



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250438

Date: June 2, 2003

Comments Due: July 2, 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 to retain the discharge of dredged and fill material in Panguitch Lake, as shown in the attached drawings.

APPLICANT: Mr. John Boschetto
The Aspen Cove Resort
225 Northshore Road
Post Office Box 859
Panguitch, Utah 84759
1-866-497-5581

LOCATION: Panguitch Lake, Section 33, Township 35 South, Range 7 West, Garfield County, Utah, UTM Zone 12, 354710.12 North, 4176358.72 East.

PURPOSE: Disposal of dredged material from maintenance of low water boating channel and basin. The berms or dikes of dredged material adjacent to the boat channel and basin also provide erosion protection from wind and wave action, and lake level fluctuations. Large rock riprap is for bank stabilization and protection from erosion. All of the work in waters of the U.S. is complete.

PROJECT DESCRIPTION: The applicant operates and maintains a commercial resort boat dock area including docking facilities, boat ramp, and low water access channel in the lake as part of its operation doing business as The Aspen Cove Resort, which is open year-round. Services also include a hotel, restaurant, and boat rentals. The facilities in the lake have apparently existed several decades. After researching with previous owners, the applicant discovered that the boating area and channel "dikes" were started in the 1950's. The channel was maintained with periodic dredging by previous owners. Improvements have occurred over time. Over the past several years, the basin area and low water access channel have filled in and the applicant was unable to launch any boats.

Using a dragline, front end loaders, and back hoe, the applicant excavated and improved the basin and channel for access and navigability. Approximately 17,800 cubic yards of dredged material were excavated and placed along the sides of the boat channel. Approximately 850

cubic yards of rock (average diameter of 8 inches) were imported and placed for bank stabilization. Approximately 260 cubic yards of imported 6-inch granular fill were placed on top of the fill in travel areas (walkways and driveways). The applicant adds that boat and automobile motors, various metal debris, cement anchors, and cables were completely removed from the lake during this dredging last fall. The applicant is requesting authorization for existing work in the lake, and to maintain the basin and channel and adjacent dikes according to the dimensions shown on the attached drawings. The applicant expects to perform future maintenance dredging with deposit of the dredged material on the existing dikes about every 2 to 3 years.

AREA DESCRIPTION: Panguitch Lake, at elevation 8,210 feet above mean sea level, has a surface area of about 1,250 acres, maximum depth of 66 feet, and is located in Dixie National Forest. Originally, Panguitch Lake was a natural lake encompassing about 777 acres until it was enlarged with a series of dams. The lake is in south central Utah and a popular attraction for fishing, boating, waterskiing, camping, and other various four-season recreational activities. It is a source of irrigation water owned and operated by the West Panguitch Irrigation District. The surrounding vegetation communities are comprised of pine, aspen, spruce-fir, oak, and maple. The watershed receives 10-20 inches of precipitation annually with a frost-free season of 60-80 days at the lake. Vacation home development is substantial.

ALTERNATIVES: The applicant did not provide any alternatives analysis with the permit application. The no action or permit denial alternative is available. Removal of the dredged and fill material, in whole or in part, from the lake to an upland disposal site is an alternative but the availability of such a site is unknown at this writing. Cost of such removal may also be prohibitive for the applicant. Removal would also apparently cancel the protection from erosion and siltation from wind and water action afforded by the "dikes."

MITIGATION: The applicant did not provide any proposed compensatory mitigation for the project with the permit application.

ADDITIONAL INFORMATION: The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are not any places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area.

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 **July 2, 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 (non-point 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 **July 2, 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. Grady L. McNure of the St. George Regulatory Office at telephone number 435-986-3979 or e-mail address, grady.mcnure@usace.army.mil. Written comments should reference Public Notice Number 200250438 and should be mailed to the U.S. Army, Corps of Engineers, St. George

Regulatory Office, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310.
Comments are due **July 2, 2003**.

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

Enclosures: Drawings