



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200450179

Date: December 9, 2005

Comments Due: January 9, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and the Utah Division of Water Quality are evaluating an after-the-fact permit application to construct the Woodside Homes' Wildwood Estates Subdivision project. This project would result in impacts to approximately 1.64 acres of waters of the United States, including wetlands, adjacent to the Howard Slough. 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: Woodside Homes Utah
Thane Smith
39 East Eagle Ridge, Suite 100
North Salt Lake, Utah 84054
Telephone: 801-299-6700

LOCATION: The project site is located in Hooper at approximately 5850 South 4300 West in Section 20, Township 5 North, Range 2 West, Weber County, Utah, and can be seen on the Roy USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant proposes to construct a residential subdivision consisting of 181 single-family homes (with basements), access roads, and a park. Based on the available information, the overall project purpose is single-family residential development. The applicant believes there is a need to provide single-family housing to meet demand in the growing community of Hooper. The project would provide a community park and connecting roads to proposed subdivisions to the north and west. Construction of some of homes has begun and the smaller 0.61-acre Wetland A has been impacted by construction of a road. Construction of the project, as planned, would result in the discharge of fill or other impacts to the total 1.64 acres of jurisdictional wetlands. The applicant estimated that construction of the project would be completed by fall 2007. The attached drawings provide project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.64 acres of wet meadow wetlands within the 69.1-acre project area. The jurisdictional wetlands are long linear features extending into the property from the west and south. As shown on the topographic map, these wetlands areas are tributary to the Howard Slough. The project site is a former pasture. Cattle have been removed from the site but past grazing practices have degraded the wetlands. Overall hydrology is received from precipitation, irrigation from adjacent properties, and groundwater influences. According to the applicant, some of the hydrology is overflow from an unmaintained canal in the southeast corner of the project site. Also, the western portion of Wetland B receives some of its hydrology from irrigation water from the James Aland

property. The water flows onto the site and then returns to the Aland property approximately 100 feet to the west of where the water enters.

The verified delineation report describes the major plant community type on the site as upland meadow or pasture. The minor community habitats are described as the two depressional linear ditch/stream channel wetlands with associated swales and the upland/scrubshrub area rising up to the elevated terrace to the east. Vegetation found in the wetlands areas includes alkali sacaton (*Sporobolus airoides*), annual rabbit-foot grass (*Polypogon monspeliensis*), baltic rush (*Juncus balticus*), curly dock (*Rumex crispus*), foxtail barley (*Hordeum jubatum*), spikerush (*Eleocharis mamillata*), redtop (*Agrostis alba*), and white clover (*Trifolium repens*).

The trees and shrubs on the site are rabbitbrush and greasewood. There are few, if any, native willows or cottonwood trees.

The following soils were mapped on this site: Leland-Harrisville silt loam (LHA) (0-1% slopes), Leland silt loam (Le), Warm Springs fine sandy loam (WgA), strongly alkali; Warm Springs fine sandy loam (WaA), 0-1% slopes. The Warm Springs series (WgA and WaA) are listed on the local and national hydric soils lists.

Background: Woodside Homes began construction of the Wildwood Estates Subdivision prior to submission of an application to impact the jurisdictional wetlands. Direct and indirect impacts occurred to the smaller of the two wetlands areas, 0.61-acre Wetland A, located in the northwestern portion of the site, during construction of the subdivision access road. After it was determined that an unauthorized discharge had occurred, Woodside Homes took action to have the contractor install silt fencing and implement other BMPs to protect the wetland areas from further impacts. The applicant also signed a tolling agreement with the Corps until wetlands issues for this site have been resolved. Woodside Homes has continued to work in upland areas removed from the wetlands areas.

Woodside Homes' Wildwood Subdivision will connect into the platted subdivision to the north. It is in close proximity to Axxion's Development's proposed Crane Landing subdivision to be built in Clinton just south of the Weber/Davis County line. The public notice period for the Crane Landing residential subdivision (Corps project 200450112) concluded in mid-October. A 66-foot wide collector road is proposed to be built to connect Davis and Weber counties under this application, which is under evaluation.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Alternative A: This is the applicant's preferred alternative (Sheet 1). This alternative would include the discharge of fill material into the 1.64 acres of wetland on the site. It is the applicant's position that it is not practical to avoid and minimize impacts to the on-site wetlands for both environmental and economic reasons. The applicant believes the condition and values of the onsite wetlands are marginal because the wetland areas are largely limited to depressional areas that convey irrigation water off the site. Further, the applicant reasons that hydrology for the wetlands will be greatly diminished with resolution of a dispute concerning maintenance of the adjacent canal, removal of irrigation runoff as the area transitions from agricultural to residential development, and due to Hooper City's requirement that underdrains be installed around the foundations of homes with basements. The applicant is proposing to build the homes with basements in the Wildwood Estates Subdivision. The applicant proposes off-site mitigation to replace the functions and values of the 1.64 acres of wetlands that would be impacted under this alternative.

Alternative B: This alternative (Sheet 2) would reduce impacts to 1.36 acres of wetlands but is not viewed as environmentally or economically advantageous by the applicant. Under this alternative, 5 lots would be set aside for creation of on-site mitigation which would take place in the southwest portion of the site. This area has been identified as the best suited area for on-site mitigation to occur, assuming the adjacent land remained in an undeveloped state without underdrains. However, the applicant does not prefer this alternative because the applicant believes that the functions and values of the onsite avoided and created wetlands would likely be compromised by the installation of underdrains that are required by Hooper City in this and surrounding developments where developers are proposing to build homes with basements. Further, Hooper City officials have indicated that the City does not wish to assume responsibilities as the long-term caretaker of the potential mitigation area.

