



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200150252

Date: July 5, 2005

Comments Due: July 20, 2005

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District (Corps) and the Utah Division of Water Quality are evaluating a proposed modification to the Victory Ranch project, which was authorized under an Individual 404 Permit on June 2, 2004. The modified project would result in a reduction of permanent wetland impacts within the floodplain of the Provo River. The change in impacts is described herein. This notice is to inform interested parties of the proposed modification and to solicit comments. The intent of this notice is not to re-evaluate the impacts already authorized under Section 404 of the Clean Water Act on June 2, 2004. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**APPLICANT:** Mr. Bob Larsen  
Horizon Unlimited  
2252 Lenwood Court SW  
Rochester, Minnesota 55902

**LOCATION:** The project site is located in Wasatch and Summit Counties, Utah. It encompasses 5,803 acres as indicated on the attached map. This area includes approximately 730 acres of the Provo River floodplain from the eastern boundary of Rock Cliff State Park at Jordanelle Reservoir extending upstream along State Route 32 and Lower River Road for approximately 5 miles. The upstream project boundary is near 1000 East in Francis, Utah. Please see the attached map labeled Victory Ranch Location Map for location details.

**PURPOSE:** The project purpose is the development of a mixed use residential/recreational facility.

**PROJECT DESCRIPTION:** Horizon Unlimited received a 404 permit on June 2, 2004 for the development of a private recreational facility that offered resort housing in the form of destination resort lodging and single family lots. Specific project components included the development of three golf courses, a clubhouse, 432 resort guest units, 217 residential lots, 76 employee apartments, an activities center, 6 camping huts, an equestrian center, the resort sales office, and roads and bridges to access these facilities. In addition, the project description included a river restoration project in approximately one mile of the Provo River within the project area. Fishing trails along the Provo River were also included.

The 404 permit for this project authorized the permanent discharge of fill material into 2.29 acres of wet meadow wetlands in order to construct a golf course in the river floodplain. In addition, the Corps of Engineers authorized the permanent discharge of fill material into 4.28 acres of wet

meadow and forested wetlands and 4.27 acres of open water for the construction of the river restoration portion of the project. The attached 404 permit and Table 1 describe in detail the authorized impacts.

The project applicant now proposes to eliminate the river golf course and add single family homes in its place. In addition, the applicant proposes to construct a road to provide access for the Bureau of Reclamation (BOR) to access an existing rock quarry within the project area. Other project components remain similar to those incorporated in the original project plan including the construction of a clubhouse, 690 residential lots, a fishing tackle shop, an activities center, 6 camping huts, an equestrian center, the resort sales office, and roads and bridges to access these facilities. The applicant will complete a river restoration project in approximately one mile of the Provo River within the project area. Fishing trails will also be developed along the Provo River.

The project modification would result in the reduction of wetland impacts within the floodplain from 2.29 acres to 1.0 acres of wet meadow. This change is due to the elimination of the floodplain golf course and the substitution of single family homes within the Provo River floodplain. Specifically, the applicant proposes to permanently discharge fill material into 1.0 acres of wet meadow and forested wetlands in order to construct roads that will access the single family homes, and an on-site rock quarry used by the Bureau of Reclamation.

Each of the 50 proposed single family home lots has a defined buildable area. None of the defined buildable areas exist within wetlands and none are within 100 feet of the Provo River channel high water mark. The proposed modifications to the Victory Ranch project were considered sufficiently substantial to solicit additional public comment and a second Public Notice.

### **AREA DESCRIPTION:**

The eastern 3 miles of the Provo River in the project area is the border between Summit and Wasatch counties. Most of the proposed project lies within Wasatch County. The headwaters of the Provo River are located in the Uinta mountains at approximately 9500 feet and the river then flows through Forest Service public lands, agricultural and ranching properties. Below the project site, the Provo River flows into the Jordanelle Reservoir and then through the Heber Valley to Deer Creek reservoir.

The project site is 5803 acres of mostly undeveloped ranch land dominated by sagebrush and grasslands in mountainous terrain. This terrain drops into the Provo River valley and approximately 5 linear miles of river and floodplain are included within the project area. Elevations range from 6200 to 7600 feet.

### Vegetation

The entire site has been grazed and essentially all vegetation communities have been impacted by this historic land use. A few areas in the higher elevation sagebrush and meadow habitats are irrigated using water from perennial springs. Uplands within the river valley are irrigated with water taken from the Provo River and from streams entering the floodplain.

The mountainous terrain is dominated by sagebrush and upland grasses. The valley has a mix of: 1) forested riparian habitat with cottonwoods, hawthorns, willows and alder; 2) wet meadows of

sedges, rushes and forage grasses suited to wetlands; and 3) upland meadows dominated by forage grasses.

