



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

# Public Notice

Public Notice Number: SPK-2007-01249

Date: July 21, 2008

Comments Due: August 4, 2008

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is reissuing the Public Notice (originally dated March 24, 2008) for a permit application to construct the Provo to Salt Lake City FrontRunner Commuter Rail project. The reissue of the Public Notice was necessitated by increased project impacts from 16.93 acres to 23.64 acres to waters of the United States, including wetlands, in or adjacent to Utah Lake and Jordan River watershed. 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.

**APPLICANT:** Utah Transit Authority  
3600 South 700 West  
Salt Lake City, Utah 84130  
Attn: Mary DeLoretto  
(801) 287-2558

**LOCATION:** The project is located in the Utah Lake and Jordan River watersheds, beginning at the University Avenue Station in Downtown Provo City in Section 12, Township 7 South, Range 2 East, SLB&M, Utah County, Utah (Provo USGS Topographic Quadrangle) and ending at the Inter-modal Hub Facility in Downtown Salt Lake in Section 1, Township 1 South, Range 1 West, Salt Lake County, Utah, (Salt Lake City, North USGS Topographic Quadrangle).

**PROJECT DESCRIPTION:** The applicant is proposing to construct a 45-mile commuter rail corridor. Based on the available information, the overall project purpose is to establish a commuter rail service linking Provo and Salt Lake City as part of a multi-modal transportation system to meet increasing regional transportation needs. The project would be constructed in the railroad corridor on UTA-owned right-of-way located adjacent to the existing Union Pacific Railroad right-of-way. Refer to Exhibit A.

## ADDITIONAL INFORMATION:

**Environmental Setting.** There are approximately 23.64 acres of marsh, wet meadow, shrub, and forested wetlands within the project area. Being a 45-mile linear transportation project, the site characteristics are diverse. Generally the project is located in urban and suburban areas of Utah and Salt Lake Counties. Large portions of the project are located adjacent to Utah Lake, and the Jordan River through the Narrows area near Point of the Mountain. The remainder of the corridor is mostly located within developed residential, commercial and industrial areas.

**Alternatives.** The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant. 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.

#### No Build Alternative

The no build alternative consists of the following elements:

- All highway and transit projects identified in the Mountainland Association of Governments (MAG) Utah Valley 2030 Long Range Transportation Plan (2005 adopted version) without commuter rail and with a 12-lane I-15;
- All highway and transportation projects identified in the Wasatch Front Urban Area 2007-2030 Long Range Transportation Plan Update 2004-2030 without commuter rail. As the Long Range Transportation Plan includes commuter rail, no build must be exclude it to provide an alternative that is the basis for comparison;
- Proposed Mountain View Corridor as a freeway connecting to I-15 at Lehi 2100 North.

#### Proposed Action

The 45-mile commuter rail line would extend from Provo in Utah County to Salt Lake City in Salt Lake County. UTA would own and operate the commuter rail line. It would be constructed in an existing rail corridor on UTA-owned right-of-way located adjacent to the existing UP right-of-way. The commuter rail service is proposed to have eight stations. Bus service would be rerouted to serve the new commuter rail stations and each station would also be provided with parking for passenger vehicles.

The Proposed Action would provide convenient frequent rail services. Trains would run every 15 minutes in the peak direction during the peak hour that is northbound in the morning and southbound in the afternoon. During the daytime non-peak periods the trains would run every 30 minutes, and during the evening and night periods, the trains would run hourly. During the peak periods, the planned commuter rail service would be competitive with auto travel time in the corridor.

The proposed commuter rail line would be contiguous with commuter rail service that extends to the north of Salt Lake City to Weber County that recently started operations. Together, the Weber County to Salt Lake City Commuter Rail project and the Proposed Action would provide continuous transit service between Utah, Salt Lake, Davis, and Weber Counties.

**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 two mitigation sites; Hobble Creek in Utah County and Redwood Nature Park in Salt Lake County. The Utah County site plans to restore Hobble Creek to a more natural meandering alignment from the freeway frontage road to its mouth at Utah Lake and create diverse floodplain wetlands. The main objective of the Hobble Creek restoration project is to provide suitable spawning and rearing habitat for the endangered June Sucker. The 21.54 acre mitigation site is located on the west side of I-15, just south of the SR-75 interchange in Springville. Refer to Exhibit A for drawings. At the second mitigation site (Redwood Nature Park), the applicant has proposed to create new wetlands and enhance existing wetlands. The 80-acre site owned by Salt Lake County is located on the west side of the Jordan River at approximately 2900 South.

**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 would be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Ms. Shelly Andrews, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before **August 4, 2008**.

**HISTORIC PROPERTIES:** Based on applicant's Final Environmental Study Report, cultural resources have been identified within the project's area of potential effect. 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 proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will 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, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management 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 SPK-2007-01249 must be submitted to the office listed below on or before **August 4, 2008**.

Terry Johnson, Project Manager  
US Army Corps of Engineers, Sacramento District  
Bountiful Regulatory Office  
533 West 2600 South, Suite 150  
Bountiful, Utah 84010  
Email: [terry.l.johnson@usace.army.mil](mailto:terry.l.johnson@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 Terry Johnson, 801-295-8380 x 15, [terry.l.johnson@usace.army.mil](mailto:terry.l.johnson@usace.army.mil).

Attachments: Exhibit A