be achieved through construction of new pipelines, connections, and a regional water treatment facility, along with associated operational and contractual changes that allow water supplies to be delivered more flexibly and efficiently throughout the service area.

Under the proposed action, flows in the Spanish Fork River between Diamond Fork Creek and the Spanish Fork River Diversion would decrease between May and September. Import water (water that is not natural to the Spanish Fork River or the Bonneville Basin) that is currently released from the Diamond Fork Pipeline into the river could instead be delivered from Strawberry Reservoir through the Spanish Fork Canyon Pipeline (existing) and the proposed



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Loafer Pipeline. As a result, water in the Loafer Pipeline would be pressurized and of higher quality than water currently delivered from the Power Canal or Strawberry High Line Canal, because it would not be mixed with lower-quality Spanish Fork River water. The JLAs estimate that average monthly flows in the Spanish Fork River between Diamond Fork Creek and the Spanish Fork River Diversion could decrease by 74 to 250 cubic feet per second (cfs) between May and September as a result of the removal of the import water not natural to the Spanish Fork River. These reductions in flow would correspond to decreased water levels of about 0.23 to 0.78 foot during the same period.

The JLAs evaluated the expected impacts of the proposed action to five species identified by the Information for Planning and Consultation (IPaC) system. These species are Ute ladies'-tresses, yellow-billed cuckoo, Mexican spotted owl (*Strix occidentalis lucida*), monarch butterfly (*Danaus plexippus*), and Suckley cuckoo bumble bee (*Bombus suckleyi*). The JLAs find that potentially suitable habitat for Ute ladies'-tresses, yellow-billed cuckoo, monarch butterfly, and Suckley cuckoo bumble bee is present in the Project action area. Potentially suitable habitat was not identified for Mexican spotted owl.

A total of 177.69 acres of potentially suitable habitat for yellow-billed cuckoo was identified in patches of multilayered riparian vegetation along the Spanish Fork River located between Diamond Fork Creek and the Spanish Fork River Diversion. These areas would not be directly filled or disturbed by the proposed action, but reductions in stream flow could alter the riparian vegetation closest to the river over time. The full extent and timing of the potential effects of reduced hydrology on riparian vegetation are uncertain and cannot be quantified at this time.

The proposed action would include construction activities at the Spanish Fork River Diversion that would not directly disturb potentially suitable habitat for yellow-billed cuckoo but would occur within 0.5 mile of such habitat. The Spanish Fork River Diversion is located about 225 feet from U.S. Highway 6 and about 150 feet from the rail line in Spanish Fork Canyon. Given this close proximity to consistent transportation noise sources, noise from construction activities at the Spanish Fork River Diversion would not be a new noise source in an otherwise quiet area.

A total of 0.40 acre of potentially suitable habitat for Ute ladies'-tresses was also identified on stream terraces along the banks of the Spanish Fork River located between Diamond Fork Creek and the Spanish Fork River Diversion. These areas would not be directly filled or disturbed by the proposed action, but reductions in stream flow and water levels during summer months could alter potentially suitable habitat in and adjacent to the Spanish Fork River over time. With the reduction in average May-to-September monthly water flows and the subsequent decrease in water level, these terraces might experience drier conditions or, over time, could shift farther instream as stream morphology adjusts to the new flows.



Along the Spanish Fork River between Diamond Fork Creek and the Spanish Fork River Diversion, the JLAs will implement the following measures:

- To mitigate the reduced quantity of water in the section of the Spanish Fork River between the confluence with Diamond Fork Creek and the Spanish Fork River Diversion, the JLAs will conduct 3 years of monitoring before and 3 years of monitoring after construction to assess the existing and postconstruction conditions of the riparian vegetation, Ute ladies'-tresses, yellow-billed cuckoo, and fishery habitat in this section of the Spanish Fork River.
- Based on the monitoring data and changes observed with the reduced water volumes, the JLAs, in coordination with Utah Division of Wildlife Resources (UDWR) and Trout Unlimited, will identify and implement mitigation activities to improve water quality and aquatic habitat in and along the Spanish Fork River. Potential mitigation activities could include the following:
 - Conduct a stream restoration study on the Spanish Fork River beginning at the Spanish Fork River Diversion and moving upstream beyond the confluence with Diamond Fork Creek to include portions of Thistle Creek and Soldier Creek. The study would assess conditions and evaluate potential restoration actions.
 - Perform stream-restoration construction such as stream bank improvements, pools, and riffles to improve fish habitat and aeration.
 - Plant and maintain water-friendly plants along the riverbanks to provide shade, reduce solar radiation, and reduce sediment loads from bank erosion.
 - Implement stream-restoration and/or water quality improvement projects on sections of the Spanish Fork River or tributaries above the Diamond Fork Creek confluence to assist with efforts to reduce sediment and nutrient loads in the upper watershed drainages of the Spanish Fork River.

In the case of the proposed species monarch butterfly and Suckley cuckoo bumble bee, the proposed action would not jeopardize the existence of either species nor adversely affect critical habitat. Therefore, the JLAs declare a no effect to those species.

The JLAs request FWS's review and concurrence with the determination that the proposed action may affect, but is not likely to adversely affect, Ute ladies'-tresses and yellow-billed cuckoo. Please provide your written response within the 60-day period via email to sarah@cuwcd.gov. If you have any questions regarding this matter, please contact Sarah Sutherland at sarah@cuwcd.gov or 801-226-7147. We appreciate your review and assistance in this process and look forward to working with you.



Sincerely,

A handwritten signature in blue ink that reads "Gene Shawcroft".

Gene Shawcroft
General Manager; Central Utah Water Conservancy District

RC
BR

**PAUL
CHRISTENSEN** Digitally signed by PAUL
CHRISTENSEN
Date: 2026.05.18
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Paul Christensen
Program Director; Central Utah Project Completion Act Office, Department of the Interior

**MICHAEL
MILLS** Digitally signed by MICHAEL
MILLS
Date: 2026.05.18 07:58:02
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Michael Mills
Executive Director; Utah Reclamation Mitigation and Conservation Commission

A handwritten signature in blue ink that reads "Rick Baxter".

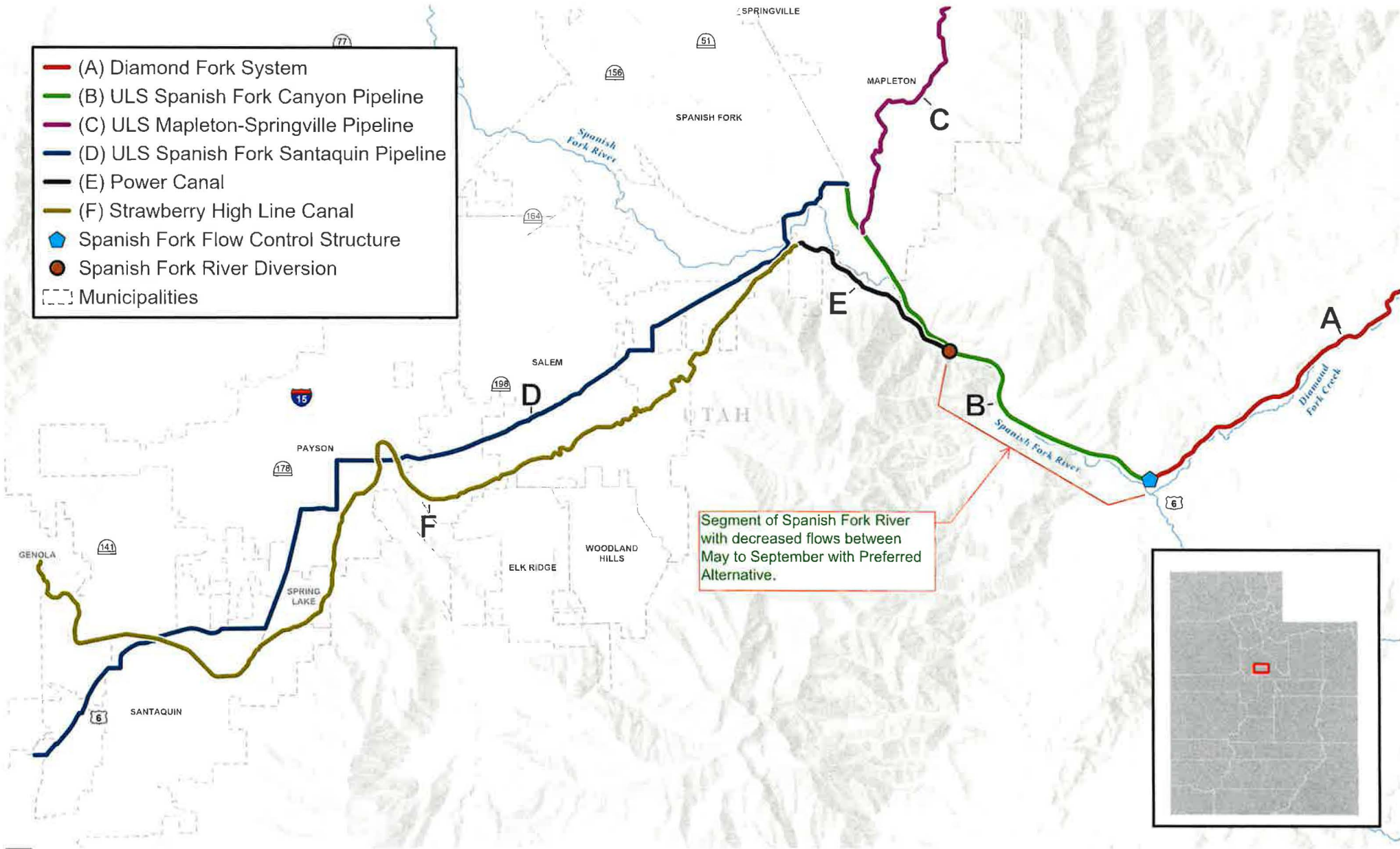
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Date: 2026.05.18 07:53:16 -06'00'

Rick Baxter
Area Manager; Provo Area Office, U.S. Bureau of Reclamation

cc:

Kevin Kilpatrick (HDR)
Evan Blanford (HDR)

- (A) Diamond Fork System
- (B) ULS Spanish Fork Canyon Pipeline
- (C) ULS Mapleton-Springville Pipeline
- (D) ULS Spanish Fork Santaquin Pipeline
- (E) Power Canal
- (F) Strawberry High Line Canal
- ◆ Spanish Fork Flow Control Structure
- Spanish Fork River Diversion
- Municipalities



Segment of Spanish Fork River with decreased flows between May to September with Preferred Alternative.



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