### Hydrology

Hydrology on the project site is supported by groundwater, water delivered by ephemeral and perennial drainages, Provo River flows, irrigation diversions and springs located throughout the property. Both irrigated and naturally occurring seasonally wet meadows occur on the project site. Some meadows are actively irrigated throughout the summer providing saturated or flooded conditions in areas that would otherwise be dry. In these areas, positive indicators of wetland hydrology were ignored if significant irrigation flow was obvious or if, based on topography and proximity to an irrigation ditch, irrigation appeared to be the only water source supporting wetland vegetation.

### Wetlands

Jurisdictional wetlands within the Victory Ranch development site total 385 acres. This figure includes wetlands and riverine waters within the Provo River floodplain (320 acres) as well as wetlands outside of the river valley (65 acres). Additionally, there are numerous small drainages outside of the river valley which are shown on the delineation map as line features and have no associated wetlands. Most of the wetland acreage is composed of emergent wet meadow habitat and forested flood channels within the river valley. Please reference maps WD Basemap, WD W3-E, WD W2-W, WD W2-E, WD W3-W, WD W5-N, and WD W5-S.

### **EVALUATION OF IMPACTS:**

In order to determine whether the proposed modification represents a substantial change in impacts to waters of the U.S., the project applicant provided a information regarding the potential direct and indirect impacts of the modified project. This information is available in the document entitled Impact Analysis and located on the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

In summary, the river golf course originally authorized under Section 404 is no longer proposed. In its place, the applicant has proposed the construction of 50 single family homes. Construction of the river golf course resulted in the discharge of fill material into 2.29 acres of wet meadow. Construction of the 50 single homes would result in the discharge of fill material into 1.0 acres of wet meadow for the construction of roads to access the homes as well as one road to provide access to a rock quarry for the BOR.

Indirect impacts to waters of the U.S. resulting from the proposed modification would include perennial use of the river valley by humans as opposed to seasonal use. Location and abundance of lighting would likely change as a result of both day and night use of the single family homes as opposed to seasonal, day use of the golf course. Herbicide/pesticide use within the river valley would likely change from a managed application program for the golf course to a lot-specific program managed by individual residents. Domestic animals would be introduced to the river valley under the modified project which could change wildlife foraging, breeding, and/or nesting patterns. Under the modified project, there would be a greater percentage of impervious surfaces within the river valley. In addition, there would be less cottonwood trees removed from riparian areas adjacent to the river. The development of 50 single homes could result in the formation of additional trails in order to access the river for fishing opportunities.

Many of the indirect impacts are difficult to measure quantitatively. The impact analysis provided by the applicant provides information regarding those impacts that can be measured.

**ALTERNATIVES:** At this time, the only alternative available to the applicant is to construct the previously authorized Victory Ranch project. Other alternatives may develop during the review process for this permit modification. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**MITIGATION:** The mitigation proposal for this project is similar to that identified in the 404 authorization dated June 2, 2004. Instead of creating 9.0 acres of wet meadow, seasonally saturated wetlands to compensate for the construction of the floodplain golf course, the applicant has proposed to construct 4.0 acres. All other mitigation measures remain the same where applicable. Please reference Tables 1 and 2 for more detail.

**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 Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before August 6, 2005.

**HISTORIC PROPERTIES:** Under the existing 404 authorization for the Victory Ranch project, the Bureau of Reclamation (BOR) drafted a Memorandum of Agreement (MOA) between itself, the Corps of Engineers, the State Historical Preservation Office (SHPO), and the applicant. The MOA was designed to consider the effects of the project on historic properties. The Larsen Barn Ranch, a historic landmark within the project area, will be stabilized and restored according to the Secretary of the Interior Standards for the Treatment of Historic Properties. The project applicant, the SHPO and the BOR have established criteria and a plan for the restoration and adaptive reuse of the structure.

Under the modified proposal, there are no changes in impacts to historic properties.

**ENDANGERED SPECIES:** Section 7 consultation was completed on September 24, 2002 for the previously authorized Victory Ranch project. The U.S. Fish and Wildlife (USFWS) concurred with the Corps' determination that the project would not affect the Whooping Crane (*Grus americanus*), Black-footed ferret (*Mustela nigripes*), or the Canada Lynx (*Lynx canadensis*). The USFWS also concurred with the Corps' determination that the project would not likely adversely affect the Bald Eagle (*Haliaeetus leucocephalus*), Ute Ladies'-tresses (*Spiranthes diluvialis*) and the Western Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*). Under the modified proposal, the Corps does not anticipate that it will be necessary to re-initiate Section 7 consultation.

The above determinations are based on information provided by the applicant and our preliminary review.

**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 200150252, must be submitted to the office listed below on or before July 20, 2005:

Amy Defreese, Project Manager  
US Army Corps of Engineers, Sacramento District  
Utah Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010-7744  
Email: [Amy.Defreese@usace.army.mil](mailto:Amy.Defreese@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 or the Corps' project manager Amy Defreese, 801-295-8380, extension 13, [Amy.Defreese@usace.army.mil](mailto:Amy.Defreese@usace.army.mil).

Attachments:

Victory Ranch Location Map  
Tables 1 and 2  
Impact Analysis  
WD Maps (7)  
Housing Design Maps 1a and 1b