



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

Public Notice

Public Notice Number: SPK-200800261-UO

Date: March 18, 2008

Comments Due: April 17, 2008

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to develop Elk Springs and Spring labeled 89-61, which would result in impacts to approximately 0.034 acre of waters of the United States, including wetlands, in or adjacent to Meetinghouse 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 by the Corps under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and additionally by the State of Utah under Section 401 for water quality certification.

APPLICANT: North Emery Water Users Special Service District
Attn: Jack Stoyanoff
P.O. Box 129
Cleveland, Utah 84518

LOCATION: The project site (springs and transmission line) is located approximately 13 miles northwest of Huntington, in Sections 2-5, Township 17 South, and Sections 35-36, Township 16 South, Range 7 East, Salt Lake Base and Meridian, Emery County, Utah. The site can be seen on the Elk Spring USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The North Emery Water Users Special Service District (Water District) has proposed to develop Elk Springs and the nearby spring labeled 89-61. A Water Master Plan Project was completed in 2003 by Johansen and Tuttle. This plan demonstrated that there is a large capacity deficiency and the critical need for more public culinary water within the North Emery water system. The new spring developments will be strictly for culinary use and will provide an additional 250-500 gallons per minute. Standard source development structures will be utilized to collect water. These structures include a main collection box, perforated piping, drain rock, clay cutoff wall, appropriate valving and related items.

Included in this project is the approximately 5-mile-long, 6-10 inch diameter, transmission line that will extend from the springs complex down Meetinghouse Canyon to the water treatment plant operated by the Water District. Most of the transmission line will be installed under an old two track that is adjacent to Meetinghouse Creek. This project will impact approximately 0.034 acres of spring source and associated wet meadow and have seven waterline crossings of Meetinghouse Creek and its associated ephemeral drainages. At least 10% of spring hydrology would remain in the natural flow path to maintain downstream wetlands and riparian conditions. This application is being processed as an individual permit since the proposed project may have more than minimal impacts to springs that

are a critical hydrologic source for adjacent wetlands and downstream riparian areas. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The springs are located on East Mountain at approximately 9300 feet elevation and are surrounded by a montane habitat mainly comprised of Engelmann spruce (*Picea engelmannii*), subalpine fir (*Abies lasiocarpa*) and aspen (*Populus tremuloides*). The spring/wet meadow to be impacted consists mainly of yellow monkey flower (*Mimulus guttatus*), northern willow herb (*Epilobium ciliatum*) and moss. The upper section of Meetinghouse Canyon Creek flows intermittently. Flows near the mouth flow are more ephemeral.

Alternatives. The applicant has provided information on two other alternatives: A-Do Nothing and B-Development of Other Drinking Water Sources. The applicant has stated that Alternative A does not meet their purpose and need. The Water District believes existing culinary water capacity must be expanded to meet current and future demands. Additionally the applicant has stated that Alternative B would provide enough water for the system to operate under normal conditions but does not meet the daily peak demands standards (800 gallons/day) established by the State Division of Drinking Water. The applicant identified two other spring sources but noted that the smaller Mill Fork Spring and the Big Bend Springs complex do not produce as much water as the Elk Springs and would not be able to provide enough water to accommodate future connections and current peak demands. 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.

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 mitigate by creating a wet meadow wetland habitat at the confluences of Meetinghouse Creek and the tributary from Elk Spring.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah State Department of Water Quality is required for this project.. Written comments on water quality certification should be submitted to Ms. Shelly Andrews, Utah Division of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870, on or before **April 17, 2008**.

HISTORIC PROPERTIES: The applicant's archeological consultant completed a cultural resource survey for the proposed project area. The Class III inventory identifies two cultural resource sites. Neither of these sites would be impacted under the proposed site plan. However, another paleontological review identified two paleontological localities, within or near the project area. A paleontologist will conduct a field study this spring, once the snow melts. The current site plan avoids the two paleontological localities identified on the Utah Geological Survey. Based on these findings, 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 project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected under the Endangered Species Act. No threatened or endangered species have been identified, within the project area according to GIS data from the Utah Data Conservation Center.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat.

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-200800261-UO must be submitted to the office listed below on or before **April 17, 2008**.

Hollis Jencks, Project Manager
US Army Corps of Engineers, Sacramento District
Nevada-Utah Regulatory Branch
2600 South 533 West, Suite 150
Bountiful, Utah 84098
Email: hollis.g.jencks@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 reasons 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, Hollis Jencks.

Attachments: 6 drawings