



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200275549

Date: February 4, 2005

Comments Due: March 7, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application to reconstruct the Whiterocks State Fish Hatchery project, which would result in direct and indirect impacts to approximately 4.72 acres of waters of the United States, including wetlands, near Farm Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Utah Division of Wildlife Resources
ATTN: Joseph Valentine
1594 West North Temple, Suite 2110
Post Office Box 146301
Salt Lake City, Utah 84114-6301
801-538-4822

LOCATION: The project site is located approximately 2 miles northwest of the Town of Whiterocks within the E 1/2 Section 14, Township 1 North, Range 1 West, Uintah County, Utah, and can be seen on the Whiterocks USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to reconstruct the Whiterocks Fish Hatchery and associated facilities, and to reconstruct the spring water collection system. The existing Whiterocks Fish Hatchery is one of the key facilities in the State of Utah's Fish Production operations. The facilities at the hatchery have been in use since the 1920's and are in poor physical condition, with equipment and structures exceeding their expected useful production life. The hatchery's current rearing capacity is 35,500 pounds of coldwater fish production per year which is far below the State's current objective of 87,700 pounds per year at this site.

Direct impacts to waters of the United States include the placement of a new wastewater treatment facility within a portion of a 0.51 acre settling pond. The rest of the pond will be filled, as will approximately 0.132 acres of open ditches and other open water in the project area. The Utah Division of Wildlife Resources (UDWR) ascertains that the filling of open water on the project site is necessary to keep the hatchery free of whirling disease. Direct impacts to wetlands and springs include approximately 1.388 acres from the construction of new raceways, raceway access road, hatchery building, five spring boxes, three collector wells, one distribution

box, a series of distribution pipelines, and an aeration/degas structure. There are no anticipated indirect impacts to these open water areas. An estimated 2.69 acres of indirect impacts to wetlands are based on the assumption that the wetland complex associated with the water collection area will completely dry up over time. The applicant is willing to accept the responsibility of mitigating for the entire area, though it is unlikely that 100 percent of this wetland will convert to uplands. Based on the available information, the overall project purpose is to increase coldwater fish production free of whirling disease to stock Utah's lakes and streams, as identified in the Central Utah Project Completion Act. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The Whiterocks Fish Hatchery is located at a rural parcel of land, leased by the UDWR from the Ute Indian Tribe, approximately 2 miles northwest of the Town of Whiterocks, Utah. There are approximately 5.454 acres of palustrine emergent wetlands within the project area. The site is characterized by a spring-fed wetland complex, in an area known as Provo Dick's Springs, approximately 800 feet East of Farm Creek, with small interspersed open-water features containing the original degraded water collection system, a drainage ditch, and a 0.51 acre settling basin with adjacent wetlands. The original Whiterocks Fish Hatchery and associated facilities are also located on the site.

Alternatives. The applicant has provided information concerning project alternatives. The applicant-provided alternatives are as follows:

1. Proposed Action - Full reconstruction of the Whiterocks Hatchery to utilize the optimal use of the water supply and site conditions for coldwater fish production. Under this option the Department of the Interior (Department) intends to participate with the State of Utah by providing operations and maintenance funding to support the increased fish production at the Whiterocks Hatchery.

2. New Hatchery, New Location - Building a completely new hatchery at another site was considered. This alternative was eliminated by the applicant because, though it would meet project needs, it would not be the most cost-effective alternative. To date, no alternative equivalent water supply has been identified in the northeastern Utah service area. The need to purchase land and adequate water rights could add significant costs. The applicant states that this alternative would not meet the purpose of perpetuating or increasing existing hatchery production capabilities in a timely manner, or likely have substantial matching funds. They also believe that if a suitable site could be located, a new installation may have greater environmental impacts.

3. Shifting Production Responsibilities - Shifting production to other state hatcheries was also examined by the applicant. At present, there are no other hatcheries with appreciable unused production capacity within the state system. As such, this alternative is not feasible and would not fulfill project needs.

4. Partial Reconstruction - Partial reconstruction of the Whiterocks Hatchery was also considered. This alternative was rejected by the applicant because the cultural and environmental impacts associated with partial reconstruction are not anticipated to be substantially different from those associated with full reconstruction.

5. No Action - No reconstruction was also considered. This alternative would involve continued operation of existing facilities at the Whiterocks Hatchery without reconstruction and without financial support of hatchery operations and maintenance by the Department. This alternative does not meet project goals.

Additional information concerning project alternatives may be available from the applicant.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate for all direct and indirect impacts to waters of the United States including wetlands. Currently, conceptual mitigation plans state that the UDWR is researching on-site and off-site locations that would be appropriate for mitigating the impacts to this site. Additionally, the UDWR is working with the U.S. Fish and Wildlife Service, the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission), and the U.S. Army Corps of Engineers to find an off-site location that could be used as a consolidated mitigation site for impacts to this site, for use of in-lieu-fee mitigation monies, and for other unrelated mitigation obligations. It is generally understood that a large wetland area synergistically provides higher functions and values than many smaller isolated mitigation areas. One large area is also easier to maintain and control weeds than smaller isolated areas.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. 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, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before March 7, 2005.

HISTORIC PROPERTIES: There is a Memorandum of Agreement (MOA) between the Mitigation Commission, the State Historic Preservation Office (SHPO), and UDWR for this project outlining agency responsibilities. The Mitigation Commission, acting as the Lead Federal Agency, has initiated consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act. The SHPO has concurred with the MOA and the Historic and Cultural Resource findings of a low potential for discovery of significant archeological resources with some hatchery buildings and structures eligible for the National Register of Historic Places in a letter dated July 1, 2004.

ENDANGERED SPECIES: The Mitigation Commission has consulted with the U.S. Fish and Wildlife Service (USFWS), pursuant to Section 7 of the Endangered Species Act. The USFWS concurs that the project is "not likely to adversely affect" threatened and endangered species and critical habitat in a letter dated December 29, 2004.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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 activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200275549, must be submitted to the office listed below on or before March 7, 2005:

Nathan Green, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Nathan.J.Green@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Nathan Green, 970-243-1199, extension 12, Nathan.J.Green@usace.army.mil.

Attachments: 15 drawings