



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200150026

Date: April 16, 2001

Comments Due: May 6, 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, Section 10 of the Rivers and Harbors Act of 1899, and for Water Quality Certification under Section 401 of the CWA to discharge fill material in connection with construction of an access road on an existing breakwater and construction of a new boat ramp at the end of the breakwater/road within Bear Lake, as shown in the attached drawings.

APPLICANT: Dale Satterthwaite
420 East South Temple, Suite 550
Salt Lake City, Utah 84111

LOCATION: The project is located at 1698 South Bear Lake Boulevard, Garden City in Section 33, Township 14 North, Range 4 East, Rich County, Utah.

PURPOSE: The purpose of project is to repair/construct a breakwater/road to allow use of a new boat ramp which would be constructed at the end of the road. The purpose is to replace an existing boat ramp located north of the breakwater. The existing boat ramp is continuously covered by sediments.

PROJECT DESCRIPTION: The project is to construct a concrete boat ramp and an access road. The breakwater/access road would be 20 feet wide and 200 feet long. A concrete boat ramp would be constructed at the end of the road. The boat ramp would be 20 feet wide by 60 feet long. The road/boat ramp will be constructed with the placement of 3 X 3 X 9 foot gabions and backfilled with natural field stone. The project will impact about 304 square feet of lake bottom. The road would be backfilled with 4,960 cubic yards of fill material. The project area lies within the high water elevation of the lake, but extends partway into the fluctuation zone. At times, such as the present when the lake is down 10 feet, the proposed boat ramp would be above the water level.

AREA DESCRIPTION: The project is located on the west side of Bear Lake. A majority of the breakwater has been removed; it had deteriorated into a boating hazard. Approximately 200 feet of the original breakwater remains. The structure has eroded and there are large rocks still located on site. The extent of wetland and riparian plant communities within the project area and lake are minimal, consisting of willows (*Salix spp.*) along the bottom edges of the breakwater. There is a boat ramp located on the project site. The rock along the existing jetty is fish habitat.

Alternatives: An alternative to construction of an access road and the new boat launch would be to use the existing boat ramp. The State Park's marina and state-owned boat ramps around the lake could also be used. During low water years, both the existing and proposed boat ramps would be above the water level.

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. Nate Norman (the applicant's agent) with Bio/West Inc., telephone (435) 752-4202, or Mr. Anthony Vigil, at the Utah Regulatory Office, 1403 South 600 West, Suite A, Bountiful, Utah 84010, email avigil@spk.usace.army.mil, or 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 District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

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, Utah Division of Water Quality, 288 N. 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870, on or before **May 6, 2001**.

Interested parties are invited to submit written comments on or before **May 6, 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.

Please reference Public Notice 200150026 when submitting comments concerning this project. Comments can be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Anthony Vigil, 1403 South 600 West, Suite A, Bountiful, Utah 84010, or emailed to avigil@spk.usace.army.mil.

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer

Enclosures: 4 Drawings