



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 199450515
Date: February 13, 2007
Comments Due: March 15, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application to construct the Quitchupah Creek Road project, which would result in impacts to approximately 1.79 acres of waters of the United States, including the Quitchupah Creek and tributary waters. Wetland impacts would not occur under this project. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Sevier County Special Service District #1
Attn: Ralph Okerlund
250 North Main Street
Richfield, Utah 84701
(435) 896-2692

APPLICANT'S AGENT: Jones and DeMille Engineering
Attn: Brian Barton
1535 South 100 West
Richfield, Utah 84701
(435) 896-8266

LOCATION: The project site is located on or adjacent to the Quitchupah Creek in Sections 11 and 12, Range 4 East, Township 22 South; Sections 17, 18, 20, 21, 28, 33 and 35, Range 5 East, Township 22 South; and Sections 1, 2, 3, and 4, Range 5 East, Township 23 South, SLB&M in Sevier and Emery Counties, Utah. The project area can be seen on the Acord Lakes, Emery West, and Walker Flat USGS 7.5' Topographic Quadrangles; also refer to Exhibit 1 of this notice.

PROJECT DESCRIPTION: The applicant is proposing to construct an 11.5-mile road between Sevier County Road #010 and State Route 10, located in Emery County. The road would connect the Acord Lakes area with communities along the east side of the San Rafael Swell and in Castle Valley. The road would be comprised of a 30-foot-wide paved surface and a minimum operational right-of-way of at least 66 feet, up to 375 feet wide, depending on topographic constraints and stream crossings. Six pullouts for off-shoulder parking would be provided at various points along the roadway corridor. The roadway would be designed for

speeds of 40 mph. Based on the available information, the basic project purpose is **to construct a roadway**. The overall project purpose is to construct a road which would increase public access to the Acord Lakes region and also increase the efficiency of established mining operations in Sevier County, Utah.

The applicant believes there is a need to construct a road to allow the more efficient transportation of mineral and natural resources and to facilitate access of public lands located in and around the project area. The Southern Utah Fuel Company Mine (SUFCO Mine), operated by Arch Coal Company, is located in the project area and SUFCO would be a toll user of the proposed road to haul coal. Trucks transport coal from the SUFCO Mine to railroad loadouts near Price. Coal from the SUFCO Mine is ultimately used in coal-fired power plants in eastern Utah (the Hunter Power Plant) and the Midwest. In 2002, approximately 2 million tons of coal were transported to the Hunter Plant, equating to 52,631 truck trips. Currently, to reach the offloading site, SUFCO trucks must travel from the mine to Interstate 70 via Sevier County Road #010 (Exit 71 on I-70), travel I-70 to State Road 10 (Exit 89) and then north on SR-10 to the offloading site. Construction of the roadway would eliminate 46.7 road miles, resulting in a savings of approximately 1.4 million gallons of fuel per annum and decreased travel time between the mine and the loadout sites. Additionally, based on an economic analysis derived from Utah Department of Workforce Services data, SUFCO and mining-dependent trucking companies provided 20% of non-farm employment and 28% of personal income to Sevier County residents in 2002. The presence and stability of the SUFCO Mine is essential to the economic stability of both Sevier and Emery Counties.

Specific activities proposed by the applicant that would affect waters of the U.S. include the following, each described in linear feet:

- 1) Realigning three segments of the intermittent channel of Quitchupah Creek totaling 2,520 feet into three new channel segments totalling 2,400 feet.
- 2) Replacing a 157-foot culvert crossing of creek channel with 152-foot culvert within the intermittent segment of Quitchupah Creek.
- 3) Installing culvert crossings on three perennial channels: the East Spring Canyon channel, Quitchupah Creek, and the Water Hollow channel. Approximately 1,221 feet of perennial stream channel would be reduced in length and crossed by 726 feet of culverts. Over half of the total channel reduction for perennial stream systems would occur at the Water Hollow crossing.
- 4) Installing 21 culvert crossings in ephemeral washes totalling 3,004 feet of culverts. This would result in a reduction of 325 feet of ephemeral channel.
- 5) Realigning 335 feet of channel into a new 220-foot segment, resulting in an overall reduction of 115 feet of channel.

The drawings in Exhibits 2, 3, and 4 provide project details for the crossing locations, culvert designs, and channel re-alignment designs. Exhibit 5 provides a detailed narrative of the proposed project, the proposed impacts to waters of the U.S., and the proposed mitigation and

monitoring methods. Table 2 in Exhibit 5 displays the approximate volume and the type(s) of material proposed to be discharged into waters of the U.S. at each crossing.

ADDITIONAL INFORMATION:

Environmental Setting. Based on an October 30, 2006, site visit conducted by Jones & DeMille Engineering and the Corps, there are approximately 0.571 acre of spring-fed palustrine wetlands associated with the Convulsion Canyon reach of Quitchupah Creek. As stated above, these wetlands would not be impacted. A narrative description of waters of the U.S. occurring in the project area appears in Exhibit 5.

From a regional perspective, the Project Area is located in the Wasatch Plateau in the Acord Lakes region and transitions to the Mancos Shale Lowlands towards SR-10. Topography in the project area is influenced by easily eroded sedimentary rock. Topography of the area includes steep canyon walls, escarpments, and badlands. Flat ledges, vertical cliffs, and sloping erosional and depositional surfaces contribute to the landscape character and are caused by variable rates of erosion between interbedded sandstone and shale strata. Topography ranges from 7,700 feet elevation in the west to 6,000 feet on SR-10.

Vegetation in the area is dominated by Douglas fir, woodland and mountain brush plant communities at high elevations and on moist slopes. Drier, south-facing slopes at high elevations are dominated by a pinyon-juniper community, which includes mountain mahogany as a constituent species. At lower elevations, primarily within the Mancos shale lowlands, low desert shrub and greasewood communities dominate the landscape. A more detailed description of the plant communities appears in the *Quitichupah Creek Road Final Environmental Impact Statement* (FEIS, Chapter 3, p. 3-35) (<http://www.fs.fed.us/r4/fishlake/projects/quitichupah/index.shtml>).

Land within the project area is a mixture of federal- and state-managed lands with one private land holder, the SUFCO Mine. The project crosses National Forest System lands, lands managed by the Bureau of Land Management (BLM), lands held by State of Utah School and Institutional Trust Lands Administration, and the SR-10 right-of-way maintained by the Utah Department of Transportation.

Photos of the project area appear in Exhibit 6.

Alternatives. The applicant has provided information concerning project alternatives. The following information on project alternatives was summarized from the *Quitichupah Creek Road Final Environmental Impact Statement* prepared by the USDA Forest Service and the Bureau of Land Management in response to a ROW application submitted by Sevier County Special Service District. The alternative selected in the environmental analysis (the proposed action) was Alternative D (Water Hollow Road Alignment). A brief summary of other alternatives analyzed in the FEIS follows. Exhibit 7 displays the routes for all of the analyzed alternatives.

Additional information concerning project alternatives is available at the following Internet address: <http://www.fs.fed.us/r4/fishlake/projects/quitichupah/index.shtml>. Available documents include the FEIS and the Records of Decision (RODs) submitted by the Bureau of Land

Management and the U.S. Forest Service. In the FEIS, wetland impacts were equal under all of the action alternatives. However, due to minor alignment shifts proposed after the RODs were signed, direct wetland impacts will be avoided under the proposed action.

Alternative A - No Action: Under the No Action alternative, coal would continue to be transported to the railroad loadouts near Price via Sevier County Road #010, I-70, and SR-10. The Quitchupah Creek would remain relatively unaltered by man's activities.

Alternative B - Quitchupah Creek Road Alignment: This alternative would upgrade and realign (in places) an existing 9.15-mile long road along the Quitchupah Creek, establishing the same connection as the proposed action. This alternative is the shortest of the three action alternatives at 8.9 miles in length, and it would reduce round-trip transport of coal trucks by 55.4 miles, resulting in savings of up to 1.6 million gallons of fuel annually.

