



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250089

Date: October 24, 2003

Comments Due: November 25, 2003

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 place fill material in wetlands and in the Jordan River as shown in the attached drawings.

APPLICANT: Wayne Niederhauser
CW Management Company
9071 South 1300 West, Suite 201
West Jordan, UT 84088

LOCATION: The CW Management Company's proposed Springview Farms Planned Community Development project is located at approximately 14600 South and 1300 West, Bluffdale, Salt Lake County, Utah. The project site is located in Sections 2, 3, 10 and 11, Township 4 South, Range 1 West. Latitude 40-29-12.5179, Longitude 111-55-55.6213, UTM Zone 12, 421000 North, 4482000 East.

PURPOSE: The purpose of this project is to provide additional residential housing in an area that is demonstrating growth.

PROJECT DESCRIPTION: The applicant proposes to develop an approximately 229-acre parcel for residential use. Development will use the "clustering" approach which concentrates housing units in predetermined areas while preserving greater amounts of open space within the development. Approximately 42.28 acres of wetland are located on the parcel. Development will involve the construction of ingress and egress roads, the installation of utility lines and the preparation of individual lots for construction. These activities will directly impact 1.26 acres of wetlands. After the wetland fills that are necessary for the development of the individual lots have been completed, 0.90 acre of wetland will remain on individual lots throughout the development. Although no fills are planned for this 0.90 acre, the applicant has decided to consider anticipated indirect impacts to these areas as direct impacts and to mitigate for them. Therefore, total wetland impacts are anticipated to be 2.16 acres. These are palustrine emergent wetlands with some associated open water and wet meadow. Individual wetland impacts and their locations are listed on attached sheet 2 of 16. In addition, the applicant proposes to complete some bank alteration and stabilization work along the Jordan River. This work involves regrading and installing riprap at several locations as shown attached sheets 4, 5 and 6. Approximately 2,200 feet of river bank will be stabilized. As shown on attached sheet 15, at

these locations riprap will be installed along the bank to an elevation that approximates average flood elevation. At this elevation, a 5-foot-wide "emergent bench" will be constructed and vegetated with appropriate species. Above this bench, additional riprap will be installed up to the elevation of the 100-year flood event. Above this elevation the remaining bank will be graded to a 3:1 slope and revegetated with native grasses. A state-required 150-foot setback from the Jordan River has been incorporated into the plans to protect the stream and to maintain a riparian corridor. The state will retain ownership of 21 acres of open space along the river.

As part of the bank stabilization work, the applicant proposes to construct a series of three launch trenches at different locations along the river where it is expected that bank erosion may become a problem in the future. These trenches will be 3 feet wide and 3 feet deep. They will be filled with riprap and then covered with earth. It is anticipated that any further bank erosion at these locations will erode the earth from under these trenches, causing the riprap to be released in a manner that stops further erosion. Approximately 3,320 feet of launch trenches will be constructed above ordinary high water and in upland as shown on the attached drawings.

The applicant also proposes to construct a stormwater outfall structure on the river. This will include a 30-inch concrete discharge pipe extending from a detention basin. A rock apron approximately 20 feet long and 12 feet wide will extend from the pipe to the river.

Development will include the construction of a pedestrian trail and an equestrian trail. The pedestrian trail will cross wetlands at three locations as shown on sheets 6, 8 and 11. The crossings shown on sheets 6 and 11 will be bridged crossings with no fills placed in wetlands. The crossing shown on sheet 8 will be an elevated boardwalk installed on pilings. In addition, the pedestrian trail will cross the Jordan River one time as shown on sheet 5. This bridge will span the river and will require no fill placement in the stream. The equestrian trail will have one wetland crossing as shown on sheet 11. This will be a bridged crossing and will not require wetland fills. The equestrian trail will not cross the Jordan River.

To reduce indirect impacts to wetlands, the applicant proposes to construct a wrought iron fence at locations where there is a probability of such impacts occurring after development has been completed. The fence will be constructed on property boundaries at locations where individual lot lines are close to remaining wetlands. The fence will be 6 feet high with a maximum spacing between bars of nine inches. Additionally, a 25-foot-wide buffer will be established between the fence and the wetland. The buffer will be planted with species such as woods rose to further limit access to the wetland. To further reduce wetland impacts, best management practices, including erosion and sedimentation control measures, will be implemented during construction.

The work will be completed in two phases. Phase 1 is located on the east side of the Jordan River and consists of Reddington Estates, Pacific Bay Estates, Springview Estates and Loomis Villages 1. Phase 2 is located on the west side of the Jordan River and is composed of Sage Estates 1 and 2 and Loomis Villages 2. Phase 1 will be completed within 24 months of obtaining all necessary approvals. Phase 2 will be completed within 24 months of the completion of Phase 1. Although Phase 3 has been identified for planning purposes and is shown on the attached drawings, no development is planned for Phase 3. The area covered by Phase 3 has been identified only to comply with local master development plan requirements.

To mitigate for 2.16 acres of wetland impact, the applicant proposes to create 5.25 acres of wetland in the development's designated open space. Slightly more than 5 acres will be created in the upland meadow shown on sheet 8 of 16, an additional 0.14 acre will be created as an addition to an existing wetland shown on sheet 9 of 16 and 0.1 acre will be added to an existing

wetland as shown on sheet 5 of 16. At these locations, approximately 8 inches of soil will be removed to access seasonally high ground water. Supplemental water for the mitigation wetlands will be supplied by overflow water from ponds that will be constructed in upland near the entrance to the site. The applicant has obtained water rights for these ponds. The water will come from a nearby canal. Typical mitigation plantings will include Baltic rush, bulrush, cottonwood and box elder. At completion of the mitigation work, deed restrictions will be recorded on the mitigation areas and most will be turned over to Salt Lake County for management along with most of the development's other open space. The 0.14 acre of mitigation wetland shown on sheet 9 will be retained and maintained by the development's home owners' association. The applicant will remain responsible for monitoring the success of the mitigation areas for 5 years and for correcting any deficiencies noted by that monitoring.

The applicant considered two on-site alternatives to the proposed design. One alternative involved developing the site as an equestrian-based residential development with 229 individual lots. This alternative was rejected, in part, due to the fact that it would have provided for limited open space and because secondary impacts to wetlands would have been much greater. A second alternative involved modifying the first alternative to provide for larger lots and a more upscale development with a centralized equestrian facility, including a riding area and stables. Under this alternative, many of the parcel's wetlands would still have been privately owned and secondary impacts would have been much greater than with the preferred alternative. The applicant considers his preferred alternative to be the most desirable alternative because it limits the opportunity for housing horses on individual lots and because it provides for significant open space.

AREA DESCRIPTION: The project site is located in southern Salt Lake County. Surrounding land use is both residential and agricultural. A portion of the project site is located on a sagebrush-covered bluff overlooking the Jordan River. A steep slope separates the bluff from that portion of the project area along the river. Riparian vegetation is dominant along the river channel while that portion of the site between the bluff and the river is primarily upland meadow. Most of the parcel on the west side of the Jordan River is also upland meadow. The site has historically been used as pasture.

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 by the proposed work.

The proposed 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 **November 25, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. 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, PO Box 144870, Salt Lake City, Utah 84114-4870, on or before **November 25, 2003**.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits 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 CW Management, Wayne Niederhauser at 801-984-5770 or Dennis Blinkhorn of the Utah Regulatory Office, telephone 801-295-8380, extension 17, or email Dennis.L.Blinkhorn@usace.army.mil. Written comments should reference Public Notice Number 200250089 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Dennis Blinkhorn, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **November 25, 2003**.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Enclosures: Drawings