



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200050560

Date: March 1, 2001

Comments Due: March 15, 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 dredge or fill material in connection with construction of a pond adjacent to the Black Slough, as shown in the attached drawings.

APPLICANT: Steve Rawls
695 East 2450 North
Ogden, Utah 84414

LOCATION: The project is located approximately 5 3/4 miles north of Brigham City within Section 15, Township 10 North, Range 2 West, Box Elder County, Utah.

PURPOSE: The reservoir will be multi-functional in purpose, providing primary and secondary uses. Primary use would be a recreational lake with boating, fishing and hunting. Secondary use would be an irrigation reservoir with a fishery.

PROJECT DESCRIPTION: The project would be to excavate a multi-purpose reservoir, approximately 2250 feet long, 250 feet wide, and 5 feet deep. A portion of the excavated material will be used to construct a confining berm around the perimeter of the reservoir for approximately 2/3 of the total length. The berm dimensions will have a 10 foot top width, 4:1 outside slope and 12:1 lakeside slope. Approximately 0.65 acres of wetlands would be filled and 1.32 acres of wetlands would be ponded. Wetland fill impacts would be mitigated with the creation of 0.65 plus acres of wetlands around the pond.

AREA DESCRIPTION: The project site is a farmed pasture which is for cattle grazing. It is a flat area with a rail road grade on the west and adjacent to the project site. The areas around the project site are also farmed. The wetland vegetation in the project area is saltgrass, (*Distichlis spicata*), baltic rush (*Juncus balticus*) and western seepweed (*Suaeda occidentalis*). The upland vegetation is slender wheatgrass (*Agropyron trachycalum* and Brome (*Bromus spp.*). The area is heavily grazed and farmed. These wetlands are of low value because of the farming and grazing of the area.

ADDITIONAL INFORMATION: 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. 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 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., Salt Lake City, Utah 84114, on or before **March 15, 2001**.

Interested parties are invited to submit written comments on or before **March 15, 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.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

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.

If additional information is required, please contact Mr. Steve Rawls, telephone (801) 786-2113, or Mr. Anthony Vigil, of our Utah Regulatory Office at 1403 South 600 West, Suite A, Bountiful, Utah 84010, telephone (801) 295-8380, e-mail - avigil@spk.usace.army.mil

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer

Enclosures: 5 Drawings