



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200450288

Date: November 16, 2004

Comments Due: December 17, 2004

SUBJECT: The U.S. Army Corps of Engineers (Corps), Sacramento District, and the Utah Division of Water Quality are evaluating a permit application to construct a truck stop and convenience center at Exit 84 on Interstate 80. Implementation of this project as proposed would result in impacts to approximately 26.86 acres of waters of the United States, including wetlands, in or 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 for water quality certification.

APPLICANT: George Miller
1128 Woodmoor Drive
Bountiful, Utah 84010

LOCATION: The 62-acre project site is located near Grantsville, in Section 28, Township 1 South, Range 6 West, Tooele County, Utah, and can be seen on the Flux, Utah, USGS Topographic Quadrangle. The project site is south of Interstate-80 Exit 84, along State Highway 138.

PROJECT DESCRIPTION: The applicant is proposing to construct a truck stop, restaurant, gift shop and hotel facilities consistent with standard Interstate highway travelers' convenience and truck fueling centers. The development would permanently fill approximately 26.86 acres of Waters of the United States. Based on the available information, the overall project purpose is to construct a truck stop and travelers' convenience center for truck, commuter, and traveler traffic along I-80 near Grantsville, Utah.

The applicant has stated that facilities such as these do not currently exist in the area. The development would provide services to growing commuter, truck and traveler traffic exiting I-80 at Exit 84. Commuters currently use Exit 84 to access Grantsville from outlying areas. Grantsville is approximately 6 miles south of the subject property. Trucks use the exit to access the recently constructed Wal-Mart Distribution Center on SR-138 at the northwest edge of Grantsville. Trucks also use this exit on a daily basis to access other industries and facilities in the area. Travelers within the 100-mile stretch of I-80 between Tooele and Wendover would benefit from a facility at this location as none currently exist.

UDOT traffic studies estimate that an average of 3,269 vehicles over 50-feet in length pass Exit 84 every day. An additional 6,309 vehicles pass this location every day.

ADDITIONAL INFORMATION:

Environmental Setting. The 62-acre subject property exists within the Tooele Valley and its watershed. The site contains 47.84 acres of mudflat playa and 13.43 acres of upland islands. A total of

26.86 acres of jurisdictional Waters of the U.S. were delineated on the parcel between the railroad and SR-138. An additional 21-acres of Waters of the US exist in the parcel north and west of a railroad spur on the property. This portion of the parcel was not delineated as it has no upland area other than an old roadbed and it is considered to be jurisdictional. The parcel is seasonally flooded with spring precipitation and is used occasionally by shorebirds. Due to the position of these playas in the hydrogeologic regime (i.e. close to the Great Salt Lake), the water table is close to ground surface.

Alternatives. The applicant has provided the following information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or his agent, Chris Browne of Stantec Consulting, (801) 261-0090, or email: *cbrowne@stantec.com*.

No build: Failure to construct the development as designed would result in a lack of required services for increasing traffic volumes using Interstate-80 Exit 84 and the SR-138 corridor between Grantsville and I-80. This may place heavy pressure on other facilities at Tooele and in Grantsville that are not able to handle extra capacity in these amounts. Furthermore, the lack of available facilities would be an inconvenience to truckers exiting I-80 for Grantsville and then returning to I-80, only to re-exit I-80 at a different location to obtain food and refueling services before getting back on the highway again. Other nearby exits already appear to be overloaded with traffic.

Other Near-by Properties: There is a practicable limit to the distance from I-80 that truck stop and travelers' convenience facilities would be located. If the center were to be located more than a half-mile from Interstate 80, it would not be convenient for vehicles to use, as most drivers prefer to exit and re-enter highways with minimal interruption and delay to their travel schedules. Trucks going to and from the Wal-Mart Distribution Center could travel farther south along SR-138 to reach a potential service center site, but these vehicles would be only a portion of the demand load for this facility. It clearly makes sense that the closer to the Interstate a servicing center is located, the more successful it will be at meeting the demand that is in the area and growing steadily.

As depicted in Figure 1, the majority of land in the SR-138 corridor between I-80 and approximately 2 miles south (the village of Flux) is all mudflat playa. There are some small upland islands scattered about in this area, but there is no other 40-acre parcel in the corridor with as much upland as the applicant's property. As a result, constructing the truck stop and travelers' convenience center on a property in this corridor other than the applicant's would result in greater impacts to Waters of the U.S. States than would the proposed development.

Furthermore, the availability of property in this corridor also prevents the practicable use of these areas. Morton Salt Company owns almost all of the other land along the SR-138 corridor. The applicant has attempted for years to purchase land along this corridor from Morton, with no success. The applicant repeatedly has been told that the Morton Salt Company has no interest in selling any of their land holdings in this area in the foreseeable future. This fact greatly limits the available properties for the truck stop and travelers convenience center along this corridor.

Proposed Location: The proposed location for the truck stop and travelers' convenience center makes use of the largest amount of available upland along the SR-138 corridor for a parcel of the size needed within the critical distance from I-80. The proposed site also is closest to the I-80 and on-and-off-ramps associated with Exit 84. Siting the proposed center close to I-80 would help minimize vehicle pollution by reducing the travel distance to and from the highway.

The proposed location also is the only land that was available for purchase and development along the SR-138 corridor.

An independent analysis of the suitability of I-80 interchanges west of the Lake Point interchange for a truck Stop and travelers convenience center concluded that the SR-138 Interchange (Exit 84) would be

the one most suited for a facility of this nature. This analysis was based on traffic amounts and the advantageous geographic setting of the proposed location. Correspondence from Prime Commercial, Inc., the organization that performed the study is provided in Appendix A.

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 will require compensatory mitigation. The applicant has designed the site plan to minimize the footprint of the proposed facilities while providing adequate space for the development including parking and safe entrances/exits.

The applicant has proposed to provide compensatory mitigation for unavoidable impacts through a combination of restoration and preservation activities (possibly both on-site and off-site), purchase of mitigation bank credits, and in-kind and out-of-kind mitigation. The applicant is negotiating to purchase a number of properties in the vicinity of the subject site to be preserved for mitigation.

Specific properties to be included as mitigation have not been finalized from the pool of available properties. Final selection of all mitigation areas is subject to Corps approval, and no impacts will occur to Waters of the U.S. until mitigation areas have been secured and placed under ownership by the applicant and approved by the Corps.

Compensatory mitigation for project impacts would be provided based on the following rationale from the applicant:

- Preservation of similar playa-mudflats at an 8:1 ratio
- Preservation of freshwater wetlands at a 5:1 ratio
- Restoration of similar playa-mudflats at a 4:1 ratio
- Restoration of freshwater wetlands at a 2.5:1 ratio
- Purchase of mitigation bank credits at a 1:1 ratio
- In-lieu fees to an appropriate agency at an estimated rate of \$20,000 per credit

These ratios were based on the applicant's information that the functional values of the playa-mudflat are impaired due to the site's proximity to I-80, SR-138 and an active rail spur. It is the applicant's position that freshwater wetlands in Tooele County are more valuable due to a scarcity of this wetland type in the Tooele Valley. Therefore, freshwater wetlands would provide higher ratios for mitigation for this project.

A final mitigation plan would be submitted and approved prior to impact if a permit were approved.

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 **December 17, 2004**.

HISTORIC PROPERTIES: Based on the available information, cultural resources not are within the project's area of potential effect.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or 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 200450288, must be submitted to the office listed below on or before **December 17, 2004**:

James Thomas, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: Jim.Thomas@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 James Thomas, telephone: 801-295-8380, extension 18; email: Jim.Thomas@usace.army.mil.

Attachments: 4 Figures