



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200250060

Date: February 22, 2002

Comments Due: March 22, 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 to relocate approximately 2,450 linear feet of Box Elder Creek below the Watery Lane bridge and reconfiguring the channel into a more natural form, as shown in the attached drawings.

Applicant: Brigham City Department of Public Works
Mr. Bruce Leonard, Public Works Director
20 North Main Street
Brigham City, UT 84302

Location: The Project encompasses 21.14 acres immediately west of the intersection of 600 North and Watery Lane, in Section 10, Township 19 North, Range 2 West, approximately UTM Coordinate Zone 12 Northing 4597000 Easting 413000 in Brigham City, Utah.

Purpose: Brigham City foresees the potential for unavoidable impacts to "Waters of the U.S." that will require mitigation. These future projects have not been identified by Brigham City. Also, the location of the roadway next to Box Elder Creek creates a safety hazard for motorists, and increased risk during occasional floods. Therefore, it is in Brigham City's and public's best interest to create an advanced mitigation area in conjunction with relocating Box Elder Creek on adjacent property owned by Brigham City.

Project Description: The proposed project involves relocating approximately 2,450 linear feet of Box Elder Creek immediately downstream from the Watery Lane bridge and re-routing the channel through a meadow area owned by Brigham City. The re-located channel would tie back into the existing channel at a point approximately 1,800 feet west of Watery Lane for a total expanded reach of approximately 3,200 feet in length. Within this relocated portion, the stream will be designed to assimilate a more natural stream that incorporates meander bends, pools and riffles, diverse riparian vegetation, and a hydrologically connected floodplain. Within the Project Area, the re-configuration of the stream will greatly enhance the aquatic resource and avian habitat functions of the existing wetlands, improve downstream water quality, and reduce downstream flooding risks.

Area Description:**Box Elder Creek**

Within the Project Area, Box Elder Creek currently flows within a straight, engineered channel that functions as a canal rather than as a natural stream system. The existing plane-bed channel, which has a uniform, trapezoidal-shape, does not provide pool or riffle habitat, and instream cover for aquatic species is extremely limited. Vegetation along the channel consists of grass and a line of mature, even-aged, planted crack willows. The existing riparian corridor lacks the diversity, structure, and habitat value associated with a naturally-functioning riparian system. Currently Box Elder Creek is hydrologically isolated from its floodplain, and under existing conditions none of the benefits of naturally-functioning floodplains are realized. Specifically, the existing stream system does not slow or store floodwaters, facilitate the uptake of pollutants, or promote recruitment of native woody riparian species.

Meadow Area

The existing meadow area consists primarily of marginal sedge-meadow wetlands that are highly impacted by current grazing operations. Heavy grazing pressure limits the availability of seedheads as a food source for birds and other wildlife. The existing vegetative cover lacks structure, canopy, and diversity, and provides limited avian habitat value. A small upland area exists where fill material was placed along a diversion ditch that is no longer in use.

Alternatives: Relocating the stream in its current channelized condition to the opposite side of the existing trees and excavating a large basin within the stream channel were reviewed as possible alternatives to the current design. However, neither option created an opportunity for Brigham City to gain mitigation enhancement credit. Other alternatives for mitigation that did not include the stream relocation were not considered because the enhancement of stream functions is considered essential to the mitigation.

If you have any questions concerning this information, please contact me by phone at (435)752-4202, or by electronic mail at nnorman@bio-west.com.

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.

This activity would not affect any threatened or endangered species or their critical habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **March 21, 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 have 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, PO Box 144870, Salt Lake City, Utah 84114-4870, on or before **March 22, 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 Bruce Leonard, Public Works Director, Brigham City at (435) 734-2001 or Mr. James Thomas of the Utah Regulatory Office, telephone 801-295-8380 or email jthomas@spk.usace.army.mil. Written comments should reference Public Notice Number 200250060 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Mr. James Thomas, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **March 22, 2002**.

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

Enclosures: Drawings (9)