



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250316

Date: October 17, 2002

Comments Due: November 15, 2002

In reply, please refer to the Public Notice Number

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 fill 0.92 acres in the wetlands for development of hotels and business pads, as shown in the attached drawings.

APPLICANT: Uintah Land Co.
Randy Cassidy
139 East South Temple, Suite 130
Salt Lake City, UT 84111

LOCATION: The proposed Lake Point Commercial Development project is located at Junction of Interstate 80 (I-80) and State Route 36 (SR-36), Tooele County, Utah. Section 35, Township 2 South, Range 4 West. UTM Zone 12, North 4504500, East 392800. See Figure 1.

PURPOSE: The applicant's purpose of this project plan is to provide high quality commercial sites for tenants that will provide necessary goods and services to Tooele Valley residents. Commercial businesses are needed in this area to support Tooele Valley residents, many of which currently commute to Salt Lake City for employment, goods, and services.

PROJECT DESCRIPTION: The proposed project is a conceptual plan for a commercial development including two hotels and three commercial pads (restaurant or retail). Figure 3 depicts a preliminary site plan of the proposed project. This site plan meets the economic requirements of site development. It provides 37,500 square feet of hotel lease space, 18,300 square feet of business pad sites, and adequate parking for the improvements. It also provides separate pad sites that are desired by contemporary tenants.

This site plan meets the confines of the sewer easement, zoning, storm water drainage, and the county building setback requirements. A frontage road for future access from Sunset Lane is also provided.

AREA DESCRIPTION: The project site is a vacant 13.42-acre parcel of property surrounded by human impact. It is bordered by I-80 on the west, the I-80 eastbound off-ramp on the north, SR-36 on the east, and vacant land on the south. The project site has been disturbed by installation of a new sewer line, the widening of SR-36, construction of the new I-80 eastbound off-ramp, and installation of three large billboards. Horses also graze the property.

Noxious plants, white top, lambsquarter and horseweed, are invading the property. Other dominant vegetation consists of wiregrass, salt grass, squirrel tail, rabbitbrush, and downy brome. Soils are Bramwell Silt Loam formed in alluvium and lacustrine sediments derived from mixed rock sources. The hydrology supplied to the site is direct precipitation, surface runoff from the adjacent roadways, and a high spring water table. Groundwater is assumed to generally flow northwest toward the Great Salt Lake. It is suspected that the construction of I-80 and SR-36 have disrupted the natural groundwater flow patterns resulting in a slightly higher groundwater level than existed prior to the road construction.

A 3.01-acre jurisdictional wetland is located within the project study area (see wetland delineation and Figure 2). The wetland is a salt grass wet meadow, seasonally flooded cover type. The widening of SR-36 impacted a portion of this wetland.

ALTERNATIVES: Uintah Land Co. explored different onsite configurations. Some of the confines of the project design include geotechnical considerations, construction costs, accessibility and zoning. The applicant's evaluation of alternatives is described as follows:

One alternative was to square the southern boundary of the project site. This would provide more highway frontage and would increase business visibility from SR-36. This alternative was discarded by the applicant because it would involve land exchange with the property owner to the south and because project designs would require impacts to a larger portion of the wetland than the proposed project.

One of UDOT's main objectives of the SR-36 widening project was to control roadway access from developments along SR-36. As a result, access to the project site from SR-36 will be allowed only temporarily until such time as the adjacent parcel to the south is developed. A frontage road will be constructed to provide permanent access from the intersection at Sunset Lane upon development of the parcel to the south. Sunset Lane intersects SR-36 approximately 800 feet south of the project site (Figure 1).

A second alternative would utilize the existing dirt road to the pump house as the access road. Hotel Pad "A" would be a large hotel with 75 – 100 rooms. This alternative would have a higher commercial value than the proposed project; however it was disregarded because it did not comply with the SR-36 access restriction.

A third alternative would move Hotel Pad "A" northwest out of the wetland boundaries and eliminate one restaurant pad. This alternative may require less impact to the wetland; however it was eliminated by the applicant because it did not provide enough tenant space to meet the economic requirements of the project site.

ADDITIONAL INFORMATION:

Mitigation of Impacts: Uintah Land Company proposes to mitigate construction impacts to the wetland off-site at the Saddleback Boulevard mitigation site, a 28.86-acre wetland north and east of the proposed Saddleback Boulevard in Lake Point, Utah. The size of this wetland would be increased from 28.86-acres to 30.51-acres to mitigate for impacts of construction of Saddleback Boulevard (Department of the Army permit #200050127). Uintah Land Company proposes to further increase the Saddleback wetland complex by 0.92 acre (1:1 ratio) to mitigate impacts of this highway commercial site project.

The wetland on the highway commercial site is a low quality wetland surrounded by human development. Noxious plants are invading the wetland and a potential artificial hydrology source may have been intercepted by installation of the new sewer line. This wetland has a low functional value and degradation is likely to continue. Off-site mitigation would be the best alternative for the continued success of this wetland resource.

The proposed mitigation objectives for impacts to the wetland on the highway commercial property are: to replace the impacted wetland at a 1:1 ratio with in-kind wetland habitat; enhance the aesthetic value of the wetland resource; and to preserve a larger, better functioning, wetland complex from future human impacts. Figure 4 depicts a conceptual plan of the proposed mitigation site. It includes the proposed 0.92-acre highway commercial property mitigation site, the 1.65-acres Saddleback Boulevard Mitigation Site, and the existing 28.86-acres wetland. (See the Saddleback Development Mitigation Plan, September 2001, on file at the COE office for complete plan details).

At the Saddleback mitigation site 0.92-acres of upland would be converted to wetland. The mitigation site is within close proximity (1/4-mile east) of the highway commercial site (Figure 1). The created wetland would be wet meadow cover type to replace the impacted resource with in-kind habitat. Monitoring efforts would be simplified and maximized as they could be coupled with monitoring efforts done for the Saddleback Boulevard mitigation.

The proposed mitigation would enhance the existing wetland at the Saddleback Development by making the existing wetland larger. The wetland on the highway commercial site is a small isolated wetland. Large wetland complexes have a higher functional value than small isolated wetlands. Functional value includes wildlife use, water quality benefits, flood control and nutrient cycling. Increasing the size of the Saddleback mitigation site would increase its functional value as well as its chance for success.

The proposed mitigation would preserve the entire 31.43-acres wetland complex from incidental human impact and future development. The mitigation site would be aesthetically pleasing to the surroundings. As the Tooele Valley is developed this mitigation site would be preserved and remain undeveloped. The open space would help sustain the rural appeal of the Valley.

Erosion Control Measures: Uintah Land Co. will implement erosion control measures to prevent indirect impacts to the wetland by construction. A temporary silt fence would be installed along the southern boundary of the project site to avoid construction impacts and to identify construction limits.

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 **November 9, 2002**. 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 **November 15, 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 Mr. Randy Cassidy of the Uintah Land Company at 801-328-1600 or Mr. James Thomas of the Utah Regulatory Office, telephone 801-295-8380, extension 18, email Jim.Thomas@usace.army.mil. Written comments should reference Public Notice Number 200250316 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: James Thomas, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **November 15, 2002**.

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

Enclosures: Drawings (5)