



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200350269

Date: July 29, 2003

Comments Due: August 29, 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 place fill material in 0.76 acre of wetlands, as shown in the attached drawings.

APPLICANT: BW Inc.
Mr. Dennis M. Baker
250 Beechwood
Boise, Idaho 83709

LOCATION: The location of the proposed project is 940 West Sam White Lane, Pleasant Grove, Utah. The site is located in Section 30, Township 5 South, Range 12 East, Utah County, Utah.

PURPOSE: The applicant proposes to complete site improvements that would make the property more suitable for development of a planned subdivision.

PROJECT DESCRIPTION: In recent years, much of this 10-acre site has been cultivated and used to produce grain crops. The remainder of the parcel is covered with herbaceous vegetation including 0.83 acre of wetland. This includes 0.65 acre of seasonal wet meadow and 0.11 acre of low quality marsh along a ditch in the center of the parcel. The remaining 0.07 acre of wetland is a small emergent marsh associated with a spring at the north end of the parcel. The applicant proposes to fill 0.76 acre of wetland, including the wet meadow and the marsh associated with the ditch. Fill material will be clean earth or gravel. The primary function of these wetlands is as wildlife habitat.

As mitigation for these impacts, the applicant proposes to create a mitigation area around the emergent marsh at the north end of the parcel. The surrounding area will be graded as shown on the attached drawing so that ground water is intercepted. Banks of the existing pond and marsh will be graded to approximately a 5:1 slope. At the completion of grading, topsoil will be spread over the site and it will be seeded with wetland species.

Willows will then be planted along 50% of the bank. When finished, the mitigation area will be a total of 1.75 acres. Of this acreage, 1.5 acres will be wetlands with the remaining 0.25 acres acting as an upland buffer. Also, two corrugated metal pipe (CMP) culverts will be installed within two separate irrigation ditches to better facilitate wildlife movement between this wetland complex and other wetland complexes located on adjacent properties. In addition, either a man-made or natural barrier will be installed to further protect the mitigation area. The site will be monitored with annual reports submitted to the Corps of Engineers until the wetland is successfully established. A conservation easement will be placed on the mitigation area and the city of Pleasant Grove will use the site as an interpretive area.

The applicant considered avoidance of the wetlands in possible development scenarios and determined that the economic viability of the project depends on completing the proposed work. The applicant has also suggested that, if development of the site were possible without impacting the wetlands, the value of the avoided wetlands would be greatly reduced.

AREA DESCRIPTION: The project area is approximately 10 acres in size and has been severely manipulated by past land use practices. As recently as two years ago, the parcel was used to grow agricultural crops and remnants of these crops can be seen on the site today. The majority of the property surrounding this parcel currently is used for agricultural purposes. However, with the completion of the new Pleasant Grove Interchange off of Interstate I-15, this surrounding agricultural land is under increased development pressure.

ADDITIONAL INFORMATION:

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. No further cultural resources review is warranted because the permit area has been extensively modified by previous work.

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 **August 29, 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 **August 29, 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, Karl Gebhardt, Resource Systems, Inc., 10306 Harvester Drive, Boise ID 83709, telephone 208-376-5264 or Mr. Shawn Zinszer of the Utah Regulatory Office, telephone 801-295-8380, extension 16, or email Shawn.H.Zinszer@usace.army.mil. Written comments should reference Public Notice Number 200350269 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Mr. Shawn Zinszer, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **August 29, 2003**.

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

Enclosures: 3 Drawings