



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Number: 200450226

Date: July 27, 2004

Comments Due: August 27, 2004

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application to construct the Cephalon Greenfield Building Expansion project, which would result in impacts to approximately 1.64 acres of waters of the United States, including wetlands, adjacent to the Great Salt Lake. 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 of the Clean Water Act for water quality certification.

**APPLICANT:** Cephalon, Incorporated  
Glenn Swaim  
4745 Wiley Post Way  
Salt Lake City, Utah 84116  
801-545-1405

**LOCATION:** The 19-acre project site is located at 150 North Tommy Thompson, Salt Lake City within a portion of Section 31, Township 1 North, Range 1 West, Salt Lake County, Utah, and can be seen on the Salt Lake City North USGS Topographic Quadrangle and in Figure 1.

**PROJECT DESCRIPTION:** The applicant is proposing to construct an expansion building and parking lot for their medical research, development and manufacturing facility. The applicant's stated project purpose is to expand the existing adjacent facility. The applicant believes there is a need to fill 1.64 acres of playas and wet meadow wetlands to accommodate the new facility with the minimum footprint necessary to accomplish the project purpose. The attached drawings provide additional project details.

## ADDITIONAL INFORMATION:

**Environmental Setting.** There are approximately 2.24 acres of playa and low quality wet meadow and ditch wetlands within the project area. The site has been significantly disturbed by past construction activities in the International Center. Much of the site has been graded in the past and there appears to be concrete truck slurry wasted on site. The undisturbed portion of the site is characterized by saline, unvegetated playas and salt grass (*Distichlis spicata*) dominated wet meadow. Wetlands located within the maintained ditch contain common reed (*Phragmites australis*).

The overall area has been built-out with commercial buildings and hotels. Directly east of the site lies the Salt Lake International Airport.

**Alternatives.** The applicant has provided information concerning project alternatives. Additional information concerning project alternatives is available from the applicant.

**Off-site development:** The applicant has evaluated other site options. However, other sites are not practicable due to 1) proximity to the existing facility and 2) new sites require Food and Drug Administration (FDA) approval. As shown on Figure 2, the proposed facility is directly east of the current facility located southwest of the Tommy Thompson Road and Wiley Post Way intersection. Strong ties to the existing facility that necessitate the adjacent site include the need to maintain communication, coordination, shipping and deliveries with the existing facility. The proposed site selection is the only adjacent parcel that meets the project's size requirement while remaining adjacent to the existing site. Additionally, because Cephalon is a manufacturer of prescription drugs, the FDA must approve the construction of new, off-site facilities. The applicant states this process, from application to test batches of product to final approval, can take up to 5 years. This delay can be significantly reduced if the new facility is adjacent to an existing, approved facility. Because of this FDA requirement, Cephalon decided that moving their manufacturing plant near its warehouse facilities in downtown Salt Lake City would not be practicable, from a time perspective.

**On-site minimization:** Because of the layout of playas and wetlands on the site and the required square-footage of the building and parking lot, 2 on-site configurations were developed. One plan showed the building at the southern portion of the site and the parking lot at the northern portion of the site, as depicted in Figure 3, Layout A. While this plan was preferable to the applicant because of the ease of access from the existing facility, this plan would impact 1.87 acres of playas and wetlands. Layout B, the preferred plan, was developed as a least impactful alternative since only 1.64 acres of playas and wetlands will be impacted by the facility construction. Included in the impact analysis for Layout B are secondary impacts to playas and wetlands within 45 feet of the construction limits.

**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. Because of the difficulty in creating playa areas and a Memorandum of Agreement between the Federal Aviation Administration, the U.S. Army, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service discouraging the creation of habitat that may lead to an increase in bird strikes within close proximity to the Airport, creation of playas and wetlands on-site is not feasible. Also, there are currently no wetland mitigation banks in the area that would compensate for the playas being lost by this project. Therefore, the applicant has proposed to purchase playa bufferlands within the area. The site, identified on Figure 4, is a 21 acre parcel located at 10400 West Interstate 80, on the north side of the freeway adjacent to the Great Salt Lake. This parcel has been identified by the Salt Lake County Shorelands Plan as a critical preservation parcel that adjoins the Inland Sea Shorebird Reserve and the Lee Creek Nature Area. The applicant proposes to combine funds with a conservation entity to share the cost of the 21 acres on this lot at a preservation mitigation ratio of 8:1. The parcel will be deeded to a non-profit conservation organization to be held in conservation in perpetuity.

**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 August 27, 2004.

**HISTORIC PROPERTIES:** The Corps is soliciting comments from the State Historic Preservation Officer to determine if the project will have an effect on historic properties.

**ENDANGERED SPECIES:** The Corps is soliciting comments from the U.S. Fish and Wildlife Service to determine if the project will have an effect on sensitive, threatened or endangered species or their critical habitat.

**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 200450226, must be submitted to the office listed below on or before **August 27, 2004**:

Anna Sutton, Project Manager  
US Army Corps of Engineers, Sacramento District  
Utah Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010-7744  
Email: [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@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 Anna Sutton, 801-295-8380, extension 16, [Anna.M.Sutton@usace.army.mil](mailto:Anna.M.Sutton@usace.army.mil).

Attachments: 4 drawings