



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200550177
Date: May 5, 2005
Comments Due: May 23, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and the Utah Division of Water Quality are evaluating a permit application to construct the Perry Sewer Lagoon Expansion project, which would result in impacts to approximately 10.8 acres of waters of the United States, including wetlands. 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: City of Perry
Mayor Edward Skrobiszewski
3005 South 1200 West
Perry City, Utah 84302

LOCATION: The proposed project is located on a frontage road on the west side of Interstate 15, south of Exit 364, in Box Elder County, Utah, in Section 4, Township 8 North, Range 2 West. UTM Zone 12, 411155.00 North, 4589252.00 East.

PURPOSE: The purpose of the project is to expand Perry's sewage treatment capabilities to meet anticipated growth needs and to maintain existing facilities.

PROJECT DESCRIPTION: The applicant is proposing to build a new treatment cell on the east end of the existing seven treatment lagoon complex. See Figure 2. Perry proposes to construct earthen berms, reinforced with rock riprap, along the southern and eastern boundaries of the proposed eighth cell. The new berm would be approximately 1,420 linear feet in length and 8.5 feet high. The base of the berm would be 56 feet wide.

AREA DESCRIPTION: The proposed impact area is a sparsely vegetated salt flat of a seasonal nature. Approximately half of the salt flat is sparse halophytic vegetation, including *Salicornia rubra* and *Distichlis spicata*. This salt flat is an extension of the wetland mosaic associated with the Great Salt Lake. The proposed impact area is adjacent to the existing Perry treatment ponds. The impact to waters of the United States would be approximately 1.8 acres of direct impact from the berm. Additionally, approximately 9 acres of salt flat would be converted to a new sewage treatment pond. Total impact to waters of the United States, including the berm and the pond, would be approximately 10.8 acres.

ALTERNATIVES: Under the no action alternative, the additional treatment cell would not be constructed and Perry City would not have the capacity to meet anticipated future needs. The applicant has demonstrated through past studies that construction of the new cell at another location would not be economically feasible, due to costs associated with the purchase of land and infrastructure to connect to a new location. The applicant's preferred alternative is to construct the proposed project on City-owned property purchased approximately 30 years ago for the purpose of expanding the existing facility. All reasonable alternatives will be considered during the review of this permit application.

ADDITIONAL INFORMATION: The applicant has offered mitigation shown in attachment pages 4-11. The applicant asserts that, when constructed, the 9-acre sewage pond will provide a greater benefit to wildlife than the existing salt flats do, in that the pond will provide foraging, nesting, and resting opportunities that are currently unavailable at this site. The applicant has proposed 4.65 acres of restoration on an adjacent site and the creation of 2.5 acres of new wetlands at the bottom of a new stormwater detention site currently under construction. The applicant is also requesting mitigation credit for water quality improvements of water to be discharged into adjacent nearby waters of the United States after it has been treated and exits the final cell of the treatment lagoon complex.

Perry City's consultant performed a functions and values analysis; this information is provided in the attached pages 12-18.

Perry previously applied for a permit to construct a new treatment cell under Sacramento District Corps of Engineers project number 200250435. The applicant was offered a permit but appealed the permit conditions. The South Pacific Division Engineer remanded the permit decision to the Sacramento District for reconsideration of the original application which did not include mitigation outside of the proposed cell. The project was denied.

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 **June 4, 2005**.

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 200550177, must be submitted to the office listed below on or before **May 23, 2005**:

James Thomas, Regulatory 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's consultant Lone Goose Environmental, Mrs. Nancy Kagel, 3879 East 200 North, Rigby, ID 83442, (208) 745-0076 or the Corps' project manager James Thomas, 801-295-8380, extension 18, Jim.Thomas@usace.army.mil.

Attachments: 18 pages