Alternative C - Alternate Junction with SR-10 and Alternative Design: This route would deviate to the north from Alternative B, approximately 2 miles west of SR-10. This route is slightly longer than the Alternative B route at 9.1 miles in length and it would reduce roundtrip truck transport by 58 miles relative to current conditions. Fuel savings would be slightly better than Alternative B, at approximately 1.7 million gallons of fuel saved per annum.

Alternative D - Water Hollow Road Alignment (the Proposed Action): This alternative is the Preferred Alternative, and it is described under "PROJECT DESCRIPTION" above.

The following alternatives were examined, but were not carried forward in the environmental analysis since they did not meet the project purpose, or they would result in adverse environmental impacts. Alternatives eliminated from analysis appear in Exhibit 8 of this Public Notice.

Alternate Road Access Alternative: Under this alternative, a road would be constructed across Old Woman Plateau or through Link Canyon. Portions of the alignment in these two areas would be on National Forest System lands that are managed as a Natural Research Area. Motorized vehicle traffic would be inconsistent with the Fishlake Land and Resource Management Plan, and a major amendment to the Plan would be required.

Conveyor Systems Alternative: The FEIS examined a conveyor system route that would transport coal from the SUFCO Mine portal through East Spring Canyon to Quitchupah Creek where a loadout facility would be constructed. Due to the steepness of terrain in the East Spring Canyon, a conveyor system was not feasible from an engineering standpoint. Additionally, the project purpose of improving access would not be met. Other conveyor system routes were considered as well, but, again, the project purpose would not be met.

Muddy Creek Portal Alternative: A portal would be established in Muddy Creek Canyon, north of SUFCO Mine. This alternative was not selected because the roadway would be too steep, and the canyon provides culinary drinking water to the town of Emery.

Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Avoidance and Minimization. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. Since the RODs for the FEIS were submitted in March 2006, the applicant has reduced aquatic impacts under the proposed action through the following changes in roadway design:

- 1) Two ephemeral washes within the roadway corridor were avoided and will not be directly impacted by the project.
- 2) In the original configuration of the proposed action, 900 feet of the Quitchupah Creek channel would have been re-aligned downstream of the confluence of the East Spring Canyon channel and Quitchupah Creek. This channel re-alignment has been eliminated from the project plans.

The applicant has minimized project impacts to waters of the U.S. through the following changes in design:

- 1) The roadway alignment was shifted at the East Spring Canyon channel crossing to reduce the culvert crossing from 170 feet to 140 feet.
- 2) The proposed roadway alignment has been pulled in at the stream and wash crossings to the maximum extent practicable to minimize the length of culverted stream and wash channels.
- 3) The applicant has committed to implementing construction and operations best management practices (BMPs) for the project. These are briefly summarized below under "OTHER GOVERNMENTAL AUTHORIZATIONS" and are described in detail in the FEIS (Chapter 2, p. 2-24; Appendix B).

Mitigation. As stated above, the Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate impacts to waters of the U.S. at four mitigation sites:

1. The Quitchupah Creek channel would be realigned between sta 16+50 to 19+00; between sta 20+50 to sta 31+00; and between sta 34+50 to sta 45+50, to accommodate the roadway through Convulsion Canyon. The goals of this channel re-alignment are: to convey 100-year flood and sediment levels through the realigned channel; to re-establish both riparian and upland vegetation.
2. To compensate for loss of riparian vegetation and a reduction in channel length, riparian habitat would be improved at the Water Hollow crossing (sta 174+54). The riparian area would be fenced to eliminate livestock impacts to the improved riparian habitat. The goal of this mitigation site is to enhance riparian functions near the crossing.
3. The broad floodplain area above the confluence of Quitchupah Creek and East Spring Creek (sta 58+00 to sta 62+00) would be hydrologically enhanced to create wetland acreage and promote the development of hydric soils.

4. The riparian area would be fenced along 4.7 miles (25,000 l-ft.) of the Quitchupah Creek to exclude livestock. Fencing would start below sta 121+00.

