



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street

Sacramento, CA 95814-2922

Number: 200650028

Date: September 21, 2006

Comments Due: October 21, 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 Logan Crossroads Shopping Center project, which would result in impacts to approximately 2.7 acres of waters of the United States, including wetlands, adjacent to Spring 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: Paul Willie
399 North Main Suite 200
Logan, Utah 84321
435-755-2035

LOCATION: The project site is located approximately 1.5 miles south of downtown Logan, Utah off of US Highway 89/91 on the corner of 1200 South and LeGrand Street just east of the Logan River Golf Course (see Figure 1, Vicinity Map) in Section 9, Township 11 North, Range 1 East, Logan, Cache County, Utah.

PROJECT DESCRIPTION: The applicant is proposing to construct a shopping center on a parcel of land where up to 2.7 acres of jurisdictional wetlands would be filled for the purpose of commercial buildings and its associated automobile parking. The owner estimates 20,000 cubic yards of fill material designed for commercial buildings and parking will be placed. The asphalt parking area will include three inches of asphalt concrete and six inches of base course in accordance with the Utah Department of Transportation specifications for road and bridge construction. The remaining layers will consist of subgrade material. Based on the available information, the overall project purpose is to construct a commercial building development in the Logan, Utah area. The applicant believes there is a need to encourage commercial and economic development along the US Highways 89/91 and 165 corridor. Logan Crossroads Commercial (LCC) in cooperation with the City of Logan purchased the property. LCC has attracted perspective tenants and is proposing to build a suitable shopping center with the associated automobile parking on the property to meet the demands of the tenants. LCC currently has four tenants waiting to move into the proposed shopping complex and have designed their project footprint to accommodate their needs. In this immediate area the City of Logan is in the process of obtaining a Nationwide 14 permit to extend 100 West from US Highway 89/91 to 1200 South (adjacent to the property). Walmart is also proposing to construct a shopping center building east of the 100 West road extension. Please refer to Figure 2 for Project Footprint.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 2.7 acres of palustrine emergent and forested wetlands within the project area. The site is primarily characterized of palustrine shrub-scrub vegetation. Hydrology is dependent upon seasonal high flows from Spring Creek, seasonal stormwater runoff, and springs. The property has remained fallow for at least four years, but was historically used for agricultural purposes including grazing and crop cultivation. To the east of the site, exists a residential road/demolished residential home and abandoned trailer park, to the west is bordered by lands being utilized for horse and cattle grazing. Vegetation in the area includes a combination of obligate/facultative plants in addition to upland and weedy species including: *Eleangnus angustifolia*, *Juncus articus*, *Typha glauca*, *Setaria viridis*, and *Sparagnium spp.*, *Dipsacus sylvestris*, *Cardaria draba*, and *Cirsium arvense*. Land use surrounding the proposed impact site is a mixture of light industrial, retail, and residential. The proposed impact land is zoned for commercial development.

Alternatives. The applicant has not provided information concerning project alternatives. 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 has proposed to create wetland habitat on an offsite location owned by Mr. Paul Willie. This is located in a 37-acre parcel near the community of Amalga, northwest of Logan. The proposed mitigation area would provide areas of contiguous wetlands within the Bear River Basin and would be set aside for non-consumptive and non-disruptive uses only. Currently, the ability to provide sufficient water, timeframe, and reliability to the mitigation site is being investigated. Soils have been identified as being able to sustain and maintain conditions sufficient to support hydrophytic vegetation if the hydrology is there. Please refer to Figure 3 for Mitigation Proposed Area.

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 Ms. Shelly Quick, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, **on or before October 21, 2006.**

HISTORIC PROPERTIES: Based on the available information no cultural resources are known to occur within the project's footprint. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The Corps has determined that the proposed activity will not affect Federally-listed endangered or threatened species or their critical habitat. Therefore the Corps will not initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of 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 200650028, must be submitted to the office listed below on or before **October 21, 2006**:

Mr. Corey Loveland, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: corey.b.loveland@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. Corey Loveland, 801-295-8380, extension 16, or corey.b.loveland@usace.army.mil.

Attachments: Three Drawings
Figure 1: Vicinity Map
Figure 2: Project Footprint
Figure 3: Mitigation Proposed Area