



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200475070

Date: March 23, 2004

Comments Due: April 22, 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 Flaming Gorge Cut-through project, which would result in impacts to approximately 12 acres of waters of the United States, in or adjacent to Flaming Gorge. 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/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and 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: USDA Forest Service
D. Ross Catron
Ashley National Forest
Flaming Gorge Ranger District
Post Office Box 279
Manila, Utah 84046

LOCATION: The project site is located near the Town of Manila within the N1/2 Section 36, Township 3 North, Range 20 East, 40° 57' 14.8" North Latitude, 109°36'52.3" West Longitude, Daggett County, Utah, and can be seen on the Flaming Gorge USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to dredge approximately 50,000 cubic yards of material, in order to widen and deepen the existing Cut-Through channel. Approximately 30,000 cubic yards will be placed on an adjacent flat, open area designated as the fill area (Figure 1). The remaining 20,000 cubic yards will be dredged into the reservoir into a large bay on either side of the Cut-Through, to a minimum depth of 50 feet.

Modern dredging practices will allow placement of the dredged material directly on the bottom of the reservoir, preventing any major movement of the material. The dimensions of this excavation will be approximately 1,500 feet in length, 150 feet in width and 15 feet in depth. Some of the excavated material placed on the adjacent fill area will be placed below the ordinary high water mark (6,040 feet). The water elevation in Flaming Gorge has not reached the ordinary high water mark in over 20 years, and is not anticipated to reach this level before the mitigation measures have taken effect.

PROJECT PURPOSE: The applicant's stated project purpose is to re-open a historic bypass of Horseshoe Canyon. The bypass is necessary to re-establish a wakeless zone in Horseshoe Canyon, to decrease response time for law enforcement and emergency personnel, to increase fuel efficiency, and to re-establish a quicker route from one side of the reservoir to the other. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Alternatives. The applicant has provided information on project alternatives which include:

1. Excavation and dredging of 100,000 cubic yards and placement of the material above the water line. This was the original proposal but was not feasible because the proposed fill area disposal site is not large enough.

2. No action alternative. This alternative would pose future problems by not allowing a wakeless zone in Horseshoe Canyon, continuing unsafe conditions due to slow response times, and allows increased crowding in Horseshoe Canyon. Additional information concerning project alternatives is available from the applicant or their agent.

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 (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, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before April 3, 2004.

HISTORIC PROPERTIES: Based on the available information no cultural resources are within the project's area of potential affect.

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 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

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 200475070, must be submitted to the office listed below on or before April 22, 2004:

Mr. Nathan Green, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Nathan.J.Green@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 Mr. Nathan Green, 970-243-1199, extension 12, Nathan.J.Green@usace.army.mil.

Attachments: 10 drawings