



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200150252

Date: December 11, 2001

Comments Due: January 6, 2002

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 water quality certification under Section 401 of the Clean Water Act to discharge fill material into approximately 2.86 acres of riparian wet meadow and forested wetlands adjacent to the Provo River in Woodland, Utah. This fill is for the construction of the Victory Ranch recreational resort, primarily for the construction of an 18-hole riverside golf course. Additionally, the project proponent has made application to impact 4.5 acres of riparian wetlands adjacent to the Provo River upstream from the golf course. These impacts are proposed in order to conduct Provo river and riparian restoration work.

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

LOCATION: The Victory Ranch project encompasses 5,803 acres including 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 Woodland, Utah. The project is located in Wasatch and Summit counties.

PURPOSE: The applicant has described the project purpose as a destination resort convenient to a major airport that offers golfing, fishing and access to downhill skiing. The purpose of the river restoration component of the project is to improve the fishery and riparian habitat in support of fishing and bird watching opportunities.

PROJECT DESCRIPTION: The proposed development is a private recreational facility which would offer resort housing (destination resort lodging and single family lots), three golf courses, Provo River fishing opportunities, horseback riding, hiking and other outdoor activities. The applicant has provided specific project components summarized below. Sheet 3 shows the locations of the features noted.

1. **Three golf courses** would be constructed. The River course and the Mountain course would be linked by a funicular and a golf cart path to link 36 holes of play. The third course is the Lady Long Hollow course near the Lady Long Hollow drainage. It would be designed to avoid impacts to wetlands and riparian features in the drainage. Where golf cart path crossings are necessary, perennial drainages would be spanned with bridges.
2. **A clubhouse** with 12 guest rooms and a restaurant would be constructed on a bench above the flood plain at the edge of the River golf course.
3. **Resort guest units (432 total)** include 299 cottages and 133 villas (clustered adjoining structures) above the flood plain and in the mountain areas near each of the golf courses.
4. **Residential lots (217)** are located well above the Mountain and Lady Long Hollow golf courses.
5. **Employee apartments (76)** would be located near the upper entrance to the resort between the equestrian center and the Lady Long Hollow golf course.
6. **An activities center** would be built west of the Lady Long Hollow golf course. The center would provide sport clay shooting, as well as equipment for cross-country skiing, mountain biking, backpacking and rock climbing.
7. **Camping huts (6)** for backpackers would be built in the southern end of the project area within the alpine preserve.
8. **River restoration and a fishing trail** are proposed along the entire river corridor within the project area. Restoration goals are to produce a relatively stable riparian system, improve fish habitat and increase spotted frog habitat. The trail location, as with the locations of all new features within the river valley, would not be placed in conflict with the river restoration design. The location would be based on minimizing impacts to riparian habitat and wildlife. It would not follow the edge of the river, nor would it cross through ecologically sensitive areas such as spotted frog habitat or large patches of riparian forest. The trail width and surfacing would be suitable for golf carts. In most areas the surface would be gravel and six-foot wide boardwalks or bridges would be installed wherever necessary to allow water movement through channels and wetlands where these features cannot be entirely avoided.
9. **An equestrian center** with a barn, indoor arena and approximately 18 acres of pasture would be located at the south end of the river valley where an existing ranch house is located. The ranch house would remain for the caretaker of the equestrian facility. Most of the out buildings nearest the river would be removed and the new barn and arena would be constructed near the home but further from the river.
10. **The resort sales office** would be built in uplands at the entrance road adjacent to SR 32. The location is in the river valley because this facility must be at the resort entrance.
11. **Roads and bridges** would be designed to minimize impacts to wetlands and riparian habitat. The main entrance bridge would replace an existing bridge with a span more than three times the length of the existing bridge to remove a constriction of the river.

Approximately 15% of the property is proposed for three golf courses, one of which is located in the river valley on 194 acres. This golf course is the primary source of the wetland impacts that

occur as a result of development. Please refer to Sheet Nos. 4, W0L and W0U for a map of the proposed impacts. Please refer to Tables 2 and 3 in the attachments for details on the direct wetland impacts of the project.

The river restoration component of the project is at this time of a conceptual nature. Currently, the condition of the river in this reach has been altered over time due to augmentation from the Duchesne Tunnel and the Provo/Weber River canal, overgrazing, irrigation diversions, and dike building. Modifications to the river channel would primarily involve removing confining features such as dikes and bridge structures. Side channels and associated riparian areas would be created or restored to a more naturally functioning condition relative to current conditions subjected to grazing and alterations associated with irrigation and flood control. The Provo Weber Canal would be rerouted down the south side of the highway to a point just upstream of the highway bridge near the Rock Cliff State park entrance road. The applicant believes that by routing this flow in its own channel, more than a mile of the provo River could be improved and sediment delivery to the State Park could be considerably reduced.

Impacts to waters of the U.S., including wetlands, due to the restoration component, are based on an estimation at this time. The current estimation of 4.5 acres may change as planning for the restoration progresses. Please reference Sheet Nos. R1L, R1U for more specific details on the conceptual restoration design. The final restoration plan will be reviewed by all interested agencies and public citizens.

Culinary water would be developed from two wells drilled in the river valley and in Webb Hollow, an upland home site area. Water from the Provo River would be pumped to a pond on the Mountain golf course for irrigation. The River golf course and the second mountain golf course would be irrigated with water from existing water diversions in Webb Hollow and the Provo River. Currently, water rights on the property are specific to irrigation, but the applicant proposes to change the water rights to cover culinary uses.

Sewer collection services would be implemented by the Jordanelle Special Service District (JSSD). A sewer trunk would be constructed from the resort's main entry north to an existing district outfall line at Tuhaye Ranch.

AREA DESCRIPTION:

The applicant has provided the following information:

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. Please refer to the Location Map on Sheet 1.

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. Please reference Table 1 for a list of dominant vegetation at Victory Ranch.

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 (please reference sheet nos. W0L and W0U). Most of the wetland acreage is composed of emergent wet meadow habitat and forested flood channels within the river valley.

ALTERNATIVES: The applicant has submitted a detailed Section 404(b)1 alternatives analysis to the Corps. In-lieu of a summary of this information here, we have attached the submitted analysis at the end of this document.

ADDITIONAL INFORMATION:

The applicant has provided the following information:

Secondary Impacts and Methods to Minimize Impacts: The function of the river and riparian environment has guided the design of the River golf course. The course occupies approximately 194 acres within the river valley and 45 acres on the bench above the valley. Turf areas are proposed for approximately 42% of the total golf course area and are located in areas rarely if ever subjected to flooding. Approximately 10% of the riparian forest in the river valley project area will be removed. Forest regeneration and improved quality in the remaining 90% due to removal of livestock is proposed as mitigation offsetting the loss of canopy to construction of the golf course.

Most water features which are currently diverted or otherwise controlled for irrigation purposes would be used to provide for a more naturally functioning system. Natural drainage patterns

would also be restored in some mountain areas where irrigation diversions and stock watering ponds have altered flows. A system to collect and retain storm water runoff from developed areas would be designed to minimize impacts to natural drainages.

The main entrance bridge from SR-32 would be replaced with a bridge that completely spans the river. An additional bridge located on the former Fitzgerald ranch would be removed.

Preliminary water use calculations indicate total water consumption for irrigation and culinary use would be less than current consumption for flood irrigation related to agricultural practices. Sprinkler systems, designed to monitor water needs, would be used on all three golf courses to minimize water consumption. Watering would be limited to turf areas and non turf areas of the golf courses would be vegetated with species naturally suited to the climate.

An Integrated Golf Course Management Plan would be developed for the River golf course. This plan would determine design requirements such as grading, buffers, irrigation and fertilization systems and long-term management practices. The turf chemical (pesticides and fertilizers) sections of the IGCMP would provide risk based analysis by modeling potential nutrient and pesticide transport utilizing site specific data on soil saturation rates, subsurface and surface hydrology and climate. The IGCMP is based on the philosophy that by properly growing-in and maintaining healthy turf using a variety of techniques, one minimizes the need for pesticides. Please contact Ms. Harriet Whitson at Wise Earth, P.O. Box 980994, Park City, Utah 84098 or wise@parkcityus.com for detailed information regarding the IGCMP.

MITIGATION: Mitigation for direct wetland impacts has been conceptually proposed by the applicant. The direct wetland impacts related to development construction have been accounted for separately from river restoration impacts. These impacts would be mitigated by construction of in-kind wetlands within the upper river preservation area where adequate water resources are available to construct new wetlands at a minimum ratio of 3:1 acres of created wetland to impacted wetland. The specific location of the mitigation site may be found by referencing the attached maps labeled Sheet No. W4N and W4S. The applicant has stated that impacts to riparian forest and other non-jurisdictional riparian habitat would be directly offset by improved habitat quality associated with removal of grazing from the preservation area. Specifically 9 acres of seasonally flooded wet meadow would be constructed to replace direct impacts to 2.86 acres of wetlands.

The applicant has stated that direct wetland impacts associated with the river restoration effort would be compensated for in the river restoration design. Substantial direct and indirect benefits are predicted in addition to the minimum commitment and they would be specifically accounted for during the design phase of the restoration plan scheduled to be completed by January 2002 with input from regulatory agencies.

Additional mitigation commitments for indirect impacts include revegetation with native plants in all areas within the river valley disturbed by construction with the exception of golf course fairways. Forage grasses would be replaced with native species in the golf course reach outside of the field of play even if these areas are not directly disturbed for golf course construction. The replacement of forage grass with native species requires the use of herbicides and/or removal of topsoil, neither of which are appropriate for areas adjacent to wetlands or water features. Therefore, the forage grass eradication effort would not include these sensitive areas.

