



# Public Notice

US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Number: 200250116  
Date: January 24, 2007  
Comments Due: February 26, 2007

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application to expand the Harper Precast site, which would result in impacts to approximately 3.05 acres of waters of the United States, including wetlands, in or adjacent to the Jordan River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

**APPLICANT:** Lawnie Mayhew  
Harper Contracting, Incorporated  
PO Box 18400  
Salt Lake City, Utah 84118

**AGENT:** Ryan Clerico  
JBR Environmental Consultants, Inc.  
8160 South Highland Drive  
Sandy, Utah 84093  
801-250-0132

**LOCATION:** The project site is located in Salt Lake City in Section 14, Township 1 North, Range 1 West, Salt Lake County, Utah, and can be seen on the Salt Lake City North USGS Topographic Quadrangle. More specifically, the proposed project is located at 1110 West 2300 North, Salt Lake City, 84118.

**PROJECT DESCRIPTION:** The applicant is proposing to permanently impact 3.05 acres of wetlands in order to expand the Harper Precast site. Currently the existing operation encompasses approximately 8 acres and the applicant has stated there is a need for an additional 3 acres of open air storage. Harper Precast manufactures concrete vaults, sound walls, K-rails (jersey barriers), and other items related to road construction and site development. Based on the available information, the overall project purpose is to expand the commercial operation. The applicant believes there is a need to create more open air storage of mainly pre-cast concrete materials produced on-site to meet the supply and scheduling demands of current and future construction projects. The attached drawings provide additional project details.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** The 21.6-acre project site includes approximately 5.42 acres of salt grass (*Distichlis spicata*) and sedge/rush community wetlands. The proposed impacts are mainly to the salt grass (*Distichlis spicata*) community. The site is neighbored by Chevron Gas Refinery to the north and two lane roads to the east and south. The Chevron Gas Refinery wetland mitigation area is located directly to the north of the project site. According to the applicant, the proposed expansion would not affect the Chevron Gas Refinery wetland mitigation site.

**Alternatives.** The applicant has provided little information concerning project alternatives. The applicant has stated that, prior to adopting the latest site plan, they evaluated multiple design layouts in order to meet the goals of the project while reducing wetland impacts. The applicant has determined that expanding the capacity of the existing facility is least environmentally damaging compared to relocating the facility to another parcel.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to enhance the remaining 2.37 acres of on-site wetlands and preserve these wetlands through either conservation easement or deed restriction. Additionally the applicant proposes to purchase 3.5 wet meadow credits from a Corps approved wetland mitigation bank.

**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 Ms. Shelly Quick, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before **February 26, 2007**.

**HISTORIC PROPERTIES:** Based on review of available information and a site visit conducted by Hollis Jencks of this office on November 21, 2006, there are no known cultural resources located within the project's area of potential effect. The Corps will not initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, unless additional information warrants consultation.

**ENDANGERED SPECIES:** Based on preliminary review, the project will not affect any known Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. The Corps will not initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, unless additional information warrants consultation.

**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 200250116, must be submitted to the office listed below on or before **February 26, 2007**:

Hollis Jencks, Project Manager  
US Army Corps of Engineers, Sacramento District  
Utah Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010-7744  
Email: [hollis.g.jencks@usace.army.mil](mailto:hollis.g.jencks@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/agent or the Corps' project manager Hollis Jencks, telephone 801-295-8380, extension 18, email [hollis.g.jencks@usace.army.mil](mailto:hollis.g.jencks@usace.army.mil).

Attachments: 3 drawings