



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200050334

Date: March 21, 2001

Comments Due: April 9, 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 and for water quality certification under Section 401 of the CWA to discharge fill material in connection with expansion of the East Bay Industrial and Technology Park in waters of the United States, including wetlands, as shown in the attached drawings.

APPLICANT: Scott Petro
Petro Properties
1048 Irvine Avenue
Newport Beach, CA 92626

LOCATION: The project is located at 1005 East 1860 South, Provo City within Section 3, Township 7 South, Range 3 East, Utah County, Utah.

PURPOSE: This project is a light industrial park development for 1-2 tenants in a large tilt-up concrete building. The development would be part of the East Bay Industrial Park expansion. The East Bay Industrial Park is a light industrial/business office complex in Provo City. This site is located between two major railroad lines and has access to the recently expanded 1860 South.

PROJECT DESCRIPTION: The proposed development is to improve Colorado Avenue as part of Provo City's requirement for the site and build an access road into the 10 acre development. The access road must be of sufficient length to allow tractor trailers access to 1860 South without obstructing traffic. The building pad requirements are such that the impacts to the isolated wetland within the property cannot be avoided and still accomplish the project purpose. Colorado Avenue will be widened 22 feet. Approximately 1.17 acres of wetlands would be filled with 2839 cubic feet of clean fill material. These impacts will be mitigated with creation of 1.17 acres of wetlands on site as shown on the attached drawing.

AREA DESCRIPTION: The project is located north of 1860 South and there are two railway lines to the east and west. Most of the project area has been filled. To the east of the fill area there are emergent wetlands caused by stream flooding and ground water. There is a wetland near the center of the project site. This area is surrounded by fill and upland areas. The wetland vegetation consists of Nebraska sedge (*Carex nebrascensis*), reed canary grass (*Phalaris arundinacea*), Cattail (*Typha spp.*), Stinging nettle (*Urtica dioica*) and other wetland vegetation. There is a mosaic of uplands and wetlands adjacent to the mitigation site.

ADDITIONAL INFORMATION: Certification that the proposed work, if permitted, will not violate applicable water quality standards has been requested from the Utah Bureau of Water Pollution Control. For

further information, please contact Mr. Matthew Betts with Pentacore EPG, telephone (801) 652-2521 or Mr. Anthony Vigil, 1403 South 600 West, Suite A, Bountiful, Utah 84010, email - avigil@spk.usace.army.mil, telephone (801) 295-8389.

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. No further cultural resources review is warranted because the permit area has been extensively modified by previous work. This activity would not affect any threatened or endangered species or their critical habitat.

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 N. 1460 W., Salt Lake City, UT, 84114, on or before **April 9, 2001**.

Interested parties are invited to submit written comments on or before **April 9, 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

Enclosures