



# Public Notice

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

Number: 200550363

Date: July 13, 2006

Comments Due: August 14, 2006

**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 Kamas Commons Mixed-Use Development project, which would result in impacts to approximately 3.4 acres of waters of the United States, including wetlands, adjacent to a tributary to Beaver Creek. 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:** Mark Fischer  
Lacy Enterprises Limited  
2245 Monitor Drive  
Park City, Utah 84060

**LOCATION:** The project site is located south of Highway 248 in Kamas in Section 20, Township 2 South, Range 6 East, Summit County, Utah, and can be seen on the Kamas USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a mixed-use commercial/residential community in two phases. Phase 1 would impact 0.67 acre of wetlands to develop the northern half of the property; Phase 2 would impact 2.73 acres of wetlands and irrigation ditches to develop the southern half of the property. Based on available information, the overall project purpose is to construct additional commercial and residential buildings. The applicant believes there is a need to create a consolidated mixed-use community within the city of Kamas. The attached drawings provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 6.4 acres of palustrine wet meadow wetlands and 789 linear feet of drainage ditches within the project area. The site is located in a high elevation valley, surrounded by mountains. The town of Kamas is a small, rural town that sits in the eastern side of the valley with large expanses of grasslands and farm fields to the west. Alfalfa farming and cattle ranching are the predominant land use in the area; however, commercial and residential developments are beginning to sprawl into the valley.

The valley floor slopes southeast to northwest, draining all surface water into Beaver Creek and eventually into the Weber River. The valley undulates with wetland swales vegetated with rushes and sedges in the depressions and uplands vegetated predominantly by grasses and forbs on the peaks. Two

large waterways, Beaver Creek and Weber River traverse the valley from the southeast to the northwest and are bisected by the Provo-Weber diversion canal which runs northeast to southwest.

**Alternatives.** The applicant has provided information concerning project alternatives. One alternative would be to utilize the entire 17.8-acre site for development, which would fill all of the site's 6.4 acres of wetlands. A second alternative would avoid approximately 1.5 to 2 acres of wetlands in the southwest corner and develop the remaining land. The third alternative (applicant preferred) would avoid and incorporate 2.8 acres of wetlands in the southwest corner into the development and would relocate the irrigation ditches to maintain connectivity between the wetlands and their supplemental water source. 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.

**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 applicant proposes to preserve the avoided wetlands onsite as compensation for the loss of 0.67 acre of wetlands that would be lost to Phase 1 impacts. The applicant proposes to compensate for the 2.73 acres of wetland impacts in Phase 2 through enhancement and preservation of offsite 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 August 14, 2006.**

**HISTORIC PROPERTIES:** Based on the available information, there are no cultural resources 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 200550363, must be submitted to the office listed below **on or before August 14, 2006:**

Jason Gipson, Project Manager  
US Army Corps of Engineers, Sacramento District  
Utah Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010-7744  
Email: [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@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 Jason Gipson, 801-295-8380, ext. 14, email [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil).

Attachments: 5 drawings