



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200450009

Date: January 20, 2004

Comments Due: February 19, 2004

In reply, please refer to the Public Notice Number

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**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 discharge dredged or fill material into approximately 3.19 acres of wetlands adjacent to the Provo River for the reconstruction and widening of Highway US-189 between Wildwood and the Deer Creek Reservoir, in the Provo Canyon, as shown in the attached drawings.

**APPLICANT:** Mr. Tracy Conti, Utah Department of Transportation, Region III, 658 North 1500 West, Orem, Utah 84057.

**LOCATION:** The proposed Provo Canyon, US-189 Phase III, Wildwood to Deer Creek State Park project is located in Sections 3, 4, 5, 6, 7, and 28, Township 5 South, Range 4 East, and Sections 13 and 14, Township 5 South, Range 3 East, SLB&M, north of Wildwood, in Wasatch County, Utah.

**PURPOSE:** To widen and partially relocate a section of highway in the Provo Canyon to improve traffic flow and eliminate existing driving hazards.

**PROJECT DESCRIPTION:** This project is the third phase of a four-phase highway improvement project. This phase of the project will consist of improving and widening the existing two-lane highway to a four-lane highway over approximately 5.6 miles in the Provo Canyon from the town of Wildwood and extending approximately 2 miles past the Deer Creek Dam (Sheet 2 of 12). The first 1.1 miles of the highway north of Wildwood will closely follow the existing alignment of US-189, although it will have a wider cross-section. This widening will be accomplished with cuts into the slope in order to avoid impacts to the Provo River. The highway will then leave the existing alignment and a new section of highway will be constructed toward the vicinity of the Canyon Meadows Subdivision for approximately 1.2 miles. The new highway will then converge with the existing alignment above Deer Creek Campground. In this area the existing highway will be widened to four lanes. The proposed alignment would then diverge from the existing alignment and a new section of highway will be constructed from this location across the face of the dam. At this point, a bridge and abutments will be constructed to span the spillway of the dam. The alignment will then converge with the existing highway and would widen the alignment to four lanes for the remainder of the project length.

The proposed alignment will only require two stream crossings. The first crossing would occur at Deer Creek, where the existing culvert crossing will be widened to a total of 500 feet to accommodate the new work. The second crossing will be the Deer Creek Dam spillway, however, this crossing will be bridged at approximately the same height as the crest of the dam, and would not result in a discharge into the river (sheet 16 of 16).

The proposed work would require the filling of 2.44 acres of waters of the United States, most of which is emergent wetlands, the remainder is scrub/shrub wetlands and perennial riverine habitat. Increasing the length of the Deer Creek culvert would result in a loss of 0.17 acre of riverine and fisheries habitat. Additionally, 22.5 acres of non-game habitat and 71.8 acres big-game habitat would be lost as a result of the proposed work due to direct impacts of the highway and fragmentation of habitat.

Mitigation for the proposed impacts to wetlands and other waters of the United States has already been constructed at the mitigation site, known as the Bullock Mitigation Site. This mitigation site, located southwest of Wildwood, was constructed to compensate for the past phases of the project and for the anticipated impacts of the future phases of the highway improvements. The mitigation site is in its fifth year of the monitoring phase and has been successful in its development.

Additionally, as part of the mitigation commitment outlined in the 1995 Mitigation Plan for the Provo Canyon Highway project, UDOT has agreed to restore a portion of Deer Creek near its confluence with the Provo River. This restoration project was authorized under Department of the Army Permit No. 199450024 but was never constructed. It has since been redesigned and includes the construction of a new meandering channel approximately 1050 feet in length and 16-20 feet wide, riffle/pool complexes, resting and hiding cover for fish, and a wide and diverse riparian/wetland zone. The design incorporates a secondary cutoff channel that will help to pass flood flows and serve as backwater habitat during moderate flows. This restoration project has been coordinated with the Corps of Engineers, the U.S. Fish and Wildlife Service and the Utah Department of Wildlife Resources.

**AREA DESCRIPTION:** The area along this section of roadway is characterized by steep to moderately steep slopes rising from very near the Provo River or the existing roadway. Much of the topography is forested, although as the canyon opens somewhat near the dam the landscape tends to be characterized by upland and wetland meadows. Much of the south facing slopes are vegetated with scrub oak, sage, and grasses. In contrast, the north-facing slopes are forested with oak, maple, and Douglas-fir. Wetlands along the Provo riparian corridor occur as forested, shrub dominated, emergent marsh, and wet meadow types. They are considered valuable for fish and wildlife habitat, as well as their water quality and flood absorption characteristics.

Provo Canyon serves many human uses including transportation between Utah and Wasatch counties. It is also a destination for those seeking a variety of recreation opportunities. These include fishing, hiking, climbing, bicycling, skiing, and canoeing. It gets a large amount of overnight use with a number of vacation communities and camping areas, as well as some year-round residents. This stretch of the Provo River has one of the best brown trout fisheries in the state and is very popular among fishermen. A considerable volume of the winter traffic is destined for the Sundance Ski Area, although the highway is also heavily used for transportation between Provo and Heber.

**ADDITIONAL INFORMATION:**

Known cultural resource sites, including two historic residences, the Heber Valley Historic Railroad Overpass, Deer Creek Reservoir Dam Complex, Weeks Bench Archeological site, and a pre-historic site are located within the proposed project's area of potential affect, and it appears the sites will be impacted by the proposed work. A Memorandum of Agreement has been completed between the interested parties and details how impacts to known and unknown cultural resources shall be handled.

The Corps of Engineers has determined that 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 **February 19, 2004**. 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 **February 19, 2004**.

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 Utah Department of Transportation, Tracy Conti, at 801-227-8001 or Mr. Jason Gipson of the Utah Regulatory Office, telephone 801-295-8380, extension 22, or e-mail [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil). Written comments should reference Public Notice Number 200450009 and should be mailed to the U.S. Army Corps of Engineers, Utah Regulatory Office, ATTN: Mr. Jason Gipson, 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Comments are due **February 19, 2004**.

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Enclosures: Drawings (16)