



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 199950428

Date: June 8, 2001

Comments Due: June 28, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge fill material in wetlands adjacent to Mitchell Hollow and several fresh water springs. The project is the development of a commercial, office, hotel and entertainment shopping center, as shown in the attached drawings.

APPLICANT: Richard Mendenhall
Woodfield LC
2749 East Parley's Way, Suite 310
Salt Lake City, Utah 84109

LOCATION: The project is located at 900 West State Street, American Fork City within Section 15, Township 5 South, Range 1 East, Utah County, Utah.

PURPOSE: The purpose of the project is to develop the American Fork Commercial Center. The center will provide a broad, mixed use regional center to serve the shopping, office, and entertainment needs of the northern Utah County market area. The trade area for the project encompasses the cities of American Fork, Cedar Hills, Lehi, Saratoga Springs, Pleasant Grove, Highland and Alpine.

PROJECT DESCRIPTION: The applicant proposes to construct a multi-use development containing 700,000 square feet of community retail uses, over 100,000 square feet of entertainment and theater uses, approximately 85,000 square feet of sit-down restaurants and other eating establishments and over 400,000 square feet of professional and business offices. There will also be a neighborhood shopping center component containing approximately 100,000 square feet. Parking will be shared among the retail, entertainment and pedestrian traffic. The total project site is 164 acres, with 59.25 acres of wetlands. The project would place 19,425 cubic yards of fill material on approximately 50 freshwater springs and 24.08 acres of wetlands adjacent to Mitchell Hollow. These wetland impacts would be mitigated on site and off site. The applicant has proposed mitigating with the creation of 16.88 acres of wetlands on site and 7.2 acres off site. Mitigation for wetland impacts may change.

The applicant is working with the U.S. Fish and Wildlife Service, Utah Division of Wildlife Resources and the Corp's on an appropriate mitigation plan to mitigate for spring and wetland impacts.

AREA DESCRIPTION: The proposed project is located along Mitchell Hollow. The wetland types include cattail/bulrush and rush/sedge meadow wetlands. There are approximately 105 springs located in the project site. Approximately two-thirds of the site is upland and one-third is wetland. The wetland vegetation consists of Nebraska sedge (*Carex neberascensis*), reed canarygrass (*Phalarus arundinacea*), Baltic rush (*Juncus balticas*), red top (*Agrostis alba*), Bulrush, three square (*Scirpus pungens*), cattail (*Typha spp.*), and other wetland vegetation. There is a mosaic of uplands and wetlands in the area. Of the upland areas approximately one-third is highly disturbed by construction activity. Most of the area around the site has been developed. Interstate 15 is located on the south side and State Street (US 91) is located on the north side of the project site.

ALTERNATIVES: Based on his professional experience, it is the developer's opinion that the proposed site is the most feasible location for the proposed development and that none of the other options represents a realistic alternative. The applicant has been working with the Corps and agencies on lessening impacts to wetlands on site. Several alternative sites were analyzed for the proposed project. Alternative Site 2 is the U.S. Highway 92-Micron site. This site has available market share, does not have consolidated ownership and the individual parcels are not available for purchase. The site is not adjacent to the freeway, the distance is over 4 miles from the center of the market area, and there has been no tenant interest to date for this location. Alternative Site 3 is the I-15 Northeast American Fork site. This site does not have consolidated ownership and only a minority of the individual parcels are available for purchase, with some prices that are incompatible for development. The site is 5 miles from the center of the population. Alternative Site 4 is the Southeast American Fork site. This site has sufficient market size and parcel size to build the proposed project, but the property is not under consolidated ownership and the majority of the land owners are not willing to sell. Alternative Site 5 is the I-15 Southwest American Fork site. This site does not have consolidated ownership and the major property owner has already optioned the property to another buyer.

ADDITIONAL INFORMATION: For further information, please contact the applicant's agent, Mr. David E. Dearing, telephone (317) 920-0824, or Mr. Anthony Vigil, at the Utah Regulatory Office, 1403 South 600 West, Suite A, Bountiful, Utah, 84010, email avigil@spk.usace.army.mil, telephone (801) 295-8380, extension 15.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area. The following endangered species are present in the permit area: Ute ladies tresses (*Spiranthes diluvialis*). The U.S Fish and Wildlife Service listed the orchid as threatened in January of 1992 under the authority of the Endangered Species Act of 1973.

Certification for this project, according to Section 401 of the Clean Water Act has been requested from the Utah Division of Water Quality. 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 Mr. William O. Moellmer, Ph.D., Utah Division of Water Quality, 288 North 1460 West, PO Box 144870, Salt Lake City, Utah, 84114-4870, on or before **June 28, 2001**.

Interested parties are invited to submit written comments to the Utah Regulatory Office, 1403 South 600 West, Suite A, Bountiful, Utah 84010, on or before **June 28, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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 Corps of Engineers 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 of Engineers 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 the 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.

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer