



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200250439

Date: April 16, 2003

Comments Due: May 16, 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 the Panguitch Lake, as shown in the attached drawings.

APPLICANT: Mr. Brandon and Ms. Sandra Smith
Rustic Lodge
Post Office Box 373
Panguitch, Utah 84759

LOCATION: Panguitch Lake, Section 33, Township 35 South, Range 7 West, Garfield County, Utah, UTM Zone 12, 354551.39 North, 4176203.97 East.

PURPOSE: Disposal of dredged material from boating access, low-water, channel maintenance. The "dikes" of dredged material adjacent to the boat channel and additionally placed rock also provide erosion protection from wind and wave action, and lake level fluctuations.

PROJECT DESCRIPTION: The applicant maintains a commercial boat dock area, including boat ramp, and low water access channel in the lake as part of its operation doing business as Rustic Lodge, a four-season resort. The applicant's facilities and services also include a lodge, restaurant, cabins, recreational vehicle park, and tent sites and boat rentals.

According to research by the applicant with previous owners, the boat dock area and channel were in place as early as 1970. The basin and channel were apparently maintained with periodic dredging. Over the past several years, the dock area basin and channel has filled in. Coupled with the several recent years of drought and a greater than usual lake draw-down, the applicant was unable to launch boats in late summer and fall of this past year. Using track hoe and front end loader, the applicant excavated and improved the basin and channel. The applicant gave quantities of 650 cubic yards (cy) of rock, 3,880 cy of dredged material, and 200 cy of granular material. The applicant adds that junk materials e.g., old motors, anchors, and metal items were completely removed from the lake. The applicant is requesting authorization to the existing work 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

of very small quantities of material on 5-year intervals. These quantities would be deposited outside of the lake.

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 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 popular attraction for fishing, boating, waterskiing, camping, and other various 4-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 reservoir. Vacation home development is substantial.

ALTERNATIVES: The applicant did not provide an alternatives analysis with the permit application. The no action or permit denial alternative is available. Removal of dredged material and fill material, in whole or in part, from the waterbody to an upland disposal site is an alternative but the availability of such a site is unknown at this time of 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 **May 16, 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 **May 16, 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 agent, Mr. Allen G. Smith at telephone number (435) 676-2627 or Mr. Grady L. McNure of the St. George Regulatory Office, telephone number (435) 986-3979 or e-mail address, Grady.McNure@usace.army.mil. Written comments should refer application number 200250439 and should be mailed to the U.S. Army Corps of Engineers, St. George Regulatory Office, ATTN: Mr. Grady L. McNure, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310. Comments are due **May 16, 2003**.

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

Enclosures: Drawings