CULTURAL RESOURCES: A cultural resources inventory has been completed and it appears that historic properties are present on the project site. P-III Associates, Inc. conducted the survey and found potential historic properties on site that included buildings, dikes, and bridges. A list of these properties has not yet been submitted to the Corps. The consultant has had preliminary discussions about these resources with the State Historic Preservation Office (SHPO). That office has indicated that it would like to consider all of the structures, including dikes and bridges, as potential historic sites. They have also indicated that the structures should be left in place where possible, moved to another location, or processed through a HABS Level 1 documentation. Any work would be done according to the recommendations of the cultural resources consultant and the Utah Division of State History. This office has requested a survey of National Register sites from the applicant.

THREATENED, ENDANGERED, AND CONSERVATION SPECIES: Pursuant to Section 7 of the Endangered Species Act, the applicant has conducted and/or is planning to conduct surveys to locate populations of rare or endangered species including spotted frogs, Ute ladies'-tresses and sage grouse.

Populations of spotted frog, a Utah Conservation Species, have been located on the project site. The applicant has stated that spotted frog data was collected throughout the summer and data concerning frog populations and habitat were used in development of the golf course design. The development proposal throughout the project avoids identified areas of occurrence of spotted frog. Currently, the applicant has submitted a small scale overview of known frog locations and potential habitat areas. He has stated that a full report on this species will be submitted in December, 2001.

Ute ladies'-tresses, a riparian orchid listed on the Federal Threatened Species List, was not found on the site, but high quality habitat was mapped. It is known to occur along the Provo River approximately 5 miles downstream of the project area. A survey was conducted by Leslie Gecy of Western Wetland Systems between August 7 and September 3, 2001 to determine the presence of existing populations and habitat for Ute ladies'-tresses. Surveys were conducted in all wetlands, irrigated pastures, riparian areas and other habitats potentially suitable for the Ute Ladies'-tresses located within the Provo River corridor. Surveys were conducted according to U.S. Fish and Wildlife Service protocols (FWS 1992 and 1995). Twenty three areas were mapped as providing moderate to high potential habitat for the Ute ladies'-tresses. Moderate and high potential habitat has been mapped, and the applicant has stated that impacts to this habitat would occur. This office has not received the locations of these impacts, but this information has been requested of the applicant.

A reconnaissance of likely sage grouse winter range and strutting areas throughout the development site was conducted on May 1, 2001 by Grant Jense, Division of Wildlife Resources (DWR) and Harriet Whitson, Wise Earth. Evidence of sage grouse populations were found as well as potential habitat. The applicant has stated that impacts to sage grouse would occur, however the applicant believes that habitat quality would benefit due to the removal of some livestock grazing and the preservation of open space.

A survey of sensitive bird areas on the project site was conducted by Elisabeth Ammon, Ph.D, a subcontractor of Otis Bay Consultants. At this time, the applicant has submitted information from this survey in draft form. Results of the survey are currently being analyzed and the applicant has stated that a final report will be submitted at the end of December 2001. In summary, breeding bird point count surveys were conducted in the Provo River floodplain of the proposed project between June 1 and July 15, 2001. Habitat assessments were completed

between September 1 and September 30, 2001. These surveys and habitat assessments were conducted in 37 sampling points.

The majority of bird species found in the Provo River floodplain are neotropical migratory songbirds that nest in riparian woodlands. These species include Yellow Warbler, Black-headed Grosbeak, Swainson's Thrush, and Warbling Vireo. None of the bird species sighted in the Provo River corridor of Victory Ranch are listed on the Federal Threatened and Endangered Species list, nor on the most recent Sensitive Species List of Utah Division of Wildlife Resources (UDWR, 1998). Species found on the project site that are sensitive to large-scale habitat disturbances include the Bald Eagle, Golden Eagle, Great Blue Heron, Sandhill Crane, Red-tailed Hawk, Cooper's Hawk, and Willow Flycatcher. A Great Blue Heron rookery has been located near the end of the river berm in the upstream reaches. This rookery is located in the reach of the river proposed for river restoration and conservation.

It is unclear at this time how Bald Eagle, Golden Eagle, Sandhill Crane, Willow Flycatcher and Cooper's Hawk populations would be affected. However the preliminary report conducted by Ms. Ammon indicates that the effects of this project on habitat specific to the Cooper's Hawk and Sandhill Crane would be beneficial due to the anticipated decrease in livestock grazing. Livestock grazing eliminates habitat for these species as well as habitat for their prey base.

To obtain more detailed information of the surveys conducted for the species referenced in the above paragraphs, please contact Ms. Harriet Whitson of Wise Earth, P.O. Box 980994, Park City, Utah 84098, or wise@parkcityus.com. Maps of identified species' occurrence are also available by request.

PUBLIC COMMENT: Interested parties are invited to submit written comments on or before **January 6, 2002**. 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.

Certification that the proposed work, if permitted, will not violate applicable water quality standards 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 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870, on or before **January 6, 2002**.

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.

If additional information is required, please contact Ms. Harriet Whitson at Wise Earth, P.O. Box 980994, Park City, Utah 84098 (wise@parkcityus.com) or Ms. Amy Defreese at the Utah Regulatory Office, (801) 295-8380 extension 13.

Written comments should reference Public Notice No. 200150252 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Amy Defreese, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due on January 6, 2002.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures