



Public Notice

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

Number: 200550428
Date: May 31, 2006
Comments Due: June 30, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating the Machine Lake Mitigation Bank prospectus. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice and the attached banking prospectus may be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

BACKGROUND: Mitigation banks may serve as a mechanism to provide compensation for adverse impacts to wetlands and other aquatic resources typically authorized under Section 404 of the Clean Water Act. Through the use of mitigation banks, the U.S. Army Corps of Engineers Regulatory Branch can streamline permitting evaluation processes and provide more effective mitigation for authorized impacts to wetlands.

AUTHORITY: This prospectus is being evaluated by the U.S. Army Corps of Engineers and its Bank Review Team for its suitability as a Mitigation Bank under the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks. The Bank Review Team consists of representatives from the U.S. Fish and Wildlife Service, State of Utah Division of Wildlife Resources, and the U.S. Environmental Protection Agency.

APPLICANT: Kim Rolfe
R & P Wetlands and Waterfowl LLC Kim Rolfe
426 East 6865 South
Midvale, Utah 84047

LOCATION: The proposed Mitigation Bank site consists of 847 acres within a larger 2,796-acre parcel located in Sections 19, 20, 21, 29, 30, 31 and 32 of Township 9 North, Range 2 West, Box Elder County, Utah. Maps which identify the location and extent of the bank boundaries are included within an attachment to this Public Notice entitled *Machine Lake Area Final Mitigation Banking Instrument*, dated May 11, 2006.

PROJECT DESCRIPTION: A description of the project is best referenced within the attached document. In summary, the applicant is proposing to utilize 847 acres of property adjacent to the Great Salt Lake as a Mitigation Bank for a service area described as:

1. A portion of the Great Salt Lake Watershed, as defined in Figure 3a, which presents defining areas of similar wetland types and soil types. All areas of similar wetland types within the outer perimeter shown by the boundary line on the map will be eligible for mitigation at the Bank. Impacts to acreage of any size will be eligible to be mitigated at the Bank;

2. Wetland impacts in areas of Tooele and Salt Lake Counties that have a Special Area Management Plan (SAMP) pending will be eligible to mitigate at the MLA until the SAMPs are adopted and the General Permit is in place. Once the General Permit is issued, it will be up to the individual SAMP to determine appropriate mitigation for projects within its boundary. Mitigation at the Machine Lake Mitigation Bank for projects located within the SAMP boundaries after SAMP approval may be approved by the USACE on a case-by-case basis.

Please reference pages 9-13 of the attached document for service area rationale. Please reference Figure 3a for a map which delineates the service area boundary.

ADDITIONAL INFORMATION:

Environmental Setting. The site exists within the Bear River watershed (HUC 16010204) to the north of the Bear River Bird Refuge and to the south of Forest Street in Brigham City, Utah. Both fresh and saline water sources provide hydrology to the site that supports a mixture of mud flat/salt flat/playa, emergent marsh, lacustrine and riverine wetlands. Uplands also exist intermittently within the project boundaries. Further information relative to the Environmental Setting and baseline ecological conditions of the property can be found in the attached document.

OTHER GOVERNMENTAL AUTHORIZATIONS: The Corps is not aware of other governmental authorizations required for the final instrumentation of a Mitigation Bank prospectus.

HISTORIC PROPERTIES: The applicant contacted the Utah State Historical Preservation (SHPO) Office for information in reference to the presence of cultural or archeological artifacts within the project boundaries. Although the SHPO did not provide specific data for the site, it confirmed a high probability for the existence of such resources in the general area. Because no surveys for cultural resources have been conducted, it is unclear at this time whether the proposed project will impact such resources. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: Information in reference to wildlife species listed as Threatened and Endangered according to the Endangered Species Act may be found on page 22 of the attached Bank Prospectus. The applicant does not expect that implementation of a Mitigation Bank at the proposed site will affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to finalize for instrumentation the Machine Lake Bank prospectus will be based on an evaluation of its' compliance with the Federal Guidance for the Establishment , Use and Operation of Mitigation Banks dated November 28, 1995, and the ability of the applicant to address comments received in response to this Public Notice.

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 establishment of the subject bank. Any comments received will be considered by the Corps and the Mitigation Bank Review Team in the determination of whether to approve the subject prospectus for final instrumentation.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200550428, must be submitted to the office listed below on or before **June 30, 2006**:

Amy Defreese, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: Amy.Defreese@usace.army.mil

The Corps is particularly interested in receiving comments related to the suitability of the proposed service area, the goals and feasibility of the bank, location of the bank within the watershed, methods for determination of bank credits and debits, compensation ratios, provisions for long term maintenance and operations, potential land use conflicts, mechanisms for future property protection, etc. Anyone may request, in writing, that a public hearing be held to consider this prospectus. 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 Amy Defreese, 801-295-8380, extension 13, Amy.Defreese@usace.army.mil.

Attachments:

[Machine Lake Area Final Mitigation Banking Instrument](#)