

LEGAL NOTICE  
**Request for Comments**

USDA – Forest Service – Ashley National Forest  
Roosevelt-Duchesne Ranger District, Duchesne County, Utah  
Cow Canyon Municipal Water Development Project

The Roosevelt-Duchesne Ranger District of the Ashley National Forest has been working to complete an Environmental Assessment (EA) for the Cow Canyon Municipal Water Development Project. The Duchesne County Upper Country Water Improvement District (DCUCWID) has proposed to develop a third spring in the Cow Canyon drainage to supplement their existing water supply provided by two previously developed springs.

The EA, prepared under the NEPA regulations, is now available for public review and comment. The EA is available at the Duchesne Ranger District Office, 85 West Main Street, Duchesne, Utah 84021, or at the Roosevelt Office, 650 West Highway 40, Roosevelt, Utah, 84066. The EA is also available on the following website <http://www.fs.fed.us/r4/ashley/projects/>.

In its 1997 Master Plan, the District predicted that its water demands would exceed the available water supply in Springs #1 and #2 by 2003. The District presently has enough water supplies to meet its user's demands during the non-irrigation months, but can not meet peak user demands during the summer. The shortfall in water supplies has placed the District out of compliance with State rules and regulations; and it cannot sell any new connections until additional water supplies are added to its culinary system.

There is an immediate need for the District to develop additional water supplies in order to:

- Maintain compliance with State-mandated requirements; and
- Meet both present-day and future user demands.

Under the Proposed Action, the Water District would develop spring #3 and incorporate its flows directly into its existing culinary water system. A maximum of 413 gpm (0.9 cfs)(or about 79 percent of the total flow) would be developed. Approximately 112 gpm (0.5 cfs) would be continuously released as mitigation bypass flows to maintain downstream aquatic and wetland habitats. Unused surplus water would also be bypassed. The Water District has an agreement with the Moon Lake Hydroelectric Project to release up to 1.5 cfs (675 gpm) of additional flows such that there would be no net loss of flow in the Yellowstone River.

Approximately 0.21 acre of unavoidable impacts to open water (a small pond associated with the spring source) and wetland habitats would be mitigated on-site and in-kind. The loss of open water would be mitigated at a 1:1 ratio with the creation of an approximately 1,510 sq-ft (0.03 acre) spring-fed pond. Wetland impacts would be mitigated at a 2.2:1 ratio with the hydrologic restoration of approximately 17,700 sq-ft (0.4 acre) of an abandoned beaver pond/wetland complex located approximately 200 feet east of spring #3. The Water District would obtain a Section 404 Permit from the U.S. Army Corps of Engineers (USACE), and would be responsible for monitoring the mitigation areas for a period of three years, or until the mitigation areas have

been successfully established. Erosion and sediment control best management practices (BMPs) would be implemented during project construction.

The existing livestock enclosure fences around Spring #1 and Spring #2 development sites would remain in place. Additional livestock enclosure fencing would be installed to protect the Spring #3 source area, the pond creation area, and the wetland restoration area.

Pursuant to 36 CFR 215.5, this legal notice provides the official opportunity to comment on this proposal. In order to be accepted as appellants, individuals or persons representing organizations must offer substantive comment during this comment period. The comment period ends 30 days after the publication of Legal Notice in the *Uintah Basin Standard*. Substantive comments are those within the scope of, are specific to, and have a direct relationship to the proposed action, and include supporting reasons that the Responsible Official should consider in reaching a decision. Each individual, or representative from each organization, submitting substantive comments must either sign the comments or otherwise verify identity in order to attain appeal eligibility. Comments should include the information required pursuant to 36 CFR 215.6(a)(3), as published in the Federal Register on June 4, 2003. Comments received in response to this solicitation both written and oral, including names and addresses of those who comment, will be considered part of the public record for this project and are available upon request. Substantive comments will be addressed in an appendix to the EA.

Comments should be sent to: Clark Tucker, Roosevelt-Duchesne District Ranger at 85 West Main Street, P.O. Box 981 Duchesne, Utah 84021. You may also comment by phone at (435) 781-5203, or fax (435) 781-5215 or via e-mail. Electronic comments should be sent to [comments-intermtn-ashley@fs.fed.us](mailto:comments-intermtn-ashley@fs.fed.us). Electronic comments must be submitted in a Microsoft Word (\*.doc) or rich text format (\*.rtf).

If you have any questions with regard to this proposal you can contact Clark Tucker, at the Roosevelt-Duchesne District office at the address above or call (435) 781-5218.