



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250435

Date: August 4, 2003

Comments Due: September 4, 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 expand existing sewage treatment lagoons as shown in the attached drawings.

APPLICANT: Perry City
3005 South 600 West
Perry City, UT 84302

LOCATION: The proposed project is located on the west side of Interstate 15 south of Exit 364 in Box Elder County, Utah, in Section 4, Township 8 North, Range 2 West. UTM Zone 12, 411155.00 North, 4589252.00 East.

PURPOSE: The purpose of the project is to expand existing sewage treatment capabilities to meet the anticipated needs.

PROJECT DESCRIPTION: The project is to build a new treatment cell on the east end of existing treatment lagoons. See Figure 2. Perry City proposes to construct earthen berms reinforced with rock riprap along the southern and eastern boundaries of the proposed cell. The new berm will be approximately 1,420 linear feet in length and 8.5 feet high. The base of the berm will be 56 feet wide.

AREA DESCRIPTION: The proposed impact area is a sparsely vegetated salt flat of a seasonal nature. Approximately half of the salt flat is sparsely vegetated with halophytic vegetation including *Salicornia rubra* and *Distichlis spicata*. This salt flat is an extension of the wetland mosaic associated with the Great Salt Lake. The proposed impact area is adjacent to the existing treatment ponds. The impact to waters of the United States would be approximately 1.8 acres of direct impact from the berm. Additionally, approximately 9 acres of salt flat would be converted to a new sewage treatment pond. Total impact to waters of the United States including the berm and the pond would be approximately 10.8 acres.

ALTERNATIVES: Under the no action alternative, the treatment cell would not be constructed but Perry City would not have the capacity to meet anticipated future needs. The applicant has stated that construction of the new cell at another location would not be economically feasible due to costs associated with the purchase of land and installation of sewer lines to a new location. The applicant's preferred alternative is the proposed city-owned property.

ADDITIONAL INFORMATION: The applicant has offered no mitigation. The applicant asserts that the resultant 9-acre sewage pond will provide a greater benefit to wildlife than the existing salt flats, in that it will provide foraging, nesting, and resting opportunities that are currently unavailable at this site.

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 **September 4, 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 **September 4, 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 the applicant's consultant Nancy Kagel, Lone Goose Environmental LLC, 3879 East 200 North, Rigby, ID 83442, telephone 208-745-0076, or Mr. James Thomas of the Utah Regulatory Office, telephone 801-295-8380, extension 18, or email Jim.Thomas@usace.army.mil. Written comments should reference Public Notice Number 200250435 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 **September 4, 2003**.

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

Enclosures: 3 Drawings