The proposed mitigation seeks to replace the riparian functions lost due to the filling of Quitchupah Creek in the re-aligned reaches of the stream. Areas that cannot be fully mitigated through replacement, such as culverted ephemeral washes or areas with proposed deep and wide fill crossings would be mitigated through the enhancement of riparian resources and creation of floodplain riparian resources to improve overall riparian function within the watershed. Constructed wetlands would mitigate for loss of riparian vegetation and also reduce impacts to water quality through increased sediment and nutrient storage below the reconstructed reaches of Quitchupah Creek.

The applicant is preparing a draft mitigation and monitoring plan (Plan) for the Corps' review. The applicant has committed to a 5-year monitoring period of the proposed mitigation measures. A detailed discussion of the proposed mitigation projects, goals, monitoring success criteria, and maintenance activities that will appear in the Plan can be found in Exhibit 5.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Ms. Shelley Quick, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before **March 15, 2007**.

Impacts to water quality would include accelerated erosion from increased road disturbance, the large cut/fill requirements of the project, and retention of the old Quitchupah Creek road (currently a two-track road). Major sources of salinity occur in the native parent material; potential road contributions to salinity would be minimal in relation to other sources.

Applicant-committed measures to reduce water quality impacts include the following:

- 1) Water bars would be constructed along the remainder of the dirt roadway running along Quitchupah Creek.
- 2) The proposed Water Hollow alignment (the proposed action) would avoid the majority of the middle and lower reaches of Quitchupah Creek, which are less stable and more susceptible to stream instability impacts.
- 3) Project BMPs appear in Chapter 2 (p. 2-24) and Appendix B of the FEIS.

USDA Forest Service. The Forest Service signed their ROD for the Quitchupah Creek Road FEIS on March 9, 2006. The project's permit for a ROW easement is pending and dependent on the approval of this individual permit.

USDI BLM. The BLM signed their ROD for the Quitchupah Creek Road FEIS on March 9, 2006. The project's permit for a ROW easement is pending and dependent on the approval of this individual permit.

Utah Department of Transportation. This ROW encroachment permit is pending.

Utah Department of Environmental Quality. The project's Utah Pollutant Discharge Elimination System permit is pending.

HISTORIC PROPERTIES: Based on the available information (including a report titled *A Cultural Resource Inventory of the Proposed Quitchupah - Water Hollow Road near Convulsion Canyon, Sevier County Utah*, prepared by Crosland and Bilat, JBR Environmental, 2001), cultural resources were found within the project's area of potential effect (APE). Nineteen sites were identified within the APE, ten of which were eligible for the National Register of Historic Places. **The proposed roadway was routed to avoid these sites.** Indirect impacts to known rock art sites in the vicinity would likely occur. A cultural resource monitor would be present during all phases of construction to ensure that the project is Section 106 compliant per the State Protocol Agreement between the Utah State Director of the Bureau of Land Management and the Utah State Historic Preservation Officer (Exhibit 9).

ENDANGERED SPECIES: In the U.S. Fish and Wildlife Service's October 24, 2005, letter to the Fishlake National Forest (Exhibit 10), the USFWS determined that the project is "not likely adversely affect" the following federally-listed species or their critical habitat (as protected by the Endangered Species Act): Last Chance Townsendia, Winkler cactus, San Rafael cactus, and Bald Eagle any Federally-listed threatened or endangered species. Per their proposal, the applicant has committed to 8-ft. high fencing complete with big game escape structures and migration underpass(es), and daily carcass monitoring to prevent big game from crossing the road and minimize the potential for Bald Eagle foraging/scavenging.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision,

comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 199450515, must be submitted to the office listed below on or before **March 15, 2007**:

James McMillan, Senior Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: james.m.mcmillan@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant/agent or the Corps' project manager, James McMillan, at 801-295-8320, extension 17, or by email at: james.m.mcmillan@usace.army.mil.

Attachments: Exhibits 1 thru 10