Alternative C: This alternative (Sheet 3) includes the discharge of fill material into the 0.61 acre wetland area in the northwest area of the site (identified as Wetland A on the "Delineated Wetlands" map) that has already been impacted by construction of the access road. This alternative would avoid direct impacts to the larger 1.03 acre wetland area on the southern portion of the parcel (identified as Wetland B) and proposes on-site mitigation adjacent to the avoided wetlands. According to the applicant, Wetland A provides poorer wetland quality and functioning than Wetland B in the southwest portion of the site. Viability of hydrology for Wetland A is limited because it is irrigation-derived and likely will be removed by construction of the future phases of the adjacent Freedom Estates Subdivision to the north and the City's requirement that underdrains be installed around the foundations of homes with basements. This alternative would cause the loss of 17 lots and would require road realignments in the proposed development plan. The applicant does not consider this alternative environmentally or economically desirable.

Alternative D: This alternative (Sheet 4) proposes the most minimization and avoidance of wetlands impacts. This alternative would establish a 25-foot buffer around the wetlands with the exception of small areas that would be impacted to construct access roads. The applicant does not view this as an economically viable alternative since 37 of the 181 lots (20 percent) would be lost. The applicant also expressed reservations about the potential success of efforts to restore the area that has already been impacted due to the impacts of current and future developments surrounding the wetland areas. It is the applicant's position that the functions and quality of the wetlands would continue to degrade as irrigation runoff water feeding the wetlands is lost as the area transitions from agriculture to residential development. Further, that groundwater hydrology would change due to the construction of new homes with basements and the associated Hooper City requirement to install foundation underdrains.

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 wetlands found on the project site are influenced by groundwater and irrigation runoff. The area was grazed for many years, which degraded the functioning of the wetlands. The two wetlands are linear depressional areas that convey groundwater and irrigation water off the site. As is visible on the USGS topographical map of Roy, these wetlands are tributary to the Howard Slough. With development of the project and those others in surrounding areas, the applicant reasons that hydrology supporting the wetlands will continue to diminish.

Under the applicant's preferred Alternative A which would impact 1.64 acres of wetlands, the applicant is proposing off-site mitigation in the form of creation of 2.72 acres of wetlands and enhancement of an additional 10.63 acres of wetlands. The applicant proposes to mitigate project impacts approximately 14 miles from the subdivision site, west of the Hunter's Creek Subdivision in Farmington City, Davis County, Utah (see drawing labeled "Alternative A Off-Site Mitigation Areas for Hooper, Utah, Site"). The proposed mitigation site is located in Section 15, of Township 3 North, Range 1 West. The site has been deeded over to the city of Farmington to provide long-term maintenance. The fact that mitigation

would occur in an area designated as green space would help to protect the functioning of the created wetlands. The mitigation would provide diverse habitat at this location. This proposed mitigation site presently has 37.82 acres of wetlands; the created wetland would be excavated to a depth similar to the existing wetlands.

The off-site mitigation area has soils in the Warm springs and Payson-Airport Soil Series. The Payson-Airport Series is characterized as being somewhat poorly drained to moderately well drained. Near the outlet of Haight Creek, the soils are classified in the Warm Springs Series, characterized by poorly drained soils of medium textured lake sediments; the Warm Springs soil is listed on the local and National Hydric Soils List. Topsoil would be stockpiled during excavation and reused in the created wetlands to establish an existing seed base.

Under Alternative B, all mitigation for impacts to 1.36 acres of wetlands would occur in the southwest portion of the site, where 0.28 acres of wetlands would be avoided and 1.4 acres of wetlands would be created around the avoided wetlands. Under Alternative C, impacts would occur to the 0.61-acre Wetland A that has been disturbed and the applicant would avoid the larger 1.03-acre Wetland B. The applicant would mitigate on site by creating an additional 0.92 acre of wetlands around Wetland B. Under Alternative D, the applicant would largely avoid the wetlands on the site (impacts limited to small areas for access roads) and would construct a 25-foot buffer around the avoided wetlands.

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 **January 9, 2006**.

The applicant has already obtained the necessary UPDES, grading, and building permits.

HISTORIC PROPERTIES: By letter dated July 22, 2005, from the Utah Division of State History), the State concurred in the applicant's determination of No Historic Properties Affected within the project's area of potential effect. The applicant would immediately notify the State Historic Preservation Office if any archaeological remains were discovered during construction of the project.

ENDANGERED SPECIES: By letter dated November 1, 2005, the U.S. Fish and Wildlife Service concurred in the applicant's no effect determination for Federally-listed threatened and endangered species or their critical habitat that are protected by the Endangered Species Act.

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 200450179, must be submitted to the office listed below on or before **January 9, 2006:**

Kathleen E. Anderson, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: Kathleen.Anderson@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's agent, Adam Morrill of PEPG Engineering, 801-562-2521, or the Corps' project manager Kathleen E. Anderson, 801-295-8380, ext. 10, email Kathleen.Anderson@usace.army.mil.

Attachments: 10 drawings