



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250297

Date: February 6, 2003

Comments Due: March 6, 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 impact 0.69 acres of waters of the United States. The project will also dredge an additional 80,000 cubic yards of waters of the United States as shown in the attached drawings.

APPLICANT: Utah State Parks and Recreation
Attn: Mr. Bill Maughan
1594 West North Temple Street
Salt Lake City, UT 84114-6001

LOCATION: The project is located on the east shore of Utah Lake at the Utah Lake State Recreational Area. The project's street address is 4400 West Center Street within the City of Provo. It is also within the southeastern quarter of Section 5, Township 7 South, Range 2 East, Utah County, Utah.

PURPOSE: The purpose of the project has two major components. The first component is to realign the existing South jetty in order to reduce the amount of silt entering the marina. The predominant wind and wave action forces the water into the existing marina area. Once the water encounters the dike, the water velocities are reduced and the area becomes a depositional zone. The existing configuration of the dikes promotes the deposition of sediment in the marina area. The second component of the project is to remove accumulated sediment within the 10-acre harbor area. The proposed plan is to remove approximately 80,000 cubic yards of accumulated sediment within the harbor area, to a level of 4478' msl. This is the historic low water level and is 5 feet below the current lake level. Currently, the recreation area is required to dredge during low water years and as needed, usually every 5 to 10 years. Once this project is completed, the frequency of periodic dredging that has been required in the past will be reduced.

PROJECT DESCRIPTION: The project consists of the removal of a portion of the existing breakwater and its relocation to a new area. The removal area is approximately 500 feet long, 50 feet wide, and 15 feet high. The total amount of material to be removed is approximately 15,000 cubic yards or 0.57 acres. The new breakwater will be approximately 1200 feet long, 25 feet wide, and 15 feet high. The total amount of material to be replaced is approximately 16,000 cubic yards or 0.69 acres. The new breakwater will be constructed with the material from the old breakwater and new imported material. Upon completion, there will be permanent impacts to approximately 0.12 acres of waters of the United States. The erosional area of the breakwater will be covered with 24" riprap. No structures will be constructed

on the new breakwater. Both the removal of the existing breakwater and the placement of the new breakwater will be accessed from the existing breakwater using a track hoe and dump trucks. In addition, approximately 80,000 cubic yards (10 acres) of deposited material will be dredged from within the existing marina. Two methods are being evaluated for dredging the marina area. The preferred method is to use a hydraulic or suction dredge which will transfer and deposit the extracted material into detention ponds located at an upland position. The detention ponds will contain the spoils and any effluent will be allowed to settle prior to discharge back into the lake. The applicant is also considering de-watering the marina area in order to use heavy machinery to remove the accumulated sediment.

AREA DESCRIPTION: The project area is located directly on the east shore of Utah Lake within the Utah Lake State Recreational Area.

ALTERNATIVES: This is the smallest possible project that would achieve the desired results. An alternative construction method using sheet piles instead of natural fill could be utilized; however, this alternative would not change the size and scope of the proposed project. Two methods of construction were considered for this project. The first was to use sheet metal pilings to create the breakwater. This method was rejected because the wave energy is not reduced as it approaches the breakwater. Reflective energy from the waves is also hazardous to navigation. Robert R. Bottin, Jr., with the Army Corps of Engineers Coastal and Hydraulics Laboratory, supports the preferred method. This method of construction uses a flat bottom slope and riprap to create a breakwater that will reduce the wave energy and reflection. This method is also preferred by the state because it will reduce the need for repairs to the breakwater and will be safer for boaters.

MITIGATION: The applicant will remove approximately 15,000 cubic yards or 0.57 acres of the existing breakwater. Mitigation requirements for this project have not been finalized for the permanent impacts. The applicant may pursue an in-lieu fee to compensate for the 0.12 acres of permanent impact to waters of the U.S.

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. The following endangered species are present in the permit area: June Sucker (*Chasmistes liorus*), and Ute ladies tresses (*Spiranthes diluvalis*). With regards to the June Sucker, the District Engineer has preliminarily determined that this project is "not likely to adversely affect" this species.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation. A survey will be required for Ute ladies tresses (*Spiranthes diluvalis*).

Interested parties are invited to submit written comments on or before **March 6, 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 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 6, 2003**.

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 Mr. Bill Maughan, with Utah State Parks and Recreation, telephone 801-538-7350, or email billmaughan@utah.gov, or Mr. Shawn Zinszer of the Utah Regulatory Office, telephone 801-295-8380, extension 16, or email Shawn.H.Zinszer@usace.army.mil.

Written comments should reference Public Notice Number 200250297 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Mr. Shawn Zinszer, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **March 6, 2003**.

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

Enclosures: Drawings (3)